

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

In the Matter of the Accusation Against:

Case No. 5040

**V & P PHARMACY
4502 University Avenue, Suite 100
San Diego, CA 92105**

Pharmacy Permit No. PHY 50261

and

**CHAU TRUNG VO
11859 Trail Crest Drive
San Diego, CA 92131**

Pharmacist License No. RPH 55532

Respondents.

OAH No. 2014060212

**STIPULATED SURRENDER OF
LICENSE AND ORDER AS TO V & P
PHARMACY ONLY**

DECISION AND ORDER

The attached Stipulated Surrender of License and 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 March 11, 2016.

It is so ORDERED on February 10, 2016.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 JAMES M. LEDAKIS
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Attorneys for Complainant

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

11 In the Matter of the Accusation Against:
12 **V&P PHARMACY**
4502 University Avenue, Suite 100
13 San Diego, CA 92105
14 Pharmacy Permit No. PHY 50261
15 and
16 **CHAU TRUNG VO**
11859 Trail Crest Drive
17 San Diego, CA 92131
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19 Respondents.

Case No. 5040
OAH No. 2014060212
**STIPULATED SURRENDER OF
LICENSE AND ORDER AS TO V&P
PHARMACY ONLY**

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

23 PARTIES

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

1 2. V&P Pharmacy and Chau Trung Vo (Respondents) are represented in this proceeding
2 by attorney Howard F. Burns, whose address is 8880 Rio San Diego Drive, Suite 800
3 San Diego, CA 92108.

4 3. On or about April 21, 2010, the Board of Pharmacy issued Pharmacy Permit No.
5 PHY 50261 to V&P Pharmacy, Chau Trung Vo, owner (Respondent). The Pharmacy Permit was
6 cancelled on September 23, 2013, and has not been renewed.

7 JURISDICTION

8 4. Accusation No. 5040 was filed before the Board of Pharmacy (Board), Department of
9 Consumer Affairs, and is currently pending against Respondent. The Accusation and all other
10 statutorily required documents were properly served on Respondent on April 28, 2014.
11 Respondent timely filed its Notice of Defense contesting the Accusation. A copy of Accusation
12 No. 5040 is attached as Exhibit A and incorporated by reference.

13 ADVISEMENT AND WAIVERS

14 5. Respondent has carefully read, fully discussed with counsel, and understands the
15 charges and allegations in Accusation No. 5040. Respondent also has carefully read, fully
16 discussed with counsel, and understands the effects of this Stipulated Surrender of License and
17 Order.

18 6. Respondent is fully aware of its legal rights in this matter, including the right to a
19 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
20 the witnesses against it; the right to present evidence and to testify on its own behalf; the right to
21 the issuance of subpoenas to compel the attendance of witnesses and the production of
22 documents; the right to reconsideration and court review of an adverse decision; and all other
23 rights accorded by the California Administrative Procedure Act and other applicable laws.

24 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
25 every right set forth above.

26 CULPABILITY

27 8. Respondent understands that the charges and allegations in Accusation No. 5040, if
28 proven at a hearing, constitute cause for imposing discipline upon its Pharmacy Permit.

1 9. For the purpose of resolving the Accusation without the expense and uncertainty of
2 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
3 basis for the charges in the Accusation and that those charges constitute cause for discipline.

4 Respondent hereby gives up its right to contest that cause for discipline exists based on those
5 charges.

6 10. Respondent understands that by signing this stipulation, Respondent enables the
7 Board to issue an order accepting the surrender of its Pharmacy Permit without further process.

8 CONTINGENCY

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

18 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
19 copies of this Stipulated Surrender of License and Order, including Portable Document Format
20 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

21 13. This Stipulated Surrender of License and Order is intended by the parties to be an
22 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
23 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
24 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
25 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
26 executed by an authorized representative of each of the parties.

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

1 ORDER

2 IT IS HEREBY ORDERED that Pharmacy Permit No. PHY 50261 issued to Respondent
3 V&P Pharmacy, Chau Trung Vo, owner, is surrendered and accepted by the Board of Pharmacy.

4 1. The surrender of Respondent's Pharmacy Permit and the acceptance of the
5 surrendered license by the Board shall constitute the imposition of discipline against Respondent.
6 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
7 license history with the Board of Pharmacy.

8 2. Respondent shall lose all rights and privileges as a pharmacy in California as of the
9 effective date of the Board's Decision and Order.

10 3. Respondent shall cause to be delivered to the Board its pocket license and, if one was
11 issued, its wall certificates on or before the effective date of the Decision and Order.

12 4. If Respondent ever applies for licensure or petitions for reinstatement in the State of
13 California, the Board shall treat it as a new application for licensure.

14 Respondent owner may not reapply for any license from the board for three (3) years from
15 the effective date of this decision. Respondent owner stipulates that should he apply for any
16 license from the board on or after the effective date of this decision, all allegations set forth in
17 Accusation No. 5040 shall be deemed to be true, correct and admitted by Respondent when the
18 board determines whether to grant or deny the application. Respondent shall satisfy all
19 requirements applicable to that license as of the date the application is submitted to the board.
20 Respondent is required to report this surrender as disciplinary action.


21 5. Respondent V&P Pharmacy and Respondent Chau Trung Vo shall, jointly and
22 severally, pay the agency its costs of investigation and enforcement in the amount of \$26,397.00
23 prior to issuance of a new or reinstated license.

24 6. If Respondent should ever apply or reapply for a new license or certification, or
25 petition for reinstatement of a license, by any other health care licensing agency in the State of
26 California, all of the charges and allegations contained in Accusation, No. 5040 shall be deemed
27 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
28 other proceeding seeking to deny or restrict licensure.


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ACCEPTANCE

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

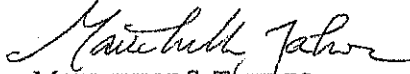
DATED: 10/19/15 
CHAU TRUNG VO, Owner of
V&P PHARMACY
Respondent

I have read and fully discussed with Chau Trung Vo, owner of Respondent V&P Pharmacy, the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 10/19/15 
HOWARD F. BURNS
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Dated: Oct. 20, 2015 Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
JAMES M. LEDAKIS
Supervising Deputy Attorney General

MARICHELE S. TAHMIC
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 5040

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2 JAMES M. LEDAKIS
Supervising Deputy Attorney General
3 MARICHELE S. TAHIMIC
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4 State Bar No. 147392
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Attorneys for Complainant
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12 **V&P PHARMACY**
13 **4502 University Avenue, Suite 100**
San Diego, CA 92105

A C C U S A T I O N

14 **Pharmacy Permit No. PHY 50261**

15 and

16 **CHAU TRUNG VO**
17 **11859 Trail Crest Drive**
San Diego, CA 92131

18 **Pharmacist License No. RPH 55532**

19 Respondents.
20

21 Complainant alleges:

22 **PARTIES**

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

25 2. On or about April 21, 2010, the Board of Pharmacy issued Original Pharmacy Permit
26 Number PHY 50261 to V&P Pharmacy, Chau Trung Vo, owner (Respondents). The Pharmacy
27 Permit was cancelled on September 23, 2013, pursuant to a Discontinuance of Business and has
28 not been renewed.

1 3. On or about June 29, 2004, the Board of Pharmacy issued Pharmacist License
2 Number RPH 55532 to Chau Trung Vo. Chau Trung Vo was the Pharmacist-in-Charge of V&P
3 Pharmacy from April 21, 2010 to September 23, 2013. The Pharmacist License was in full force
4 and effect at all times relevant to the charges brought herein and will expire on June 30, 2014,
5 unless renewed.

6 **JURISDICTION**

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

10 5. Section 4300 of the Code states:

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

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

15 (1) Suspending judgment.

16 (2) Placing him or her upon probation.

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

19 (4) Revoking his or her license.

