

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

In the Matter of the Accusation Against:

**HEALTH CENTER PHARMACY  
THANH-TRUC NGO, OWNER  
15418 Crenshaw Blvd.  
Gardena, CA 90249**

**Pharmacy Permit No. PHY 50395**

**AND**

**TIN HUU NGUYEN  
Pharmacist-In-Charge  
P.O. Box 1037  
Westminster, CA 46458**

**Pharmacist License No. RPH 46458**

Respondents.

Case No. 5275

OAH No. 2015060048

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER AS TO  
RESPONDENT THANH-TRUC NGO  
DOING BUSINESS AS HEALTH  
CENTER PHARMACY ONLY**

**DECISION AND ORDER**

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

This Decision shall become effective at 5:00 p.m. on June 17, 2016.

It is so ORDERED on May 18, 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 THOMAS L. RINALDI  
Supervising Deputy Attorney General  
3 CRISTINA FELIX  
Deputy Attorney General  
4 State Bar No. 195663  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2455  
6 Facsimile: (213) 897-2804  
E-mail: Cristina.Felix@doj.ca.gov  
7 *Attorneys for Complainant*

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

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

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

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

18 **and**

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

22 **Pharmacist License No. RPH 46458**

23 Respondents.

Case No. 5275

OAH No. 2015060048

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER AS TO  
RESPONDENT THANH-TRUC NGO  
DOING BUSINESS AS HEALTH  
CENTER PHARMACY ONLY**

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

26 PARTIES

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



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

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

#### 6 CULPABILITY

7 9. Respondent understands and agrees that the charges and allegations in Accusation  
8 No. 5275, if proven at a hearing, constitute cause for imposing discipline upon his Original  
9 Permit.

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

14 11. Respondent agrees that his Original Permit is subject to discipline and he agrees  
15 to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

#### 16 CONTINGENCY

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

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



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

2 **2. Report to the Board**

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

11 **3. Interview with the Board**

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

17 **4. Cooperate with Board Staff**

18 Respondent owner shall cooperate with the board's inspection program and with the board's  
19 monitoring and investigation of respondent's compliance with the terms and conditions of his  
20 probation. Failure to cooperate shall be considered a violation of probation.

21 **5. Reimbursement of Board Costs**

22 As a condition precedent to successful completion of probation, respondent owner shall pay  
23 to the board its costs of investigation and prosecution in the amount of \$7,408. Respondent shall  
24 be permitted to pay these costs in a payment plan approved by the Board, with payments to be  
25 completed no later than three months prior to the end of the probation term. There shall be no  
26 deviation from this schedule absent prior written approval by the board or its designee. Failure to  
27 pay costs by the deadline(s) as directed shall be considered a violation of probation.

28 ///

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

3 **6. Probation Monitoring Costs**

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

8 **7. Status of License<sup>1</sup>**

9 Respondent owner shall, at all times while on probation, maintain current licensure with the  
10 board. If respondent owner submits an application to the board, and the application is approved,  
11 for a change of location, change of permit or change of ownership, the board shall retain  
12 continuing jurisdiction over the license, and the respondent shall remain on probation as  
13 determined by the board. Failure to maintain current licensure shall be considered a violation of  
14 probation.

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

19 **8. License Surrender While on Probation/Suspension**

20 Following the effective date of this decision, should respondent owner discontinue  
21 business, respondent owner may tender the premises license to the board for surrender. The  
22 board or its designee shall have the discretion whether to grant the request for surrender or take  
23 any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of  
24 the license, respondent will no longer be subject to the terms and conditions of probation.

25 Upon acceptance of the surrender, respondent owner shall relinquish the premises wall and  
26 renewal license to the board within ten (10) days of notification by the board that the surrender is

27 \_\_\_\_\_  
28 <sup>1</sup> License means license and/or pharmacy permit.

1 accepted. Respondent owner shall further submit a completed Discontinuance of Business form  
2 according to board guidelines and shall notify the board of the records inventory transfer.

