

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

In the Matter of the Accusation Against:

**SCRIPT LIFE PHARMACY; KHOA TAN
HUYNH, PRESIDENT/PHARMACIST IN
CHARGE
255 W. Herndon Ave., Suite 101
Clovis, CA 93612**

Pharmacy Permit No. PHY 50069,

**KHOA TAN HUYNH
Pharmacist-in-charge
2629 Portland Ave.
Clovis, CA 93619**

Pharmacist License No. RPH 56097,

and

**JAMIE TRANG TA
255 W. Herndon Ave.
Clovis, CA 93612**

Pharmacist License No. RPH 59312

Respondents.

Case No. 5283

OAH No. 2015110188

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

**FOR RESPONDENT SCRIPT LIFE
PHARMACY**

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 6, 2016.

It is so ORDERED on May 5, 2016.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

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8

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

11 In the Matter of the Accusation Against:
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13 **SCRIPT LIFE PHARMACY; KHOA TAN**
HUYNH, PRESIDENT/PHARMACIST IN
14 **CHARGE**
255 W. Herndon Ave., Suite 101
15 Clovis, CA 93612
16 **Pharmacy Permit No. PHY 50069,**
17 **KHOA TAN HUYNH**
18 **Pharmacist-In-Charge**
2629 Portland Ave.
19 Clovis, CA 93619
20 **Pharmacist License No. RPH 56097,**

Case No. 5283
OAH No. 2015110188
STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER
FOR RESPONDENT SCRIPT LIFE
PHARMACY

21 **and**
22 **JAMIE TRANG TA**
23 **255 W. Herndon Ave.**
24 **Clovis, CA 93612**
25 **Pharmacist License No. RPH 59312**
26 Respondents.

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

3 PARTIES

4 1. Virginia Herold ("Complainant") is the Executive Officer of the Board of Pharmacy.
5 She brought this action solely in her official capacity and is represented in this matter by Kamala
6 D. Harris, Attorney General of the State of California, by David E. Brice, Deputy Attorney
7 General.

8 2. Respondent Script Life Pharmacy; Khoa Tan Huynh, President/Pharmacist in Charge
9 ("Respondent") is represented in this proceeding by attorney Mark A. Broughton, whose address
10 is: 2445 Capitol Street, Suite 150, Fresno, CA 93721.

11 3. On or about August 25, 2009, the Board of Pharmacy issued Pharmacy Permit No.
12 PHY 50069 to Respondent. The Pharmacy Permit was in full force and effect at all times
13 relevant to the charges brought in Accusation No. 5283 and will expire on August 1, 2016, unless
14 renewed.

15 JURISDICTION

16 4. Accusation No. 5283 was filed before the Board of Pharmacy (Board), Department of
17 Consumer Affairs, and is currently pending against Respondent. The Accusation and all other
18 statutorily required documents were properly served on Respondent on August 17, 2015.
19 Respondent timely filed its Notice of Defense contesting the Accusation.

20 5. A copy of Accusation No. 5283 is attached as exhibit A and incorporated herein by
21 reference.

22 ADVISEMENT AND WAIVERS

23 6. Respondent has carefully read, fully discussed with counsel, and understands the
24 charges and allegations in Accusation No. 5283. Respondent has also carefully read, fully
25 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
26 Order.

27 7. Respondent is fully aware of its legal rights in this matter, including the right to a
28 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at

1 its own expense; the right to confront and cross-examine the witnesses against them; the right to
2 present evidence and to testify on its own behalf; the right to the issuance of subpoenas to compel
3 the attendance of witnesses and the production of documents; the right to reconsideration and
4 court review of an adverse decision; and all other rights accorded by the California
5 Administrative Procedure Act and other applicable laws.

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

8 CULPABILITY

9 9. Respondent admits the truth of each and every charge and allegation in Accusation
10 No. 5283.

11 10. Respondent agrees that its Pharmacy Permit is subject to discipline and they agree to
12 be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

13 RESERVATION

14 11. The admissions made by Respondent herein are only for the purposes of this
15 proceeding, or any other proceedings in which the Board of Pharmacy or other professional
16 licensing agency is involved, and shall not be admissible in any other criminal or civil
17 proceeding.