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

22 (e) The proceedings under this article shall be conducted in accordance with
23 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the
24 Government Code, and the board shall have all the powers granted therein. The
25 action shall be final, except that the propriety of the action is subject to review by
26 the superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

27 6. Section 4300.1 of the Code states:

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

1 STATUTORY AND REGULATORY PROVISIONS

2 7. Section 4301 of the Code states:

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

6 ...
7 (c) Gross negligence.

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

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

12 ...
13 (o) Violating or attempting to violate, directly or indirectly, or assisting in or
14 abetting the violation of or conspiring to violate any provision or term of this
15 chapter or of the applicable federal and state laws and regulations governing
16 pharmacy, including regulations established by the board or by any other state or
17 federal regulatory agency.

18 8. Section 4036.5 of the Code defines "Pharmacist-in-Charge" as, "...a pharmacist
19 proposed by a pharmacy and approved by the board as the supervisor or manager responsible for
20 ensuring the pharmacy's compliance with all state and federal laws and regulations pertaining to the
21 practice of pharmacy."

22 9. Section 4040.5 of the Code states, "'Reverse distributor' means every person who
23 acts as an agent for pharmacies, drug wholesalers, manufacturers, and other entities by receiving,
24 inventorying, and managing the disposition of outdated or nonsalable dangerous drugs."

25 10. Section 4043 provides in part:

26 (a) "Wholesaler" means and includes a person who acts as a wholesale merchant,
27 broker, jobber, customs broker, reverse distributor, agent, or a nonresident
28 wholesaler, who sells for resale, or negotiates for distribution, or takes possession
of, any drug or device included in Section 4022. Unless otherwise authorized by
law, a wholesaler may not store, warehouse, or authorize the storage or
warehousing of drugs with any person or at any location not licensed by the
board....

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11. Section 4081 of the Code states:

(a) All records of manufacture and of sale, acquisition, or disposition of dangerous drugs or dangerous devices shall be at all times during business hours open to inspection by authorized officers of the law, and shall be preserved for at least three years from the date of making. A current inventory shall be kept by every manufacturer, wholesaler, pharmacy, veterinary food-animal drug retailer, physician, dentist, podiatrist, veterinarian, laboratory, clinic, hospital, institution, or establishment holding a currently valid and unrevoked certificate, license, permit, registration, or exemption under Division 2 (commencing with Section 1200) of the Health and Safety Code or under Part 4 (commencing with Section 16000) of Division 9 of the Welfare and Institutions Code who maintains a stock of dangerous drugs or dangerous devices.

(b) The owner, officer, and partner of a pharmacy, wholesaler, or veterinary food-animal drug retailer shall be jointly responsible, with the pharmacist-in-charge or designated representative-in-charge, for maintaining the records and inventory described in this section.

12. Section 4160, subdivision (a) of the Code states, "A person may not act as a

wholesaler of any dangerous drug or dangerous device unless he or she has obtained a license from the board."

13. Title 16, California Code of Regulations, section 1714 states in part:

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

(d) Each pharmacist while on duty shall be responsible for the security of the prescription department, including provisions for effective control against theft or diversion of dangerous drugs and devices, and records for such drugs and devices. Possession of a key to the pharmacy where dangerous drugs and controlled substances are stored shall be restricted to a pharmacist....

14. Title 16, California Code of Regulations, section 1716 states in part:

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

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

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15. Title 16, California Code of Regulations, section 1718 states:

"Current Inventory" as used in Sections 4081 and 4332 of the Business and Professions Code shall be considered to include complete accountability for all dangerous drugs handled by every licensee enumerated in Sections 4081 and 4332.

The controlled substances inventories required by Title 21, CFR, Section 1304 shall be available for inspection upon request for at least 3 years after the date of the inventory.

16. Section 11153 of the Healthy and Safety Code provides in part:

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

COST RECOVERY

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

DRUGS

18. Carisoprodol, sold under the brand name Soma, is a dangerous drug pursuant to Business and Professions Code section 4022. It is a muscle relaxer.

19. Hydrocodone with acetaminophen, sold under brand names including Lorcet, Lortab, Vicodin and Norco, is a Schedule III controlled substance pursuant to Health and Safety Code section 11056, subdivision (e), and a dangerous drug pursuant to Business and Professions Code section 4022. It is used to alleviate pain.

20. Oxycodone, sold under various brand names including Oxycontin and Roxicodone, is a Schedule II controlled substance pursuant to Health and Safety Code section 11055, subdivision

1 (b), and a dangerous drug pursuant to Business and Professions Code section 4022. It is used to
2 alleviate pain.

3 21. Promethazine with codeine, sold under brand name Phenergan with codeine, is a
4 Schedule V controlled substance pursuant to Health and Safety Code section 11058, and a
5 dangerous drug pursuant to Business and Professions Code section 4022. It is used for the
6 temporary relief of coughs and symptoms associated with allergy or the common cold.

7 FACTS

8 22. On January 15, 2013, inspectors from the Board of Pharmacy and the Department of
9 Health Care Services conducted an inspection of Respondent pharmacy. During the inspection,
10 multiple unlabeled bottles of random tablets were found. The medications had been taken back
11 from the community and held by Respondents until "a prescription drug take back day." The
12 bottles were not labeled and were not sequestered in an area marked for destruction, although they
13 were not among the normal drug stock. Bottles of labeled medications were discovered in a
14 different drawer. According to Respondent, the patient had returned these bottles of medication.
15 These bottles were not in a designated area marked for destruction but were not among the normal
16 drug stock.

17 23. Inspectors also observed medications that had been taken from the stock bottles and
18 prepackaged in smaller prescription vials. The vials were not labeled but were arranged in front of
19 the stock bottle. All of these prepackaged medications were for controlled substances, specifically
20 hydrocodone/apap of various strengths (10/325 mg, 5/500 mg, 7.5/750 mg), alprazolam 2mg and
21 carisoprodol 350 mg. The fact these medications were prepackaged indicated they were the most
22 frequently dispensed medications by Respondent.

23 24. A survey of the pharmacy drug stock showed that promethazine with codeine
24 manufactured by Actavis was placed on a shelf closer to the filling station of the pharmacy, while
25 promethazine with codeine by other manufacturers were located among the other syrups.
26 Respondent Vo explained that the Actavis brand of promethazine with codeine was located closer
27 to the filling station because it was used more frequently. The Actavis brand of promethazine with
28 codeine is also known to be popular among recreational drug users and diverters.

1 25. An audit revealed a shortage of 5674 tablets of hydrocodone/acetaminophen 10/325
2 mg and a shortage of 11,531 ml, or 24.37 pints, of promethazine with codeine syrup between July
3 26, 2011 and January 15, 2013. Respondents could not account for these shortages.

4 26. From January 1, 2013 to March 8, 2013, Respondent dispensed the most
5 promethazine with codeine and guaifenesin with codeine in San Diego County:

6 Pharmacy	Total RXs filled	Total Quantity (ml)	Total Quantity (pints)
7 V&P	503	129,325	273
8 Viet Pharmacy and Medical Supply	289	74,861	158
9 CVS #9138	376	71,727	151
10 CVS #9177	368	68,978	145
11 CVS #9479	338	61,300	129
CVS #9111	312	56,221	118

12 27. In terms of milliliters, Respondent dispensed 72% more promethazine with codeine
13 and guaifenesin with codeine than the next highest dispenser of these drugs.

14 28. When the audit of promethazine with codeine and guaifenesin with codeine was
15 expanded to include the previous year, January 1, 2012 to December 31, 2012, Respondent
16 dispensed 200% more promethazine with codeine and guaifenesin with codeine (in milliliters) than
17 the next highest dispenser of these drugs.

18 29. In or about March 2013, the Drug Enforcement Agency (hereinafter "DEA") actively
19 investigated Respondent pharmacy relating to the unlawful distribution of promethazine with
20 codeine. Respondent's involvement came to light when unlawful users flaunted bottles of
21 promethazine with codeine bearing Respondent's prescription label on the Internet.

