

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

**In the Matter of the Petition for Early Termination of
Probation by:**

TING LI, Pharm.D., Petitioner

Case No. 5358

OAH No. 2020090402

DECISION

This matter was heard by video conference before a quorum of the Board of Pharmacy (Board) in Sacramento, California, on September 17, 2020. Marcie Larson, Administrative Law Judge, Office of Administrative Hearings (OAH), presided at the hearing.

Summer Haro, Deputy Attorney General, appeared pursuant to Government Code section 11522.

Petitioner Ting Li, Pharm.D., was present at the hearing and represented herself.

Evidence was received, the record was closed, and the matter was submitted for decision on September 17, 2020.

FACTUAL FINDINGS

Background and Procedural History

1. On August 16, 2005, the Board issued petitioner Pharmacist License No. RPH 57363 (license). Petitioner's license will expire on May 31, 2021, unless renewed or revoked.

2. On April 16, 2016, complainant Virginia K. Herold, a former Executive Officer for the Board, issued an Accusation against petitioner, seeking to discipline her license as the treasurer, chief financial officer, and pharmacist in charge (PIC) of Spectrum Pharmacy (Spectrum). Petitioner was a co-owner of Spectrum, along with two other pharmacists who were also named in the Accusation. Complainant alleged that between 2009 and 2013, petitioner engaged in violations of the Business and Professions Code sections 4301, subdivisions (c), (j), (o), and 4169, subdivision (a)(5), for failing to ensure controlled substances that were dispensed at Spectrum were for a legitimate medical purpose, for filling erroneous or uncertain prescriptions, failing to maintain records of disposition of dangerous drugs for three years, dispensing controlled substances after surrendering Spectrum's Drug Enforcement Administration (DEA) registration, and filling and dispensing controlled substances without valid prescriptions.

3. On September 9, 2016, petitioner signed a Stipulated Settlement and Disciplinary Order (Stipulated Settlement). Petitioner admitted that the charges and allegations in the Accusation, if proven at hearing, constituted cause for imposing discipline on her license. Petitioner's license was revoked. The revocation was stayed and petitioner's license was suspended for 60 days and placed on probation for five years, subject to various terms and conditions, including to obey all laws, submit

quarterly reports, not supervise interns, not serve as a PIC or consultant, reimburse the Board \$13,165.37 for investigation and enforcement costs, complete continuing education, practice under the supervision of a licensed pharmacist not on probation with the Board, have no legal or beneficial interest in an entity licensed by the Board, and complete a Board-approved ethics course. The Stipulated Settlement was adopted by the Board and was effective on January 11, 2017.

Petition for Early Termination of Probation

4. On September 23, 2019, petitioner signed and thereafter filed with the Board a Petition for Early Termination of Probation (Petition). Petitioner has not previously applied for termination of her probation. Petitioner submitted in support of her Petition work performance evaluations, five letters of recommendation, and proof of completing continuing education. In her Petition, as well as her testimony at hearing, petitioner explained the circumstances surrounding the events that gave rise to the discipline imposed on her license and her rehabilitation efforts.

5. Petitioner is currently in compliance with the terms and conditions of her Board probation. Petitioner has completed almost four years of her probation, which ends on or about January 11, 2022. She completed the required continuing education and ethics course. She paid the ordered investigation and enforcement costs.

6. Petitioner explained that after she graduated from pharmacy school, she went into business with two of her classmates. They opened Spectrum. Petitioner did not work at Spectrum. Rather, she was a "silent partner" allowing the co-owners to run the business. Petitioner was working for a managed care health plan. Petitioner was listed as the PIC at Spectrum for a short time after Spectrum became licensed by the Board in 2008, while the co-owners were locating a permanent PIC. Petitioner was

removed as the PIC in 2010. Petitioner had little to no involvement in the operation of Spectrum. Petitioner did not visit and did not check to ensure that the co-owners were operating the business in accordance with the Board's laws and regulations.

7. Petitioner explained that when she was served with the Accusation, she thought the Board made a mistake. Petitioner had no involvement in the day-to-day operations of Spectrum and did not understand how she could be responsible for any of the alleged violations. Petitioner explained that over time, she has come to understand that as a licensed pharmacist and owner of Spectrum, she had the duty and obligation to oversee the operations of Spectrum, and ensure the pharmacy and its staff were "in compliance with state and federal laws and regulations."

8. Over the course of petitioner's probation she completed the Board-required ethics program, which was a multi-day course with six and 12-month follow-up meetings. This course helped petitioner to identify risk and set up boundaries related to her professional practice. She also realized how "fragile professional licenses can be." Petitioner also volunteered at a community pharmacy, which was her first experience working in a dispensing setting. She learned the importance of exercising good clinical judgment when ensuring the legitimacy and appropriate use of prescriptions.

Petitioner also regularly reads literature and updates regarding pharmacy law and ethics, and attends Board meetings. Petitioner commended the Board for "its focus on education-establishing the [continuing education] requirement for law and ethics course for license renewal and having information available on the website for easy access." The education material provided by the Board helped petitioner understand how she got into the situation at Spectrum and how she can do things differently as she moves forward.