18 CONTINGENCY

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

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1 which involves respondent's Pharmacy Permit or which is related to the practice of
2 pharmacy or the manufacturing, obtaining, handling or distributing, billing, or
3 charging for any drug, device or controlled substance.

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

5 **2. Report to the Board**

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

14 **3. Interview with the Board**

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

20 **4. Cooperate with Board Staff**

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

24 **5. Reimbursement of Board Costs**

25 As a condition precedent to successful completion of probation, respondent owner shall pay
26 to the board its costs of investigation and prosecution in the amount of \$5,462.40. Respondent
27 owner shall make said payments on a payment plan approved by the Board. Respondent owner
28 Khoa Tan Huynh and Respondent Script Life Pharmacy shall be jointly and severally liable for

1 paying the board its costs of investigation and prosecution. There shall be no deviation from this
2 schedule absent prior written approval by the board or its designee. Failure to pay costs by the
3 deadline(s) as directed shall be considered a violation of probation.

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

6 **6. Probation Monitoring Costs**

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

11 **7. Status of License**

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

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

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

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

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1 Upon acceptance of the surrender, respondent owner shall relinquish the premises wall and
2 renewal license to the board within ten (10) days of notification by the board that the surrender is
3 accepted. Respondent owner shall further submit a completed Discontinuance of Business form
4 according to board guidelines and shall notify the board of the records inventory transfer.

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

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

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

20 **9. Notice to Employees**

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

1 effective date of this decision, that this term has been satisfied. Failure to submit such
2 notification to the board shall be considered a violation of probation.

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

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

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

13 **11. Posted Notice of Probation**

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

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

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

22 **12. Violation of Probation**

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

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

8 **13. Completion of Probation**

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

11 **14. Community Services Program**

12 Within sixty (60) days of the effective date of this decision, respondent owner shall submit
13 to the board or its designee, for prior approval, a community service program in which respondent
14 shall provide free health-care related services to a community or charitable facility or agency
15 equivalent to \$25,000 in sharps disposal containers and/or drug mail back envelopes.

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

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

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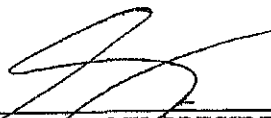
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ACCEPTANCE

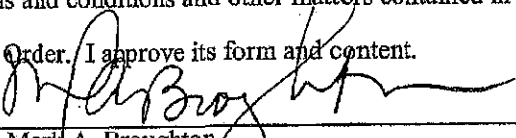
I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Mark A. Broughton. I understand the stipulation and the effect it will have on my Pharmacy Permit. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly,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

DATED: 2/12/16


KHOA TAN HUYNH, PRESIDENT/PHARMACIST
IN CHARGE, SCRIPT LIFE PHARMACY
Respondent

I have read and fully discussed with Respondent Khoa Tan Huynh, President/Pharmacist in Charge, Script Life Pharmacy, the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 2/12/16


Mark A. Broughton
Attorney for Respondent


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ENDORSEMENT

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

Dated: 2/12/16

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
KENT D. HARRIS
Supervising Deputy Attorney General


DAVID E. BRICE
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 5283

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Attorneys for Complainant

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15 **CHARGE**

ACCUSATION

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17 **Clovis, CA 93612**

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22 **Pharmacist License No. RPH 56097,**

23 **and**

24 **JAMIE TRANG TA**
25 **255 W. Herndon Ave.**
26 **Clovis, CA 93612**

27 **Pharmacist License No. RPH 59312**

28 Respondents.

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1 Complainant alleges:

2 PARTIES

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

5 2. On or about August 25, 2009, the Board of Pharmacy issued Pharmacy Permit
6 Number PHY 50069 to Script Life Pharmacy; Khoa Tan Huynh, President/Pharmacist in Charge
7 (Respondent SLP). The Pharmacy Permit was in full force and effect at all times relevant to the
8 charges brought herein and will expire on August 1, 2015, unless renewed.

9 3. On or about August 26, 2004, the Board of Pharmacy issued Pharmacist License
10 Number RPH 56097 to Khoa Tan Huynh (Respondent Huynh). The Pharmacist License was in
11 full force and effect at all times relevant to the charges brought herein and will expire on August
12 31, 2016, unless renewed.