22 30. Between March 11, 2013 and April 9, 2013, Respondent sold its pharmacy files to
23 another pharmacy. On May 13, 2013, the Board was advised that Respondent discontinued
24 business on April 9, 2013. On or about April 30, 2013, Respondent Vo agreed to surrender his
25 controlled substances privileges with the DEA.

26 31. A review of CURES (Controlled Substance Utilization Review and Evaluation
27 System) reports and a sampling of Respondent's prescriptions and patient profiles from the period
28 January 1, 2009 through June 7, 2013, revealed the following:

1 a. Prescription number 34088C5 for Phenergan with codeine (a brand name for
 2 promethazine with codeine) was written with the directions "i t po q 6 8," which means "2
 3 teaspoonfuls by mouth every 6 to 8 hours" but was filled and dispensed with the erroneous
 4 directions of "take 1 to 2 teaspoonful by mouth every 6 to 8 hours as needed for pain, fever."

5 b. Pearleen A. - This patient regularly purchased promethazine with codeine from March
 6 1, 2011 to March 23, 2013. According to the product insert, an unresponsive cough needs to be
 7 re-evaluated in 5 days or sooner. This patient was not taking long acting medications indicative of
 8 an underlying chronic respiratory tract disease, although she filled prescriptions for short acting
 9 bronchodilators intermittently. The following excerpt shows this patient's history in obtaining
 10 promethazine with codeine from March 1, 2011 to February 9, 2011:

11	Pharmacy	RX #	Drug	Quantity	Date filled	Comments
12	V&P	13155	Promethazine with codeine 480 ml	24 day supply	3/1/2011	
13		13155	Promethazine with codeine 480 ml	24 day supply	3/18/2011	Refilled too soon.
14		15081	Promethazine with codeine 480 ml	24 day supply	4/7/2011	
15		15081	Promethazine with codeine 480 ml	24 day supply	4/22/2011	Refilled too soon. Payment method changed from insurance to cash.
16		15081	Promethazine with codeine 480 ml	24 day supply	5/9/2011	Refilled too soon.
17		19201	Promethazine with codeine 480 ml	24 day supply	7/19/2011	
18		19201	Promethazine with codeine 480 ml	24 day supply	8/6/2011	Refilled too soon. Payment method changed from insurance to cash.
19		22626	Promethazine with codeine 480 ml	24 day supply	1/24/2012	
20		32905	Promethazine with codeine 480 ml	12 day supply	2/9/12	Refilled too soon. Payment method changed from insurance to cash. Written directions by prescriber of 2 teaspoonfuls (10
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					ml) four times a day exceeded maximum recommended dosage per product insert.
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c. Jacqueline G. -- Between May 9, 2011 and May 30, 2013, this patient used 16 different prescribers and six different pharmacies to obtain controlled substances. The following excerpt shows this patient's history in obtaining early refills of promethazine with codeine, hydrocodone/acetaminophen and carisoprodol from October 15, 2010 to July 27, 2012:

Pharmacy	RX #	Drug	Quantity	Date filled	Comments
V&P	5741	Promethazine with codeine 240 ml	48 day supply	10/15/2010	
V&P	2820	Promethazine with codeine 480 ml	12 day supply	10/16/2010	Refilled too soon.
Mercy Care Pharmacy		Promethazine with codeine 480 ml	20 day supply	6/7/2011	
V&P	18530	Promethazine with codeine 240 ml	6 day supply	6/17/2011	Refilled too soon.
Viet Medical Supply		Hydrocodone/Acetaminophen 10/325 #90	30 day supply	9/19/2011	
V&P	24356	Hydrocodone/Acetaminophen 10/325 #90	30 day supply	9/27/2011	Refilled too soon. This was a telephone transfer from Viet Medical Supply.
Viet Medical Supply		Hydrocodone/Acetaminophen 10/325 #90	23 day supply	1/12/2012	
V&P	30780	Hydrocodone/Acetaminophen 10/325 #90	22 day supply	1/24/2012	Refilled too soon.
Viet Medical Supply		Hydrocodone/Acetaminophen 10/325 #90	30 day supply	1/27/2012	
V&P	33215	Hydrocodone/Acetaminophen 10/325 #90	30 day supply	2/14/2012	Refilled too soon.
CVS #9121		Hydrocodone/	30 day	3/29/2012	

1			Acetaminophen 10/325 #9	supply		
2	V&P	33215	Hydrocodone/ Acetaminophen 10/325 #90	30 day supply	4/3/2012	Refilled too soon.
3						
4	CVS #9121		Carisoprodol 350 mg #60	30 day supply	3/30/2012	
5	Viet Medical Supply		Carisoprodol 350 mg #60	30 day supply	4/9/2012	Refilled too soon.
6						
7	V&P	37149	Carisoprodol 350 mg #60	30 day supply	4/12/2012	Refilled too soon. Taken as a telephone transfer from CVS.
8						
9	Viet Medical Supply		Carisoprodol 350 mg #60	30 day supply	4/27/2012	
10						
11	V&P	38731	Carisoprodol 350 mg #60	30 day supply	5/8/2012	Refilled too soon.
12	Viet Medical Supply		Promethazine with codeine 240 ml	12 day supply	7/23/2012	
13						
14	V&P	43964	Promethazine with codeine 480 ml	12 day supply	7/27/2012	Refilled too soon.

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16 d. Marvin H. - This patient used 14 different prescribers and 16 different pharmacies to

17 obtain controlled substances. This patient regularly purchased promethazine with codeine from

18 July 16, 2012 to December 3, 2012. According to the product insert, an unresponsive cough

19 needs to be re-evaluated within 5 days. According to Respondent's Patient Profile, this patient

20 was not taking long acting medications indicative of an underlying chronic respiratory tract

21 disease, although he filled a prescription for Chantix, a drug to help stop smoking, on or about

22 October 10, 2012. The following excerpt shows this patient's history in obtaining promethazine

23 with codeine from July 16, 2012 to September 8, 2012:

24	Pharmacy	RX #	Drug	Quantity	Date filled	Comments
25	North Park Pharmacy		Promethazine with codeine 960 ml	20 day supply	7/16/2012	
26						
27	V&P	396631	Promethazine with codeine 720 ml	24 day supply	7/26/2012	Refilled too soon.
28						

1	V&P	45121	Promethazine with codeine 960 ml	32 day supply	8/13/2012	
2	V&P	45121	Promethazine with codeine 960 ml	32 day supply	9/8/2012	Refilled too soon.

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4 e. Joseph H. - This patient received duplicate therapy of hydrocodone/acetaminophen

5 from Respondent and another pharmacy. This information was available to Respondents and

6 should have alerted Respondents about the possibility that the prescriptions were not issued for a

7 legitimate medical purpose. An excerpt from this patient's medication history follows:

8	Pharmacy	RX #	Drug	Quantity	Date filled	Comments
9	Sam's Pharmacy		Hydrocodone/ Acetaminophen 5/500 mg, #200	25 day supply	1/25/2011	
10	V&P	11696	Hydrocodone/ Acetaminophen 7.5/750 mg, #100	16 day supply	1/28/2011	Duplicate therapy. Also, if taken as directed, patient would have taken 4500 mg of acetaminophen which may lead to hepatotoxicity.
11						
12						
13						
14						
15						
16	Sam's Pharmacy		Hydrocodone/ Acetaminophen 5/500 mg, #200	25 day supply	2/25/2011	
17	V&P	13717	Hydrocodone/ Acetaminophen 7.5/750 mg, #100	16 day supply	3/10/2011	Duplicate therapy and hepatotoxicity risk.
18						
19						
20						
21	Sam's Pharmacy		Hydrocodone/ Acetaminophen 5/500 mg, #200	25 day supply	4/21/2011	
22	V&P	15409	Hydrocodone/ Acetaminophen 7.5/750 mg, #100	25 day supply	5/5/2011	Duplicate therapy.
23						
24	Sam's Pharmacy		Hydrocodone/ Acetaminophen 5/500 mg, #200	25 day supply	5/20/2011	
25	V&P	18088	Hydrocodone/ Acetaminophen 7.5/750 mg, #100	25 day supply	6/8/2011	Duplicate therapy.
26						
27	Sam's		Hydrocodone/	25 day	6/20/2011	
28						

