

**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 BLAKE  
LIEM VO**

**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. TAHIMIC  
Deputy Attorney General  
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*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:

Case No. 4661

12 **ACE 4Q INC. DBA WHITE FRONT DRUG**  
13 **AND DISCOUNT**  
14 **801 B Baker Street**  
**Costa Mesa, CA 92626**

OAH No. 2014051286

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER AS TO BLAKE**  
**LIEM VO ONLY**

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.

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. Respondent Blake Liem Vo ("Respondent") is represented in this proceeding by  
7 attorney John Cronin, whose address is: 5720 Oberlin Drive, San Diego, CA 92121-1723.

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

13 JURISDICTION

14 4. First Amended Accusation No. 4661 was filed before the Board of Pharmacy (Board),  
15 Department of Consumer Affairs, on May 8, 2015 and served on May 8, 2015 and is currently  
16 pending against Respondent. Accusation No. 4661 and all other statutorily required documents  
17 were served on March 19, 2014. Respondent timely filed this Notice of Defense contesting the  
18 Accusation.

19 5. A copy of First Amended Accusation No. 4661 is attached as exhibit A and  
20 incorporated herein by reference.

21 ADVISEMENT AND WAIVERS

22 6. Respondent has carefully read, fully discussed with counsel, and understands the  
23 charges and allegations in First Amended Accusation No. 4661. Respondent has also carefully  
24 read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and  
25 Disciplinary Order.

26 7. Respondent is fully aware of his legal rights in this matter, including the right to a  
27 hearing on the charges and allegations in the First Amended Accusation; the right to confront and  
28 cross-examine the witnesses against him; the right to present evidence and to testify on his own

1 behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the  
2 production of documents; the right to reconsideration and court review of an adverse decision;  
3 and all other rights accorded by the California Administrative Procedure Act and other applicable  
4 laws.

5 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
6 every right set forth above.

7 CULPABILITY

8 9. Respondent understands and agrees that the charges and allegations in First Amended  
9 Accusation No. 4661, if proven at a hearing, constitute cause for imposing discipline upon  
10 Pharmacist License No. RPH 51136.

11 10. For the purpose of resolving the First Amended Accusation without the expense and  
12 uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could  
13 establish a factual basis for the charges in the First Amended Accusation, and that Respondent  
14 hereby give up his right to contest those charges.

15 11. Respondent agrees that his Pharmacist License No. RPH 51136 is subject to  
16 discipline and he agrees to be bound by the Board's probationary terms as set forth in the  
17 Disciplinary Order below.

18 CONTINGENCY

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

28

1 13. The parties understand and agree that Portable Document Format (PDF) and facsimile  
2 copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format  
3 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

4 14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
5 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
6 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
7 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
8 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
9 writing executed by an authorized representative of each of the parties.

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

13 **DISCIPLINARY ORDER**

14 IT IS HEREBY ORDERED that Pharmacist License No. RPH 51136 issued to Respondent  
15 Blake Liem Vo (Respondent) is revoked. However, the revocation is stayed and Respondent is  
16 placed on probation for five (5) years on the following terms and conditions.

17 **1. Suspension**

18 As part of probation, Respondent is suspended from the practice of pharmacy until he  
19 provides proof of completion of either of the following: (1) a minimum 6-hour continuing  
20 education course on the topic of corresponding responsibility presented by the Drug Enforcement  
21 Agency; or, (2) a minimum 6-hour, in-person, pre-approved, continuing education course on the  
22 topic of corresponding responsibility.

23 During suspension, respondent shall not enter any pharmacy area or any portion of the  
24 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of  
25 drugs which is licensed by the board; or any manufacturer, or where dangerous drugs and devices  
26 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act  
27 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient  
28 consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the

1 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs  
2 and devices or controlled substances.