3 Respondent owner shall also, by the effective date of this decision, arrange for the  
4 continuation of care for ongoing patients of the pharmacy by, at minimum, providing a written  
5 notice to ongoing patients that specifies the anticipated closing date of the pharmacy and that  
6 identifies one or more area pharmacies capable of taking up the patients' care, and by cooperating  
7 as may be necessary in the transfer of records or prescriptions for ongoing patients. Within five  
8 days of its provision to the pharmacy's ongoing patients, Respondent owner shall provide a copy  
9 of the written notice to the board. For the purposes of this provision, "ongoing patients" means  
10 those patients for whom the pharmacy has on file a prescription with one or more refills  
11 outstanding, or for whom the pharmacy has filled a prescription within the preceding sixty (60)  
12 days.

13 Respondent owner may not apply for any new licensure from the board for three (3) years  
14 from the effective date of the surrender. Respondent owner shall meet all requirements applicable  
15 to the license sought as of the date the application for that license is submitted to the board.

16 Respondent owner further stipulates that he or she shall reimburse the board for its costs of  
17 investigation and prosecution prior to the acceptance of the surrender.

#### 18 9. Notice to Employees

19 Respondent owner shall, upon or before the effective date of this decision, ensure that all  
20 employees involved in permit operations are made aware of all the terms and conditions of  
21 probation, either by posting a notice of the terms and conditions, circulating such notice, or both.  
22 If the notice required by this provision is posted, it shall be posted in a prominent place and shall  
23 remain posted throughout the probation period. Respondent owner shall ensure that any  
24 employees hired or used after the effective date of this decision are made aware of the terms and  
25 conditions of probation by posting a notice, circulating a notice, or both. Additionally,  
26 respondent owner shall submit written notification to the board, within fifteen (15) days of the  
27 effective date of this decision, that this term has been satisfied. Failure to submit such  
28 notification to the board shall be considered a violation of probation.



1 "Employees" as used in this provision includes all full-time, part-time, volunteer,  
2 temporary and relief employees and independent contractors employed or hired at any time  
3 during probation.

4 **10. Owners and Officers: Knowledge of the Law**

5 Respondent shall provide, within thirty (30) days after the effective date of this decision,  
6 signed and dated statements from its owners, including any owner or holder of ten percent (10%)  
7 or more of the interest in respondent or respondent's stock, and any officer, stating under penalty  
8 of perjury that said individuals have read and are familiar with state and federal laws and  
9 regulations governing the practice of pharmacy. The failure to timely provide said statements  
10 under penalty of perjury shall be considered a violation of probation.

11 **11. Posted Notice of Probation**

12 Respondent owner shall prominently post a probation notice provided by the board in a  
13 place conspicuous and readable to the public. The probation notice shall remain posted during  
14 the entire period of probation.

15 Respondent owner shall not, directly or indirectly, engage in any conduct or make any  
16 statement which is intended to mislead or is likely to have the effect of misleading any patient,  
17 customer, member of the public, or other person(s) as to the nature of and reason for the probation  
18 of the licensed entity.

19 Failure to post such notice shall be considered a violation of probation.

20 **12. Violation of Probation**

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

26 If respondent owner violates probation in any respect, the board, after giving respondent  
27 owner notice and an opportunity to be heard, may revoke probation and carry out the disciplinary  
28 order that was stayed. Notice and opportunity to be heard are not required for those provisions

1 stating that a violation thereof may lead to automatic termination of the stay and/or revocation of  
2 the license. If a petition to revoke probation or an accusation is filed against respondent during  
3 probation, the board shall have continuing jurisdiction and the period of probation shall be  
4 automatically extended until the petition to revoke probation or accusation is heard and decided,  
5 and the charges and allegations in the Accusation No. 5275 shall be deemed true and correct.