1	Pharmacy		Acetaminophen 5/500 mg, #200	supply		
2	V&P	19257	Hydrocodone/ Acetaminophen 7.5/750 mg, #150	25 day supply	7/1/2011	Duplicate therapy and hepatotoxicity risk
3						
4	Sam's Pharmacy		Hydrocodone/ Acetaminophen 5/500 mg, #200	25 day supply	7/22/2011	
5						
6	V&P	21065	Hydrocodone/ Acetaminophen 7.5/750 mg, #150	25 day supply	8/1/2011	Duplicate therapy and hepatotoxicity risk.
7						
8	Sam's Pharmacy		Hydrocodone/ Acetaminophen 5/500 mg, #200	25 day supply	8/15/2011	
9						
10	V&P	22739	Hydrocodone/ Acetaminophen 7.5/750 mg, #150	25 day supply	9/1/2011	Duplicate therapy and hepatotoxicity risk.
11						
12	Sam's Pharmacy		Hydrocodone/ Acetaminophen 5/500 mg, #200	25 day supply	9/19/2011	
13						
14	V&P	24607	Hydrocodone/ Acetaminophen 7.5/750 mg, #150	36 day supply	9/30/2011	Duplicate therapy.
15						
16	Sam's Pharmacy		Hydrocodone/ Acetaminophen 5/500 mg, #200.	25 day supply	11/12/2011	
17						
18	V&P	28335	Hydrocodone/ Acetaminophen 7.5/750 mg, #100	25 day supply	11/29/2011	Duplicate therapy.
19						
20	Sam's Pharmacy		Hydrocodone/ Acetaminophen 5/500 mg, #200	25 day supply	12/19/2011	
21						
22	V&P	28335	Hydrocodone/ Acetaminophen 7.5/750 mg, #100	25 day supply	12/23/2011	Duplicate therapy.
23						
24	Sam's Pharmacy		Hydrocodone/ Acetaminophen 5/500 mg, #200	25 day supply	1/11/2012	
25						
26	V&P	31261	Hydrocodone/ Acetaminophen 7.5/750 mg, #100	25 day supply	1/14/2012	Duplicate therapy.
27						
28	Sam's Pharmacy		Hydrocodone/ Acetaminophen 5/500 mg, #200	25 day supply	2/1/2012	

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V&P	31261	Hydrocodone/ Acetaminophen 7.5/750 mg, #100	25 day supply	2/6/2012	Duplicate therapy
Sam's Pharmacy		Hydrocodone/ Acetaminophen 5/500 mg, #200	25 day supply	3/1/2012	
V&P	34220	Hydrocodone/ Acetaminophen 7.5/750 mg, #150	37 day supply	3/1/2012	Duplicate therapy
Sam's Pharmacy		Hydrocodone/ Acetaminophen 5/500 mg, #200	25 day supply	3/28/2012	
V&P	34220	Hydrocodone/ Acetaminophen 7.5/750 mg, #150	37 day supply	4/4/2012	Duplicate therapy.
Sam's Pharmacy		Hydrocodone/ Acetaminophen 5/500 mg, #200	25 day supply	4/25/2012	
V&P	38161	Hydrocodone/ Acetaminophen 7.5/750 mg, #150	37 day supply	5/3/2012	Duplicate therapy.
Sam's Pharmacy		Hydrocodone/ Acetaminophen 5/500 mg, #200	25 day supply	5/22/2012	
V&P	38161	Hydrocodone/ Acetaminophen 7.5/750 mg, #150	37 day supply	6/4/2012	Duplicate therapy.
Sam's Pharmacy		Hydrocodone/ Acetaminophen 5/500 mg, #200	25 day supply	6/19/2012	
V&P	42284	Hydrocodone/ Acetaminophen 7.5/750 mg, #150	37 day supply	7/3/2012	Duplicate therapy.
Sam's Pharmacy		Hydrocodone/ Acetaminophen 5/500 mg, #200	25 day supply	7/18/2012	
V&P	42284	Hydrocodone/ Acetaminophen 7.5/750 mg, #150	37 day supply	8/2/2012	Duplicate therapy.
Sam's Pharmacy		Hydrocodone/ Acetaminophen 5/500 mg, #200	37 day supply	8/13/2012	
V&P	46202	Hydrocodone/ Acetaminophen 7.5/750 mg, #150	37 day supply	8/31/2012	Duplicate therapy, too soon.

1	Sam's Pharmacy		Hydrocodone/ Acetaminophen 5/500 mg, #200	25 day supply	9/26/2012	
2	V&P	46202	Hydrocodone/ Acetaminophen 7.5/750 mg, #150	37 day supply	10/1/2012	Duplicate therapy.
3						
4	Sam's Pharmacy		Hydrocodone/ Acetaminophen 5/500 mg, #200	25 day supply	10/25/2012	
5	V&P	50855	Hydrocodone/ Acetaminophen 7.5/750 mg, #150	37 day supply	11/1/2012	Duplicate therapy.
6	V&P	50855	Hydrocodone/ Acetaminophen 7.5/750 mg, #150	37 day supply	11/30/2012	Too soon.
7	V&P	55073	Hydrocodone/ Acetaminophen 7.5/750 mg, #150	37 day supply	12/29/2012	Too soon.
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12 f. Lonnell L. - This patient regularly purchased promethazine with codeine from June
13 12, 2010 to March 4, 2013, a period of almost three years. According to the product insert, an
14 unresponsive cough needs to be re-evaluated within 5 days. According to Respondent's Patient
15 Profile, this patient was not taking long acting medications indicative of an underlying chronic
16 respiratory tract disease nor any short-acting bronchodilators. There were 20 instances when
17 Respondent filled 480 ml of promethazine with codeine for an 8-day supply (60 ml per day), which
18 is double the recommended maximum daily dose. These were prescription numbers 1977, 2189,
19 3134 (twice under this number), 4135, 7270, 7919, 8415, 8643, 9445, 10013, 10630, 11794
20 (twice under this number), 12728 (twice under this number), 13472 (twice under this number),
21 16231 and 27158. This information was available to Respondents and should have alerted
22 Respondents about the possibility that the prescriptions were not issued for a legitimate medical
23 purpose.

24 g. Regina L. - This patient regularly purchased promethazine with codeine for over two
25 years (November 30, 2010 to January 29, 2013). According to the product insert, an unresponsive
26 cough needs to be re-evaluated within 5 days. According to Respondent's Patient Profile, this
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1 patient was not taking long acting medications indicative of an underlying chronic respiratory tract
 2 disease nor any short-acting bronchodilators.