13 4. On or about February 1, 2007, the Board of Pharmacy issued Pharmacist License
14 Number RPH 59312 to Jamie Trang Ta (Respondent Ta). The Pharmacist License was in full
15 force and effect at all times relevant to the charges brought herein and will expire on January 31,
16 2015, unless renewed.

17 STATUTORY REFERENCES

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

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

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

23 (b) The board shall discipline the holder of any license issued by the board, whose
24 default has been entered or whose case has been heard by the board and found guilty..."

25 7. Section 4301 of the Code states:

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

1
2 (d) The clearly excessive furnishing of controlled substances in violation of
3 subdivision (a) of Section 11153 of the Health and Safety Code.
4 ...

5 (j) The violation of any of the statutes of this state, or any other state, or of the United
6 States regulating controlled substances and dangerous drugs.
7 ...”

8 8. Section 4113 of the Code states, in pertinent part:

9 “(a) Every pharmacy shall designate a pharmacist-in-charge ...
10 ...

11 (c) The pharmacist-in-charge shall be responsible for a pharmacy's compliance with
12 all state and federal laws and regulations pertaining to the practice of pharmacy.
13 ...”

14 **HEALTH AND SAFETY CODE**

15 9. Section 11153(a) of the Health and Safety Code states:

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

27 10. Section 11158(a) of the Health and Safety Code states, in pertinent part, that no
28 controlled substance classified in Schedule II shall be dispensed without a prescription meeting
the requirements of this chapter.

11. Section 11165(d) of the Health and Safety Code states, in pertinent part, that for each
prescription for a Schedule II, Schedule III, or Schedule IV controlled substance, as defined in the

1 controlled substances schedules in federal law and regulations, the dispensing pharmacy, clinic, or
2 other dispenser shall report specific information to the Department of Justice as soon as
3 reasonably possible, but not more than seven days after the date a controlled substance is
4 dispensed, in a format specified by the Department of Justice.

5 REGULATIONS

6 12. Section 1716 of title 16 of the California Code of Regulations states, in pertinent part,
7 that pharmacists shall not deviate from the requirements of a prescription except upon the prior
8 consent of the prescriber.

9 13. Section 1761(a) of title 16 of the California Code of Regulations states:

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

13 COST RECOVERY

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

18 DRUGS

19 15. Oxycodone is a Schedule II controlled substance as designated by Health and Safety
20 Code section 11055, subdivision (b)(1)(M).

21 16. Hydrocodone Bitartrate APAP is a Schedule III controlled substance as designated by
22 Health and Safety Code section 11056(e)(4). Hydrocodone Bitartrate, the generic name, is also
23 known as dihydrocodeinone.

24 17. Norco, a brand of hydrocodone bitartrate and acetaminophen, is a Schedule III
25 controlled substance as designated by Health and Safety Code section 11056, subdivision (e)(4).

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1 CAUSES FOR DISCIPLINE

2 *A. Respondent Script Life Pharmacy (SLP)*

3 FIRST CAUSE FOR DISCIPLINE

4 (Failure to Transmit Required Information)

5 18. Respondent Script Life Pharmacy is subject to disciplinary action under section
6 11165(d) of the Health and Safety Code, by and through Code section 4301(j), in that Respondent
7 SLP failed to submit required information to the Department of Justice on a weekly basis. The
8 circumstances are as follows:

9 a. On or about February 18, 2010, and continuing until on or about May 26, 2011,
10 Respondent Huynh, while working as pharmacist-in-charge at SLP, failed to transmit the
11 required information for Schedule II, III, and IV prescriptions to the Department of Justice
12 on a weekly basis on behalf of SLP.

13 SECOND CAUSE FOR DISCIPLINE

14 (Dispensing Controlled Substance Without a Prescription)

15 19. Respondent Script Life Pharmacy is subject to disciplinary action under section
16 11158(a) of the Health and Safety Code, by and through Code section 4301(j), in that Respondent
17 SLP dispensed controlled substances without a valid prescription from a physician. The
18 circumstances are as follows:

19 a. On or about November 10, 2011, Respondent Ta, while working as a
20 pharmacist at SLP, dispensed prescription RX# N11510 for oxycodone 30 mg #150, with
21 directions to take 1 tablet 4-5 times a day, to patient YC without a valid prescription from
22 a physician.