6 **13. Completion of Probation**

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

9 **14. Community Services Program**

10 Within sixty (60) days of the effective date of this decision, respondent owner shall submit  
11 to the board or its designee, for prior approval, a community service program in which respondent  
12 shall provide free health-care related services to a community or charitable facility or agency for a  
13 total of one hundred and fifty hours (150) over the course of the probation period.

14 Within thirty (30) days of board approval thereof, respondent owner shall submit  
15 documentation to the board demonstrating commencement of the community service program.  
16 Respondent owner shall report on progress with the community service program in the quarterly  
17 reports.

18 Failure to timely submit, commence, or comply with the program shall be considered a  
19 violation of probation.

20 **15. Consultant for Owner or Pharmacist-In-Charge**

21 During the period of probation, Respondent owner shall retain an independent  
22 consultant at his or her own expense who shall be responsible for reviewing pharmacy operations  
23 on a quarterly basis for compliance by respondent with state and federal laws and regulations  
24 governing the practice of pharmacy and for compliance by respondent with the obligations of a  
25 pharmacist-in-charge. The consultant shall be a pharmacist licensed by and not on probation with  
26 the board and whose name shall be submitted to the board or its designee, for prior approval,  
27 within thirty (30) days of the effective date of this decision. Failure to timely retain, seek  
28 approval of, or ensure timely reporting by the consultant shall be considered a violation of

1 probation.

2 **16. Report of Controlled Substances**

3 Respondent owner shall submit quarterly reports to the board detailing the total acquisition  
4 and disposition of such controlled substances as the board may direct. Respondent owner shall  
5 specify the manner of disposition (e.g., by prescription, due to burglary, etc.) or acquisition (e.g.,  
6 from a manufacturer, from another retailer, etc.) of such controlled substances. Respondent  
7 owner shall report on a quarterly basis or as directed by the board. The report shall be delivered  
8 or mailed to the board no later than ten (10) days following the end of the reporting period.  
9 Failure to timely prepare or submit such reports shall be considered a violation of probation.

10 **17. Mandatory Prescription Drug Monitoring Program For All New Controlled**  
11 **Substance Prescriptions**

12 During the period of probation, Respondent owner and/or the pharmacist-in-charge of  
13 Respondent Pharmacy shall access patient prescription information in the Prescription Drug  
14 Monitoring Program (PDMP), the searchable database component to Controlled Substance  
15 Utilization Review and Evaluation System (CURES), for each new controlled substance  
16 prescriptions prior to filling the prescription. Respondent owner shall apply to the Department of  
17 Justice for access to the PDMP within thirty (30) days of the effective date of the decision if he  
18 does not already have access to the database. No new controlled substance prescriptions can be  
19 filled by Respondent owner until Respondent owner has access to the PDMP. Failure to timely  
20 commence or comply with the program shall be considered a violation of probation.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Tony J. Park, Esq. I understand the stipulation and the effect it will have on my Original Permit. 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: \_\_\_\_\_

HEALTH CENTER PHARMACY,  
THANH-TRUC NGO, Owner  
Respondent

I have read and fully discussed with Respondent Thanh-Truc Ngo, Owner and doing business as Health Center Pharmacy the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: \_\_\_\_\_

TONY J. PARK, ESQ.  
Attorney for Respondent

ENDORSEMENT

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

Dated: 02/01/2016

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
THOMAS L. RINALDI  
Supervising Deputy Attorney General



CRISTINA FELIX  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 5275**

1 KAMALA D. HARRIS  
Attorney General of California  
2 THOMAS L. RINALDI  
Supervising Deputy Attorney General  
3 CRISTINA FELIX  
Deputy Attorney General  
4 State Bar No. 195663  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2455  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
7

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

10 In the Matter of the First Amended Accusation  
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14  
15 **Pharmacy Permit No. PHY 50395,**  
16 **and**  
17 **TIN HUU NGUYEN**  
**P.O. Box 1037**  
18 **Westminster, CA 92684**  
19 **Pharmacist License No. RPH 46458**  
20 Respondents.