3 h. Donald P. -- This patient had early refills of controlled substances. In some cases, the
 4 directions on the prescriptions exceeded the recommended maximum dosage of the medication.
 5 This information was available to Respondents and should have alerted Respondents about the
 6 possibility that the prescriptions were not issued for a legitimate medical purpose. An excerpt
 7 from this patient's medication history follows:

8	Pharmacy	RX #	Drug	Quantity	Date filled	Comments
9	V&P	11852	Hydrocodone/ Acetaminophen	25 day supply	4/20/2011	
10			5/500 mg, #100			
11	V&P	16050	Hydrocodone/ Acetaminophen	25 day supply	4/28/2011	Too soon.
12			5/500 mg, #100			
13	CVS #9121		Promethazine with codeine 480 ml	24 day supply	7/5/2011	
14	V&P	20252	Promethazine with codeine 750 ml	18 day supply	7/18/2011	Too soon. Written directions of 2 teaspoonfuls (10 ml) every 6 hours as needed exceeds maximum recommended daily dosage.
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19						
20	CVS #9121		Promethazine with codeine 480 ml	24 day supply	8/4/2011	
21	V&P	20252	Promethazine with codeine 750 ml	18 day supply	8/5/2011	Too soon and exceeds maximum recommended dosage.
22						
23	CVS #9121		Promethazine with codeine 480 ml	24 day supply	10/15/2011	
24	V&P	26074	Promethazine with codeine 750 ml	18 day supply	10/26/2011	Too soon and exceeds maximum recommended dosage.
25						
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27						
28	CVS #9121		Promethazine with	24 day	11/4/2011	

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		codeine 480 ml	supply		
V&P	27417	Promethazine with codeine 750 ml	37 day supply	11/15/2011	Too soon.
CVS #9121		Promethazine with codeine 480 ml	24 day supply	12/15/2011	
V&P	27417	Promethazine with codeine 750 ml	37 day supply	12/16/2011	Too soon.
CVS #9121		Promethazine with codeine 473 ml	24 day supply	12/31/2011	
V&P	31046	Promethazine with codeine 750 ml	18 day supply	1/10/2012	Too soon and exceeds maximum recommended dosage.
CVS #9121		Promethazine with codeine 473 ml	24 day supply	1/24/2012	
V&P	31046	Promethazine with codeine 750 ml	18 day supply	1/27/2012	Too soon and exceeds maximum recommended dosage.
CVS #9121		Promethazine with codeine 473 ml	16 day supply	3/4/2012	
V&P	32275	Promethazine with codeine 750 ml	20 day supply	3/6/2012	Too soon and exceeds maximum recommended dosage.
CVS #9121		Promethazine with codeine 472 ml	23 day supply	3/23/2012	
V&P	35954	Promethazine with codeine 750 ml	18 day supply	3/27/2012	Too soon and exceeds maximum recommended dosage.
CVS #9121		Promethazine with codeine 472 ml	23 day supply	4/20/2012	
V&P	37939	Promethazine with codeine 750 ml	18 day supply	4/26/2012	Too soon and exceeds maximum recommended dosage.
CVS #9121		Promethazine with codeine 472 ml	23 day supply	5/11/2012	
V&P	39065	Promethazine with	18 day	5/12/2012	Too soon and

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		codeine 750 ml	supply		exceeds maximum recommended dosage.
CVS #9121		Promethazine with codeine 472 ml	23 day supply	6/8/2012	
V&P	40915	Promethazine with codeine 750 ml	18 day supply	6/9/2012	Too soon and exceeds maximum recommended dosage.
CVS #9121		Promethazine with codeine 473 ml	24 day supply	8/17/2012	
V&P	45490	Promethazine with codeine 750 ml	18 day supply	8/20/2012	Too soon and exceeds maximum recommended dosage.
V&P	41442	Carisoprodol 350 mg #90	30 day supply	9/1/2012	
CVS #9121		Promethazine with codeine 480 ml	24 day supply	9/14/2012	
V&P	44701	Promethazine with codeine 750 ml	18 day supply	9/26/2012	Too soon and exceeds maximum recommended dosage.
V&P	41442	Carisoprodol 350 mg #90	30 day supply	9/26/2012	Too soon from 9/1/2012.
V&P	41442	Carisoprodol 350 mg #90	30 day supply	10/2/2012	Too soon from 9/26/2012.
Viet Medical Supply		Promethazine with codeine 480 ml	20 day supply	10/12/2012	
V&P	49428	Promethazine with codeine 720 ml	18 day supply	10/15/2012	Too soon and exceeds maximum recommended dosage.
V&P	48907	Hydrocodone/Acetaminophen 5/500 mg, #120	30 day supply	11/2/2012	
V&P	48907	Hydrocodone/Acetaminophen 5/500 mg, #120	30 day supply	11/7/2012	Too soon.
Viet		Promethazine with	25 day	11/16/2012	

1	Medical Supply		codeine 480 ml	supply		
2	V&P	52219	Promethazine with codeine 860 ml	24 day supply	11/19/2012	Too soon and exceeds maximum recommended dosage.

4 i. Brenda R. - This patient obtained early refills of controlled substances from
 5 Respondent that should have alerted Respondent about the possibility that the prescriptions were
 6 not issued for a legitimate medical purpose.

8	Pharmacy	RX #	Drug	Quantity	Date filled	Comments
9	CVS #9109		Oxycodone/apap 10/325 mg, #120	30 day supply	10/4/2012	
10	V&P	50188	Oxycodone/apap 10/325 mg, #120	30 day supply	10/24/2012	Too soon.
11	CVS #9109		Oxycodone/apap 10/325 mg, #120	30 day supply	11/9/2012	
12	V&P	52721	Oxycodone/apap 10/325 mg, #120	30 day supply	11/27/2012	Too soon.
13	V&P	54543	Oxycodone/apap 10/325 mg, #120	30 day supply	12/20/2012	Too soon, early fills compounded.
14	V&P	57519	Oxycodone/apap 10/325 mg, #120	30 day supply	1/31/2013	
15	V&P	58629	Oxycodone/apap 10/325 mg, #180	30 day supply	2/15/2013	Too soon.

17 j. Barbara S. - This patient obtained early refills of controlled substances from
 18 Respondent and had different prescribers for the same medication for the same period of time.
 19 This information was available to Respondents and should have alerted Respondents about the
 20 possibility that the prescriptions were not issued for a legitimate medical purpose. An excerpt
 21 from this patient's medication history follows:

23	Pharmacy	RX #	Drug	Quantity	Date filled	Comments
24	V&P	7575	Promethazine with codeine 480 ml	24 day supply	11/15/2010	
25	V&P	8688	Promethazine with codeine 240 ml	12 day supply	12/2/2010	Rx from a different prescriber, filled too soon.
26	V&P	13601	Promethazine with codeine 480 ml	24 day supply	3/9/2011	
27	V&P	14339	Promethazine with codeine 240 ml	8 day supply	3/23/2011	Rx from a different

					prescriber, filled too soon.
2	V&P	33981	Promethazine with codeine 480 ml	24 day supply	2/28/2012
3	V&P	35206	Promethazine with codeine 240 ml	8 day supply	3/15/2012
4					Rx from a different prescriber, filled too soon.
5	V&P	48448	Promethazine with codeine 480 ml	24 day supply	10/2/2012
6	V&P	49502	Promethazine with codeine 240 ml	8 day supply	10/15/2012
7					Rx from a different prescriber, filled too soon.
8	V&P	53387	Promethazine with codeine 480 ml	24 day supply	12/5/2012
9	V&P	54465	Promethazine with codeine 240 ml	8 day supply	12/19/2012
10					Rx from a different prescriber, filled too soon.
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 14 k. Olevia S. - This patient obtained early refills of controlled substances from
 15 Respondent and had different prescribers for the same medication for the same period of time.
 16 This information was available to Respondents and should have alerted Respondents about the
 17 possibility that the prescriptions were not issued for a legitimate medical purpose. An excerpt
 18 from this patient's medication history follows:

19	Pharmacy	RX #	Drug	Quantity	Date filled	Comments
20	Viet Medical Supply		Carisoprodol 350 mg #50	25 day supply	3/12/2012	
21	V&P	34269	Carisoprodol 350 mg #90	30 day supply	3/29/2012	Rx from a different prescriber, filled too soon.
22	Viet Medical Supply		Carisoprodol 350 mg #50	25 day supply	4/9/2012	
23	V&P	34269	Carisoprodol 350 mg #90	30 day supply	4/28/2012	Rx from a different prescriber, filled
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1					too soon.
2	Viet Medical Supply		Carisoprodol 350 mg #50	25 day supply	5/3/2012
3	V&P	34269	Carisoprodol 350 mg #90	30 day supply	5/19/2012
4					Rx from a different prescriber, filled too soon.
5					
6	Viet Medical Supply		Carisoprodol 350 mg #50	25 day supply	6/21/2012
7	V&P	32451	Carisoprodol 350 mg #90	30 day supply	7/7/2012
8					Rx from a different prescriber, filled too soon.
9					
10	Viet Medical Supply		Carisoprodol 350 mg #40	20 day supply	7/27/2012
11	V&P	43415	Carisoprodol 350 mg #90	30 day supply	8/1/2012
12					Rx from a different prescriber, filled too soon.
13					
14	V&P	43415	Carisoprodol 350 mg #90	30 day supply	8/22/2012.
15					Too soon, early fills compounded.
16	Viet Medical Supply		Carisoprodol 350 mg #40	20 day supply	11/19/2012
17	V&P	32451	Carisoprodol 350 mg #90	30 day supply	11/29/2012
18					Rx from a different prescriber, filled too soon.
19					
20	Viet Medical Supply		Carisoprodol 350 mg #50	25 day supply	2/22/2013
21	V&P	58438	Carisoprodol 350 mg #60	20 day supply	3/5/2013
22					Rx from a different prescriber, filled too soon.
23					

25 I. Clarence T. - This patient had 10 different prescribers and used 9 different pharmacies
26 to obtain controlled substances from July 1, 2010 through March 26, 2013. In addition, this
27 patient obtained early refills on his prescriptions. This information was available to Respondents
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1 and should have alerted Respondents about the possibility that the prescriptions were not issued
 2 for a legitimate medical purpose. An excerpt from this patient's medication history follows:

3	Pharmacy	RX #	Drug	Quantity	Date filled	Comments
4	Medical Center Pharmacy		Hydrocodone/ Acetaminophen 10/325 mg, #60	30 day supply	6/16/2010	
5	V&P	1762	Hydrocodone/ Acetaminophen 10/325 mg, #270	30 day supply	7/1/2010	Rx from a different prescriber, filled too soon.
6	Medical Center Pharmacy		Hydrocodone/ Acetaminophen 10/325 mg, #110	28 day supply	7/19/2010	
7	V&P	1762	Hydrocodone/ Acetaminophen 10/325 mg, #270	30 day supply	7/27/2010	Rx from a different prescriber, filled too soon.
8	Allen Pharmacy		Hydrocodone/ Acetaminophen 10/325 mg, #110	26 day supply	8/19/2010	
9	V&P	1762	Hydrocodone/ Acetaminophen 10/325 mg, #270	30 day supply	8/23/2010	Rx from a different prescriber, filled too soon.
10	Allen Pharmacy		Hydrocodone/ Acetaminophen 10/325 mg, #110	26 day supply	9/25/2010	
11	V&P	4835	Hydrocodone/ Acetaminophen 10/325 mg, #60	30 day supply	9/28/2010	Rx from a different prescriber, filled too soon.
12	Allen Pharmacy		Hydrocodone/ Acetaminophen 10/325 mg, #110	27 day supply	12/14/2010	
13	V&P	9769	Hydrocodone/ Acetaminophen 10/325 mg, #90	30 day supply	12/21/2010	Rx from a different prescriber, filled too soon.
14	SavOn #6771		Hydrocodone/ Acetaminophen 10/325 mg, #110	28 day supply	7/6/2011	
15	V&P	19575	Hydrocodone/ Acetaminophen	30 day supply	7/7/2011	Rx from a different

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		10/325 mg, #120			prescriber, filled too soon.
SavOn #6771		Hydrocodone/ Acetaminophen 10/325 mg, #110	27 day supply	8/4/2011	
V&P	21556	Hydrocodone/ Acetaminophen 10/325 mg, #120	30 day supply	8/10/2011	Rx from a different prescriber, filled too soon.
SavOn #6771		Hydrocodone/ Acetaminophen 10/325 mg, #110	28 day supply	10/5/2011	
V&P	24980	Hydrocodone/ Acetaminophen 10/325 mg, #120	30 day supply	10/6/2011	Rx from a different prescriber, filled too soon.
SavOn #6758		Hydrocodone/ Acetaminophen 10/325 mg, #120	30 day supply	11/14/2011	
V&P	28776	Hydrocodone/ Acetaminophen 10/325 mg, #120	30 day supply	12/5/2011	Rx from a different prescriber, filled too soon.
SavOn #6758		Hydrocodone/ Acetaminophen 10/325 mg, #110	28 day supply	1/3/2012	
V&P	30583	Hydrocodone/ Acetaminophen 10/325 mg, #120	30 day supply	1/4/2012	Rx from a different prescriber, filled too soon.
SavOn #6758		Hydrocodone/ Acetaminophen 10/325 mg, #120	30 day supply	1/12/2012	
V&P	32393	Hydrocodone/ Acetaminophen 10/325 mg, #120	30 day supply	2/1/2012	Rx from a different prescriber, filled too soon.
SavOn #6758		Hydrocodone/ Acetaminophen 10/325 mg, #110	27 day supply	2/29/2012	
V&P	34246	Hydrocodone/ Acetaminophen 10/325 mg, #120	30 day supply	3/1/2012	Rx from a different prescriber, filled too soon.
Vons		Hydrocodone/	27 day	3/28/2012	

1	Pharmacy #2093		Acetaminophen 10/325 mg, #110	supply		
2	Vons Pharmacy #2093		Carisoprodol 350 mg, #100	33 day supply	3/28/2012	
3	V&P	36232	Carisoprodol 350 mg, #60	20 day supply	3/30/2012	Rx from a different prescriber, filled too soon.
4	V&P	36311	Hydrocodone/ Acetaminophen 10/325 mg, #120	30 day supply	4/2/2012	Rx from a different prescriber, filled too soon from 3/28/2012.
5	V&P	36311	Hydrocodone/ Acetaminophen 10/325 mg, #120	30 day supply	4/2/2012	Rx from a different prescriber, filled too soon from 3/28/2012.
6	V&P	36311	Hydrocodone/ Acetaminophen 10/325 mg, #120	30 day supply	4/2/2012	Rx from a different prescriber, filled too soon from 3/28/2012.
7	V&P	36311	Hydrocodone/ Acetaminophen 10/325 mg, #120	30 day supply	4/2/2012	Rx from a different prescriber, filled too soon from 3/28/2012.
8	V&P	36311	Hydrocodone/ Acetaminophen 10/325 mg, #120	30 day supply	4/2/2012	Rx from a different prescriber, filled too soon from 3/28/2012.
9	Vons Pharmacy #2093		Carisoprodol 350 mg, #100	33 day supply	4/25/2012	
10	V&P	38200	Carisoprodol 350 mg, #60	15 day supply	5/1/2012	Rx from a different prescriber, filled too soon.
11	V&P	38200	Carisoprodol 350 mg, #60	15 day supply	5/1/2012	Rx from a different prescriber, filled too soon.
12	V&P	38200	Carisoprodol 350 mg, #60	15 day supply	5/1/2012	Rx from a different prescriber, filled too soon.
13	SavOn #6758		Hydrocodone/ Acetaminophen 10/325 mg, #120	30 day supply	5/9/2012	
14	SavOn #6758		Hydrocodone/ Acetaminophen 10/325 mg, #120	30 day supply	5/9/2012	
15	V&P	39813	Hydrocodone/ Acetaminophen 10/325 mg, #110	27 day supply	5/23/2012	Rx from a different prescriber, filled too soon.
16	V&P	39813	Hydrocodone/ Acetaminophen 10/325 mg, #110	27 day supply	5/23/2012	Rx from a different prescriber, filled too soon.
17	V&P	39814	Carisoprodol 350 mg, #100	33 day supply	5/23/2012	
18	V&P	39814	Carisoprodol 350 mg, #100	33 day supply	5/23/2012	
19	V&P	40055	Carisoprodol 350 mg, #60	15 day supply	5/29/2012	Rx from a different prescriber, filled too soon.
20	V&P	40055	Carisoprodol 350 mg, #60	15 day supply	5/29/2012	Rx from a different prescriber, filled too soon.
21	SavOn #6758		Hydrocodone/ Acetaminophen 10/325 mg, #120	30 day supply	6/8/2012	
22	SavOn #6758		Hydrocodone/ Acetaminophen 10/325 mg, #120	30 day supply	6/8/2012	
23	V&P	41559	Hydrocodone/ Acetaminophen 10/325 mg, #110	27 day supply	6/20/2012	Rx from a different prescriber, filled too soon.
24	V&P	41559	Hydrocodone/ Acetaminophen 10/325 mg, #110	27 day supply	6/20/2012	Rx from a different prescriber, filled too soon.
25	V&P	41556	Carisoprodol 350 mg, #100	25 day supply	6/20/2012	
26	V&P	41556	Carisoprodol 350 mg, #100	25 day supply	6/20/2012	
27	V&P	42221	Carisoprodol 350 mg, #60	15 day supply	6/29/2012	Rx from a different prescriber, filled
28	V&P	42221	Carisoprodol 350 mg, #60	15 day supply	6/29/2012	Rx from a different prescriber, filled