23 b. On or about January 19, 2012, Respondent Huynh, while working as
24 pharmacist-in charge at SLP, dispensed prescription RX# 13176 for oxycodone 30 mg
25 #180, with directions to take 1 tablet 4 times a day, to patient MW without a valid
26 prescription from a physician.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 (Dispensing Erroneous Prescriptions)

3 20. Respondent Script Life Pharmacy is subject to disciplinary action under section
4 1761(a) of title 16 of the California Code of Regulations, by and through Code section 4301(j), in
5 that Respondent SLP dispensed an erroneous prescription without contacting the prescriber to
6 obtain the information needed to validate the prescription. The circumstances are as follows:

7 a. On or about November 10, 2011, Respondent Ta, while working as a
8 pharmacist at SLP, dispensed prescription RX# N11510 for oxycodone to patient YC.
9 The prescription blank contained two prescriptions for Norco 10/325 mg, but no
10 prescription for oxycodone. The patient received Norco 10/325 mg and oxycodone. The
11 prescription was erroneous because it contained a significant error, omission, irregularity,
12 uncertainty, ambiguity or alteration in that it had two prescriptions for the same drug.
13 Respondent Ta did not contact the prescriber to obtain the information needed to validate
14 the erroneous prescription.

15 **FOURTH CAUSE FOR DISCIPLINE**

16 (Deviating from Requirements of Prescription Without Consent of Prescriber)

17 21. Respondent Script Life Pharmacy is subject to disciplinary action under section 1716
18 of title 16 of the California Code of Regulations, by and through Code section 4301(j), in that
19 Respondent SLP deviated from the requirements of a prescription without the prior consent of the
20 prescriber. The circumstances are as follows:

21 a. On or about January 15, 2012, Respondent Ta, while working as a pharmacist at
22 SLP, dispensed to patient MW prescription Rx# 13192 for oxycodone 30 mg #180 with
23 directions to take 1 tablet 4 times a day, instead of the prescribed oxycodone 30 mg #180
24 with directions to take 1 tablet 4-6 times a day. Respondent Ta did not have the consent of
25 the prescriber to make this deviation from the prescription.

26 b. On or about January 18, 2012, Respondent Ta, while working as a pharmacist at
27 SLP, dispensed to patient MW prescription Rx# 12312 for oxycodone 30 mg #180 with
28 directions to take 1 tablet 4-6 times a day instead of the prescribed oxycodone 30 mg #180

1 with directions to take 1 tablet 4-8 times a day. Respondent Ta did not have the consent of
2 the prescriber to make this deviation from the prescription.

3 c. On or about January 13, 2012, Respondent Huynh, while working as
4 pharmacist-in-charge at SLP, dispensed to patient MW prescription Rx# 50239 for
5 hydrocodone/apap 10/325 mg #30 with directions to take 1 tablet 6 times a day instead of
6 the prescribed hydrocodone/apap 10/325 mg #180 with directions take 1 tablet 4-5 times a
7 day. Respondent Huynh did not have the consent of the prescriber to make this deviation
8 from the prescription.

9 d. On or about January 27, 2012, Respondent Huynh, while working as
10 pharmacist-in-charge at SLP, dispensed to patient MW a refill of prescription Rx# 50239
11 for hydrocodone/apap 10/325 mg #30 with directions to take 1 tablet 6 times a day instead
12 of the prescribed hydrocodone/apap 10/325 mg #180 with directions take 1 tablet 4-5
13 times a day. Respondent Huynh did not have the consent of the prescriber to make this
14 deviation from the prescription.

15 **FIFTH CAUSE FOR DISCIPLINE**

16 (Dispensing Controlled Substances Without a Legal Prescription)

17 22. Respondent Script Life Pharmacy is subject to disciplinary action under section
18 11153(a) of the Health and Safety Code, by and through Code section 4301(d), in that Respondent
19 SLP dispensed a controlled substance without a legal prescription. The circumstances are as
20 follows:

21 a. On or about September 12, 2011, Respondent Huynh, while working as
22 pharmacist-in-charge at SLP, dispensed two prescriptions to patient MW: RX# 42519 and
23 Rx# 44675. Both prescriptions were for hydrocodone/apap 10/325 mg #120 with
24 directions to take 1 tablet four times a day.