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

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

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

11 **2. Obey All Laws**

12 Respondent shall obey all state and federal laws and regulations.

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

- 15 • an arrest or issuance of a criminal complaint for violation of any provision of the  
16 Pharmacy Law, state and federal food and drug laws, or state and federal controlled  
17 substances laws  
18 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to any  
19 criminal complaint, information or indictment  
20 • a conviction of any crime  
21 • discipline, citation, or other administrative action filed by any state or federal agency  
22 which involves respondent's pharmacist license or which is related to the practice of  
23 pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging  
24 for any drug, device or controlled substance.

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

26 **3. Report to the Board**

27 Respondent shall report to the board quarterly, on a schedule as directed by the board or its  
28 designee. The report shall be made either in person or in writing, as directed. Among other

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

7 **4. Interview with the Board**

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

13 **5. Cooperate with Board Staff**

14 Respondent shall cooperate with the board's inspection program and with the board's  
15 monitoring and investigation of respondent's compliance with the terms and conditions of their  
16 probation. Failure to cooperate shall be considered a violation of probation.

17 **6. Continuing Education**

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

20 **7. Notice to Employers**

21 During the period of probation, respondent notify all present and prospective employers of  
22 the decision in case number 4661 and the terms, conditions and restrictions imposed on  
23 respondent by the decision, as follows:

24 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
25 respondent undertaking any new employment, respondent shall cause his direct supervisor,  
26 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's  
27 tenure of employment) and owner to report to the board in writing acknowledging that the listed  
28 individual(s) has/have read the decision in case number 4661, and terms and conditions imposed

1 thereby. It shall be respondent's responsibility to ensure that his employer(s) and/or supervisor(s)  
2 submit timely acknowledgment(s) to the board.

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

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

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

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

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

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

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1           **9. Reimbursement of Board Costs**

2           Respondent shall pay to the board its costs of investigation and prosecution in the amount  
3 of \$5,000.00. Respondent may pay these costs in a payment program acceptable to the Board.

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

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

9           **10. Probation Monitoring Costs**

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

14           **11. Status of License**

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

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

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

23           Following the effective date of this decision, should respondent cease practice due to  
24 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,  
25 respondent may tender their license to the board for surrender. The board or its designee shall  
26 have the discretion whether to grant the request for surrender or take any other action it deems  
27 appropriate and reasonable. Upon formal acceptance of the surrender of the license, respondent  
28

1 will no longer be subject to the terms and conditions of probation. This surrender constitutes a  
2 record of discipline and shall become a part of the respondent's license history with the board.

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

9 **13. Notification of a Change in Name, Residence Address, Mailing Address or**  
10 **Employment**

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

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

18 **14. Tolling of Probation**

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

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

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

6 "Cessation of practice" means any calendar month during which respondent is  
7 not practicing as a pharmacist for at least 40 hours, as defined by Business and  
8 Professions Code section 4000 et seq. "Resumption of practice" means any calendar  
9 month during which respondent is practicing as a pharmacist for at least 40 hours as a  
10 pharmacist as defined by Business and Professions Code section 4000 et seq.

11 **15. Violation of Probation**

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

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

24 **16. Completion of Probation**

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

27 **17. Remedial Education**

28 Within sixty (60) days of the effective date of this decision, respondent shall submit to the

1 board or its designee, for prior approval, an appropriate program of remedial education related to  
2 the appropriate use of controlled substances for pain management or corresponding responsibility.  
3 The program of remedial education shall consist of at least six (6) hours per year, at least 50% of  
4 which shall be in person, for each year of the five (5) years of probation, and shall be completed  
5 at Respondent 's own expense. All remedial education shall be in addition to, and shall not be  
6 credited toward, continuing education (CE) courses used for license renewal purposes.