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					too soon.
SavOn #6771		Hydrocodone/ Acetaminophen 10/325 mg, #110	28 day supply	8/15/2012	
V&P	46498	Hydrocodone/ Acetaminophen 10/325 mg, #120	30 day supply	9/5/2012	Rx from a different prescriber, filled too soon.
SavOn #6771		Carisoprodol 350 mg, #100	33 day supply	9/13/2012	
V&P	36232	Carisoprodol 350 mg, #60	20 day supply	10/1/2012	Rx from a different prescriber, filled too soon.
SavOn #6771		Hydrocodone/ Acetaminophen 10/325 mg, #110	27 day supply	12/4/2012	
V&P	53338	Hydrocodone/ Acetaminophen 10/325 mg, #120	30 day supply	12/5/2012	Rx from a different prescriber, filled too soon.
Viet Medical Supply		Hydrocodone/ Acetaminophen 10/325 mg, #100	30 day supply	1/2/2013	
V&P	55611	Hydrocodone/ Acetaminophen 10/325 mg, #120	30 day supply	1/7/2013	Rx from a different prescriber, filled too soon.
Viet Medical Supply		Hydrocodone/ Acetaminophen 10/325 mg, #110	30 day supply	1/31/2013	
V&P	57769	Hydrocodone/ Acetaminophen 10/325 mg, #120	30 day supply	2/4/2013	Rx from a different prescriber, filled too soon.

m. Natalie T. – This patient used 7 different prescribers and 5 different pharmacies to obtain controlled substances from June 8, 2011 through March 13, 2013. In addition, this patient obtained early refills on her prescriptions. This information was available to Respondents and should have alerted Respondents about the possibility that the prescriptions were not issued for a legitimate medical purpose. An excerpt from this patient’s medication history follows:

Pharmacy	RX #	Drug	Quantity	Date filled	Comments
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V&P	2100	Promethazine with codeine 480 ml	16 day supply	7/14/2010	
V&P	2285	Promethazine with codeine 240 ml	8 day supply	7/20/2010	Rx from a different prescriber, filled too soon.
CVS #9121		Promethazine with codeine 473 ml	24 day supply	8/16/2011	
V&P	19934	Promethazine with codeine 480 ml	24 day supply	8/18/2011	Too soon.
CVS #9121		Promethazine with codeine 473 ml	24 day supply	9/7/2011	
V&P	19934	Promethazine with codeine 480 ml	24 day supply	9/7/2011	Too soon.
CVS #9162		Promethazine with codeine 240 ml	16 day supply	10/15/2011	
V&P	23729	Promethazine with codeine 480 ml	12 day supply	10/19/2011	Rx from a different prescriber, filled too soon.
CVS #9121		Promethazine with codeine 118 ml	8 day supply	12/29/2011	
V&P	29331	Promethazine with codeine 240 ml	12 day supply	12/29/2011	Rx from a different prescriber, filled too soon.
Viet Medical Supply		Promethazine with codeine 473 ml	20 day supply	9/21/2012	
V&P	46392	Promethazine with codeine 240 ml	12 day supply	9/25/2012	Rx from a different prescriber, filled too soon.
Viet Medical Supply		Promethazine with codeine 473 ml	20 day supply	10/11/2012	
V&P	49473	Promethazine with codeine 240 ml	12 day supply	10/15/2012	Rx from a different prescriber, filled too soon.

n. William T. - This patient used 30 different prescribers and 14 different pharmacies to obtain controlled substances from January 23, 2011 through May 14, 2013. This patient obtained early refills and regularly purchased promethazine with codeine from October 11, 2011 through

1 May 6, 2011. According to the product insert, an unresponsive cough needs to be re-evaluated
 2 within 5 days. According to Respondent's Patient Profile, this patient was not taking long acting
 3 medications indicative of an underlying chronic respiratory tract disease but was on one short-
 4 acting bronchodilators. An excerpt from this patient's medication history follows:

Pharmacy	RX #	Drug	Quantity	Date filled	Comments
CVS #9121		Promethazine with codeine 300 ml	20 day supply	12/21/2011	
V&P	30252	Promethazine with codeine 473 ml	23 day supply	12/28/2011	Rx from a different prescriber, filled too soon.
CVS #9121		Promethazine with codeine 473 ml	16 day supply	3/12/2012	
V&P	35261	Promethazine with codeine 480 ml	24 day supply	3/15/2012	Too soon.
CVS #9121		Promethazine with codeine 473 ml	30 day supply	6/19/2012	
V&P	41809	Promethazine with codeine 480 ml	30 day supply	6/25/2012	Too soon.
SavOn #6771		Hydrocodone/ Acetaminophen 10/325 mg, #180	30 day supply	7/25/2012	
V&P	43969	Hydrocodone/ Acetaminophen 10/325 mg, #90	22 day supply	7/27/2012	Rx from a different prescriber, filled too soon.
SavOn #6771		Hydrocodone/ Acetaminophen 10/325 mg, #120	20 day supply	11/15/2012	
V&P	43969	Hydrocodone/ Acetaminophen 10/325 mg, #180	30 day supply	11/28/2012	Too soon.

23 o. Terry F. - This patient regularly purchased promethazine with codeine from August 9,
 24 2010 through February 25, 2013. According to the product insert, an unresponsive cough needs
 25 to be re-evaluated within 5 days. According to Respondent's Patient Profile, this patient was not
 26 taking long acting medications indicative of an underlying chronic respiratory tract disease nor any
 27 short-acting bronchodilators.

1 p. Leola A. - This patient regularly purchased promethazine with codeine from July 13,
2 2011 through March 2, 2013. According to the product insert, an unresponsive cough needs to be
3 re-evaluated in 5 days or sooner. According to Respondent's Patient Profile, this patient was not
4 taking long acting medications indicative of an underlying chronic respiratory tract disease nor any
5 short-acting bronchodilators.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **AS TO V&P PHARMACY AND CHAU TRUNG VO**

8 **(Acted As A Wholesaler Without License)**

9 32. Respondents V&P Pharmacy and Chau Trung Vo are subject to disciplinary action
10 pursuant to Code section 4301, subdivision (o) in conjunction with Code section 4160 in that
11 Respondents acted as a wholesaler by accepting medications from the community in order to
12 manage the disposition of outdated or nonsalable dangerous drugs when Respondents were not
13 licensed wholesalers, as more fully set forth in paragraph 22 above and incorporated by this
14 reference as though set forth in full.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **AS TO V&P PHARMACY AND CHAU TRUNG VO**

17 **(Failure to Maintain Effective Control Against Theft or Loss of Controlled Substances)**

18 33. Respondents V&P Pharmacy and Chau Trung Vo are subject to disciplinary action
19 pursuant to Code section 4301, subdivision (o) in conjunction with title 16, California Code of
20 Regulations, section 1714, subdivision (b) in that Respondents could not account for 5674 tablets
21 of hydrocodone/acetaminophen 10/325 mg and 24 pints of promethazine with codeine syrup
22 between July 26, 2011 and January 15, 2013, as more fully set forth in paragraphs 22 - 31 above
23 and incorporated by this reference as though set forth in full.