25 b. On or about January 15, 2012, Respondent Ta, while working as a pharmacist at
26 SLP, dispensed to patient MW prescription Rx# 13192 for oxycodone 30 mg #180. Rx#
27 13192 was for a 30-45 day supply.

28 ///

1 c. On or about January 18, 2012, Respondent Ta, while working as a pharmacist at
2 SLP, dispensed to patient MW prescription Rx# 12312 for oxycodone 30 mg #180. Rx#
3 12312 was for a 23-45 day supply.

4 d. On or about January 19, 2012, Respondent Huynh, while working as
5 pharmacist-in-charge at SLP, dispensed to patient MW prescription Rx# 13176 for
6 oxycodone 30 mg #180. There was no valid prescription for RX# 13176.

7 23. The prescriptions in subparagraph (a) of paragraph 22 totaled 240 tablets of
8 hydrocodone/apap dispensed in one day. The prescriptions in subparagraphs (b), (c), and (d) of
9 paragraph 22 totaled 540 tablets of oxycodone received by the patient over four days.

10 24. The prescriptions in subparagraphs (a), (b), (c), and (d) of paragraph 22 were not legal
11 prescriptions because they were not issued in the usual course of professional treatment or in
12 legitimate and authorized research. These prescriptions were issued by Dr. Jose Luis Flores,
13 whose license was suspended by the Medical Board in OAH case number 2013120385 on January
14 10, 2014, in part for excessive prescribing of drugs. Pharmacists have a corresponding
15 responsibility for the proper dispensing of controlled substances. This responsibility was not met
16 in this case because these prescriptions were clearly excessive.

17
18 **B. Respondent Khoa Tan Huynh, Pharmacist-In-Charge**

19 25. Respondent Khoa Tan Huynh has been the designated Pharmacist-In-Charge for
20 Script Life Pharmacy under Code section 4113(a) since August 25, 2009. As pharmacist-in-
21 charge for SLP, Respondent Huynh was responsible for SLP's compliance with all state and
22 federal laws and regulations pertaining to the practice of pharmacy under Code section 4113(c).

23 **SIXTH CAUSE FOR DISCIPLINE**

24 (Failure to transmit required information on a weekly basis)

25 26. Respondent Khoa Tan Huynh is subject to disciplinary action under section 11165(d)
26 of the Health and Safety Code, by and through Code section 4301(j), in that Respondent Huynh,
27 as pharmacist-in-charge for SLP, failed to submit required information to the Department of
28 Justice on a weekly basis, as set forth in subparagraph (a) of paragraph 18 above.

1 SEVENTH CAUSE FOR DISCIPLINE

2 (Dispensing Controlled Substances Without a Prescription)

3 27. Respondent Khoa Tan Huynh is subject to disciplinary action under section 11158(a)
4 of the Health and Safety Code, by and through Code section 4301(j), in that Respondent Huynh
5 dispensed controlled substances without a prescription, as set forth in subparagraph (b) of
6 paragraph 19 above. As Pharmacist-In-Charge for SLP, Respondent Huynh is also responsible
7 under Code section 4113(c) for the actions of Respondent Ta, as set forth in subparagraph (a) of
8 paragraph 19 above.

9 EIGHTH CAUSE FOR DISCIPLINE

10 (Dispensing Erroneous Prescriptions)

11 28. Respondent Khoa Tan Huynh is subject to disciplinary action under section 1761(a)
12 of title 16 of the California Code of Regulations, by and through Code section 4301(j), in that
13 Respondent Ta dispensed an erroneous prescription without contacting the prescriber to obtain the
14 information needed to validate the prescription, as set forth in subparagraph (a) of paragraph 20
15 above, and as Pharmacist-In-Charge for SLP, Respondent Huynh is responsible under Code
16 section 4113(c) for the actions of Respondent Ta.