Case No. 5275

**FIRST AMENDED ACCUSATION**

21 Complainant alleges:

22 **PARTIES**

- 23 1. Virginia Herold ("Complainant") brings this Accusation solely in her official capacity  
24 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.  
25 2. On or about November 10, 2010, the Board of Pharmacy issued Pharmacy Permit  
26 Number PHY 50395 to Thanh-Truc Ngo to do business as Health Center Pharmacy ("Respondent  
27 Pharmacy"). Thanh-Truc Ngo has been the individual licensed owner of Respondent Pharmacy  
28 since November 10, 2010. From November 10, 2010 to September 17, 2011, Tin Huu Nguyen

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

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

9 **JURISDICTION**

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

13 5. Section 4300.1 of the Code states:

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

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

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

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

24 (1) Suspending judgment.

25 (2) Placing him or her upon probation.

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

27 (4) Revoking his or her license.  
28



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

3 STATUTES AND REGULATIONS

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

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

6 ....

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

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

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

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

14 ....

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

17 ....

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

20 ....

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

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

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

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

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

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

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

23 12. Health and Safety Code section 111335 states:

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

26 ///

27

28

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

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

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

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

19 . . . .

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

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

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

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

4 CONTROLLED SUBSTANCES

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

8 17. Noroo is the brand name for the combination narcotic, Hydrocodone and  
9 Acetaminophen, and is a Schedule III<sup>1</sup> controlled substance pursuant to Health and Safety Code  
10 section 11056(e) and is categorized as a dangerous drug pursuant to Business and Professions  
11 Code section 4022.

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

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

21 COST RECOVERY

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

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

1 BACKGROUND

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

4 **FIRST CAUSE FOR DISCIPLINE**

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

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

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**SECOND CAUSE FOR DISCIPLINE**

**(Drugs Lacking Quality and Strength)**

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

**THIRD CAUSE FOR DISCIPLINE**

**(Pharmacy Operating During Absence of Pharmacist)**

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

**FOURTH CAUSE FOR DISCIPLINE**

**(Operational Standards and Security)**

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

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1 OWNERSHIP PROHIBITION

2 Business and Professions Code section 4307, subdivision (a), provides, in pertinent part,  
3 that any person whose license has been revoked or is under suspension shall be prohibited from  
4 serving as a manager, administrator, owner, member, officer, director, associate or partner of a  
5 licensee.

6 Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit PHY 50395  
7 issued to Thanh-Truc Ngo doing business as Health Care Pharmacy, and Thanh-Truc Ngo, while  
8 acting as the manager, administrator, owner, member, officer, director, associate, or partner of  
9 Health Care Pharmacy, had knowledge of, or knowingly participated in, any conduct for which  
10 Pharmacy Permit PHY 50395 was revoked, suspended or placed on probation, Thanh-Truc Ngo  
11 shall be prohibited from serving as manager, administrator, owner, member, officer, director,  
12 associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 50395 issued to  
13 Thanh-Truc Ngo doing business as Health Care Pharmacy is placed on probation, or until  
14 Pharmacy Permit Number PHY 50395 issued to Thanh-Truc Ngo doing business as Health Care  
15 Pharmacy is reinstated if Pharmacy Permit Number PHY 50395 is revoked;

16 PRAYER

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

19 1. Revoking or suspending Pharmacy Permit Number PHY 50395, issued to Thanh-Truc  
20 Ngo doing business and Health Care Pharmacy;

21 2. Revoking or suspending Pharmacist License Number RPH 46458, issued to Tin Huu  
22 Nguyen;

23 3. Prohibiting Thanh-Truc Ngo from serving as a manager, administrator, owner,  
24 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit  
25 Number PHY 50395 is placed on probation or until Pharmacy Permit Number PHY 50395 is  
26 reinstated if Pharmacy Permit Number PHY 50395 issued to Thanh-Truc Ngo is revoked;

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