24 **THIRD CAUSE FOR DISCIPLINE**

25 **AS TO V&P PHARMACY AND CHAU TRUNG VO**

26 **(Failure to Maintain Current Inventory)**

27 34. Respondents V&P Pharmacy and Chau Trung Vo are subject to discipline pursuant to
28 Code section 4301, subdivision (j), in conjunction with Code section 4081(b) and title 16,

1 California Code of Regulations section 1718, for unprofessional conduct in that Respondents failed
2 to maintain a current inventory in that they could not account for a shortage of 5674 tablets of
3 hydrocodone/acetaminophen 10/325 mg and 24 pints of promethazine with codeine syrup between
4 July 26, 2011 and January 15, 2013, as more fully set forth in paragraphs 22 – 31 above and
5 incorporated by this reference as though set forth in full.

6 **FOURTH CAUSE FOR DISCIPLINE**

7 **AS TO V&P PHARMACY AND CHAU TRUNG VO**

8 **(Unprofessional Conduct - Variation from Prescription)**

9 35. Respondents V&P Pharmacy and Chau Trung Vo are subject to disciplinary action
10 pursuant to Code section 4301, subdivision (o) in conjunction with title 16, California Code of
11 Regulations, section 1716, for unprofessional conduct in that Respondents deviated from the
12 requirements of a prescription. Specifically, prescription RX 34088C5 was dispensed with
13 directions "take 1 to 2 teaspoonful [sic] by mouth every 6 to 8 hours as needed for pain, fever"
14 when the directions on RX 34088 stated "ii to po q 6 8," which is "take 2 teaspoonfuls by mouth
15 every 6 to 8 hours," as more fully set forth in paragraphs 22 – 31 above and incorporated by this
16 reference as though set forth in full.

17 **FIFTH CAUSE FOR DISCIPLINE**

18 **AS TO V&P PHARMACY AND CHAU TRUNG VO**

19 **(Failure to Comply with Corresponding Responsibility**

20 **for Legitimate Controlled Substance Prescriptions)**

21 36. Respondents V&P Pharmacy and Chau Trung Vo are subject to disciplinary action
22 pursuant to Code section 4301, subdivision (j), in conjunction with Health and Safety Code section
23 11153(a) for unprofessional conduct in that Respondents failed to comply with their corresponding
24 responsibility to ensure that controlled substances are dispensed for a legitimate medical purpose
25 when Respondents failed to evaluate the totality of the circumstances (information from
26 Respondent's own records and other sources) to determine the prescription's legitimate medical
27 purpose in light of information showing that prescriptions for controlled substances were filled
28 early, there was duplication of therapy, patients filled prescriptions for the same controlled

1 substance from different pharmacies, patients had numerous prescribers for the same drug and
2 patients were dispensed promethazine with codeine for extended periods, among other things, as
3 more fully set forth in paragraphs 22 – 31 above and incorporated by this reference as though set
4 forth in full.

5 **SIXTH CAUSE FOR DISCIPLINE**

6 **AS TO V&P PHARMACY AND CHAU TRUNG VO**

7 **(Excessive Furnishing of Controlled Substances)**

8 37. Respondents V&P Pharmacy and Chau Trung Vo are subject to discipline pursuant to
9 Code section 4301, subdivision (d), for unprofessional conduct in that Respondents clearly
10 excessively furnished controlled substances during the period June 12, 2010 through March 26,
11 2013, as more fully set forth in paragraphs 22 – 31 above and incorporated by this reference as
12 though set forth in full.

13 **SEVENTH CAUSE FOR DISCIPLINE**

14 **AS TO CHAU TRUNG VO**

15 **(Unprofessional Conduct – Gross Negligence)**

16 38. Respondent Chau Trung Vo is subject to discipline pursuant to Code section 4301,
17 subdivision (c), for unprofessional conduct in that Respondent was grossly negligent in dispensing
18 controlled substances, or in performing his duties as the Pharmacist-in-Charge, during the period
19 June 12, 2010 through March 26, 2013. Respondent knew or should have known that certain
20 patients were receiving early refills of controlled substances, there was duplication of therapy,
21 patients filled prescriptions for the same controlled substance from different pharmacies, patients
22 had numerous prescribers for the same drug and patients were dispensed promethazine with
23 codeine for extended periods, as more fully set forth in paragraphs 22 – 31 above and incorporated
24 by this reference as though set forth in full herein, such that Respondent should have taken further
25 steps to determine whether the prescriptions were issued for a legitimate medical purpose.

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28 **EIGHTH CAUSE FOR DISCIPLINE**

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AS TO CHAU TRUNG VO
(Unprofessional Conduct – Negligence)

39. Respondent Chau Trung Vo is subject to discipline pursuant to Code section 4301, for unprofessional conduct in that Respondent was negligent in dispensing controlled substances, or in performing his duties as the Pharmacist-in-Charge, during the period June 12, 2010 through March 26, 2013. Respondent knew or should have known that certain patients were receiving early refills of controlled substances, there was duplication of therapy, patients filled prescriptions for the same controlled substance from different pharmacies, patients had numerous prescribers for the same drug and patients were dispensed promethazine with codeine for extended periods, as more fully set forth in paragraphs 22 – 31 above and incorporated by this reference as though set forth in full herein, such that Respondent should have taken further steps to determine whether the prescriptions were issued for a legitimate medical purpose.

EIGHTH CAUSE FOR DISCIPLINE

AS TO CHAU TRUNG VO
(Unprofessional Conduct)

40. Respondent Chau Trung Vo is subject to discipline pursuant to Code section 4301 for unprofessional conduct in that Respondent engaged in the activity described in paragraphs 22 – 31 above, and incorporated by this reference as though set forth in full herein.

DISCIPLINE CONSIDERATIONS

41. To determine the degree of discipline, if any, to be imposed on Respondent V&P Pharmacy, Complainant alleges that on or about May 8, 2012, in a prior action, the Board of Pharmacy issued Citation Number C 2011 49124 and ordered Respondent to pay a fine in the amount of \$2,000.00. That Citation is now final and is incorporated by reference as if fully set forth.

42. To determine the degree of discipline, if any, to be imposed on Respondent Chau Trung Vo, Complainant alleges that on or about May 8, 2012, in a prior action, the Board of Pharmacy issued Citation Number C 2011 52234 and ordered Respondent to pay a fine in the

1 amount of \$2,000.00. That Citation is now final and is incorporated by reference as if fully set
2 forth.

3 **PRAYER**

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

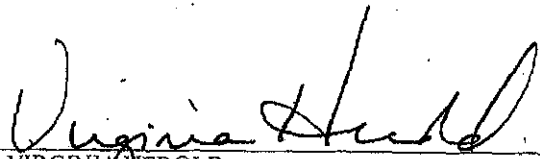
6 1. Revoking or suspending Pharmacy Permit Number PHY 50261 issued to V&P
7 Pharmacy;

8 2. Revoking or suspending Pharmacist License Number RPH 55532 issued to Chau
9 Trung Vo;

10 3. Ordering V&P Pharmacy and Chau Trung Vo, jointly and severally, to pay the Board
11 of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to
12 Business and Professions Code section 125.3; and,

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

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16 DATED: 4/9/14


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

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