17 NINTH CAUSE FOR DISCIPLINE

18 (Deviating from Requirements of a Prescription without Consent of Prescriber)

19 29. Respondent Khoa Tan Huynh is subject to disciplinary action under section 1716 of
20 title 16 of the California Code of Regulations, by and through Code section 4301(j), in that
21 Respondent Huynh deviated from the requirements of a prescription without the prior consent of
22 the prescriber, as set forth in subparagraphs (c) and (d) of paragraph 21 above. As Pharmacist-In-
23 Charge for SLP, Respondent Huynh is also responsible under Code section 4113(c) for the actions
24 of Respondent Ta, as set forth in subparagraphs (a) and (b) of paragraph 21 above.

25 TENTH CAUSE FOR DISCIPLINE

26 (Dispensing Controlled Substance Without a Legal Prescription)

27 30. Respondent Khoa Tan Huynh is subject to disciplinary action under section 11153(a)
28 of the Health and Safety Code, by and through Code section 4301(d), in that Respondent Huynh

1 dispensed a controlled substance without a legal prescription, as set forth in paragraphs 22-24
2 above. As Pharmacist-In-Charge for SLP, Respondent Huynh is also responsible under Code
3 section 4113(c) for the actions of Respondent Ta, as set forth in paragraphs 22-24 above.
4

5 **C. Respondent Jamie Trang Ta**

6 **ELEVENTH CAUSE FOR DISCIPLINE**

7 (Dispensing Controlled Substance Without a Prescription)

8 31. Respondent Jamie Trang Ta is subject to disciplinary action under section 11158(a) of
9 the Health and Safety Code, by and through Code section 4301(j), in that Respondent Ta
10 dispensed controlled substances without a prescription, as set forth in subparagraph (a) of
11 paragraph 19 above.

12 **TWELFTH CAUSE FOR DISCIPLINE**

13 (Dispensing Erroneous Prescriptions)

14 32. Respondent Jamie Trang Ta is subject to disciplinary action under section 1761(a) of
15 title 16 of the California Code of Regulations, by and through Code section 4301(j), in that
16 Respondent Ta dispensed an erroneous prescription without contacting the prescriber to obtain the
17 information needed to validate the prescription, as set forth in subparagraph (a) of paragraph 20
18 above.

19 **THIRTEENTH CAUSE FOR DISCIPLINE**

20 (Deviating from Requirements of Prescription Without Consent of Prescriber)

21 33. Respondent Jamie Trang Ta is subject to disciplinary action under section 1716 of
22 title 16 of the California Code of Regulations, by and through Code section 4301(j), in that
23 Respondent Ta deviated from the requirements of a prescription without the prior consent of the
24 prescriber, as set forth in subparagraphs (a) and (b) of paragraph 21 above.

25 **FOURTEENTH CAUSE FOR DISCIPLINE**

26 (Dispensing Controlled Substance Without a Legal Prescription)

27 34. Respondent Jamie Trang Ta is subject to disciplinary action under section 11153(a) of
28 the Health and Safety Code, by and through Code section 4301(d), in that Respondent Ta

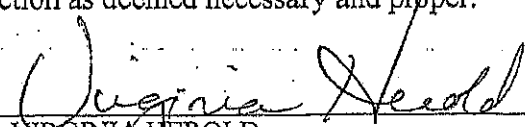
1 dispensed a controlled substance without a legal prescription, as set forth in paragraphs 22-24
2 above.

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 50069, issued to Script Life
7 Pharmacy; Khoa Tan Huynh, President/Pharmacist in Charge;
- 8 2. Revoking or suspending Pharmacist License Number RPH 56097, issued to Khoa Tan
9 Huynh;
- 10 3. Revoking or suspending Pharmacist License Number RPH 59312, issued to Jamie
11 Trang Ta;
- 12 4. Ordering Script Life Pharmacy, Khoa Tan Huynh and Jamie Trang Ta to pay the
13 Board of Pharmacy the reasonable costs of the investigation and enforcement of this case,
14 pursuant to Business and Professions Code section 125.3; and
- 15 5. Taking such other and further action as deemed necessary and proper.

16 DATED: 7/22/15


17 VIRGINIA HEROLD
18 Executive Officer
19 Board of Pharmacy
20 Department of Consumer Affairs
21 State of California
22 Complainant

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