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

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

#### 16 18. Supervised Practice

17 During the period of probation, respondent shall practice only under the supervision of a  
18 licensed pharmacist not on probation with the board. Upon and after the effective date of this  
19 decision, respondent shall not practice pharmacy and their license shall be automatically  
20 suspended until a supervisor is approved by the board or its designee. The supervision shall be,  
21 as required by the board or its designee, either:

22 Continuous – At least 75% of a work week

23 Substantial - At least 50% of a work week

24 Partial - At least 25% of a work week

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

26 Within thirty (30) days of the effective date of this decision, respondent shall have their  
27 supervisor submit notification to the board in writing stating that the supervisor has read the  
28 decision in case number 4661 and is familiar with the required level of supervision as determined

1 by the board or its designee. It shall be the respondent's responsibility to ensure that their  
2 employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to the  
3 board. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely  
4 acknowledgements to the board shall be considered a violation of probation.

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

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

15 During suspension, respondent shall not enter any pharmacy area or any portion of the  
16 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of  
17 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices  
18 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act  
19 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient  
20 consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the  
21 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs  
22 and controlled substances. Respondent shall not resume practice until notified by the board.

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

27 Subject to the above restrictions, respondent may continue to own or hold an interest in any  
28 licensed premises in which they holds an interest at the time this decision becomes effective

1 unless otherwise specified in this order.

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

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

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

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

14 **20. Ethics Course**

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

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

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ACCEPTANCE

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

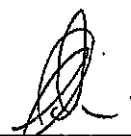
DATED: 06/08/15



BLAKE LIEM VO  
Respondent

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

DATED: 6/8/2015



JOHN CRONIN  
Attorney for Respondents

ENDORSEMENT

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

Dated: June 8, 2015

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



MARICHELE S. TAHIMIC  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**First Amended  
Accusation No. 4661**



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2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
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*Attorneys for Complainant*

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**FIRST AMENDED**  
**ACCUSATION**

16 **Pharmacy Permit No. PHY 41461**

17 **and**

18 **ABDUL KAREEM JAWAD**  
19 **801 B Baker Street**  
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23 **1929 W. Red Fox Road**  
**Santa Ana, CA 92704**

24 **Pharmacist License No. RPH 51136**

25 Respondents.  
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27  
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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:

17                     ...

18                     (c) Gross negligence.

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

21                     ...

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

24                     ...

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

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

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

26  
27  
28 14. Health and Safety Code section 11200(b) states 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.

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

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

21 16. Section 1716 of title 16, CCR, states:

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

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

28 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 22 Drug Dispensed	23 Number of 24 Times 25 Furnished	26 Days Early
27 MA	28 Hydrocodone/APAP 10/325	1/27/10-9/26/11	76	597
TA	Hydrocodone/APAP 10/325	7/26/10-9/30/11	48	284
TA	Alprazolam 2	7/26/10-9/15/11	23	77
CB	Hydrocodone/APAP 7.5/750	11/7/07-9/26/11	93	282
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
13	KM	928741	6/16/11-6/30/11	7	1
	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
16	CS	828721, 940254	3/18/08-6/19/08	9	28
	CS	843936, 939869	10/24/08-1/29/09	9	13
17	CS	851236, 939955	2/6/09-4/3/09	9	80
	CS	859668, 939958	5/28/09-9/11/09	12	5
18	CS	868023, 939962	9/23/09-12/17/09	8	2
19	JW	876000, 940024	1/5/10-1/27/10	8	9
	JW	883048	3/20/10-4/14/10	11	11
20	JW	885503	4/15/10-6/4/10	16	7
21	JW	892721, 940220, 896007, 940161, 900070, 940207, 903863, 940209	7/6/10-3/21/11	37	75
22					

**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.

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)
Respondent	4,221	4,652	8,146	4,334	1,955
CVS	729	943	3,989	33	48
Rite Aid	598	1,145	5,043	220	131
Target	360	680	2,108	12	7
Steven's	472	61	1,979	623	187

15  
16  
17  
18

19  
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)
Respondent	252,464	299,083	676,724	586,635	150,182
CVS	46,002	55,582	330,205	4,272	3,160
Rite Aid	37,806	70,493	455,320	27,751	11,038
Target	18,926	40,055	140,453	1,286	470
Steven's	30,708	4,790	217,066	85,905	14,725

22  
23  
24  
25

26  
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 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;

28

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*

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

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