9. Petitioner has no plans to work in a pharmacy setting. She has been working in the managed care health plan setting for many years, including with CareMore Health Plan (CareMore), and enjoys her work. Petitioner is requesting early termination of her probation so that she can return to teaching and supervising interns. Prior to her probation, petitioner was an adjunct assistant professor at the University of Southern California (USC), helping to train future pharmacists. The terms of petitioner's probation prohibited her from engaging in this role. If petitioner's probation is terminated early, she will return to her role at USC. Petitioner believes her experience of serving probation and knowledge of the Board's laws and regulations will help her educate new pharmacists so that they do not make the same mistakes she made.

Recommendations

10. Pursuant to Business and Professions Code section 4309, subdivision (b),¹ petitioner submitted three letters of recommendation from individuals licensed by the Board and two letters of recommendation from private citizens. The authors of the

¹ Business and Professions Code section 4309, subdivision (b), provides:

The petition shall state any facts required by the Board, and the petition shall be accompanied by two or more verified recommendations from holders of licenses issued by the Board to which the petition is addressed, and two or more recommendations from citizens, each having personal knowledge of the disciplinary penalty imposed by the Board and the activities of the petitioner since the disciplinary penalty was imposed.

letters are aware of the discipline imposed on petitioner's license. The letters describe petitioner as a professional and highly ethical person, who has taken on leadership roles for the betterment of pharmacy profession. For example, Christopher Reeves, Pharm.D., BCGP, a Clinical Pharmacist who has worked with petitioner at CareMore since 2009, described petitioner as a person who "exemplified both professionalism and excellence in the field of pharmacy."

William C. Gong, Pharm.D., FASHP, FCSHP, an Associate Professor of Clinical Pharmacy and the Director of the Residency and Fellowship Programs at USC, wrote that he has known petitioner since 2012. Dr. Gong worked closely with petitioner in the development of the USC residency program in Managed-Care Pharmacy. Dr. Gong explained that petitioner is "a committed professional and performs at the highest level expected of a pharmacist." Alan Hoops, former Chief Executive Officer of CareMore, described petitioner as a person who "performed her tasks with calm leadership skills, reliability and genuine good nature."

Analysis

11. Petitioner has completed almost four years of her Board probation. She used the conditions of her probation as an opportunity to learn and understand the Board's laws and regulations. Doing so taught her the seriousness of her actions that lead to the discipline of her license. Her desire to return to teaching to educate a new generation of pharmacists on the importance of understanding and complying with the Board's laws and regulations is admirable.

12. When all the evidence is considered, no further public interest will be served by continuing petitioner on probation. Petitioner demonstrated that she is

capable of practicing as a pharmacist without restrictions, and without harm to the public.

LEGAL CONCLUSIONS

1. In a proceeding for reinstatement of a license, including early termination of probation, the burden at all times is on the petitioner to establish rehabilitation. (See *Flanzer v. Board of Dental Examiners* (1990) 220 Cal.App.3d 1392, 1398, citing *Housman v. Board of Medical Examiners* (1948) 84 Cal.App.2d 308, 315.) The standard of proof is clear and convincing evidence to a reasonable certainty. (*Hippard v. State Bar* (1989) 49 Cal.3d 1084, 1091-1092; *Feinstein v. State Bar* (1952) 39 Cal.2d 541.)

2. Business and Professions Code section 4309, subdivision (d), sets forth the following factors for consideration when the Board reviews a petition for early termination of probation:

- (1) All the activities of the petitioner since the disciplinary action was taken.
- (2) The offense for which the petitioner was disciplined.
- (3) The petitioner's activities during the time the license was in good standing.
- (4) The petitioner's documented rehabilitative efforts.
- (5) The petitioner's general reputation for truth and professional ability.

3. When all the relevant rehabilitation criteria set forth in Business and Professions Code section 4309, subdivision (d), are considered, petitioner established that it would be consistent with the public health, safety, and welfare to terminate her probation.

ORDER

The petition for early termination of probation of Ting Li, Pharm.D., Pharmacist License No. RPH 57363, is GRANTED.

This Decision shall become effective at 5:00 p.m. on December 15, 2020.

It is so ORDERED on January 14, 2021.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Greg Lippe
Board President

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

In the Matter of the Accusation Against:

Case Nos. 5358

**SPECTRUM PHARMACY;
TING LI, TREASURER/CHIEF FINANCIAL
OFFICER;
NINA THIEN-NGA PHAM, CHIEF EXECUTIVE
OFFICER;
STEVEN DUNG TRUONG, PHARMACIST-IN-
CHARGE
Pharmacy Permit No. PHY 48836**

**STIPULATED SETTLEMENT
AND DISCIPLINARY ORDER
AS TO TING LI ONLY**

**TING LI
Pharmacist License No. RPH 57363**

**STEVEN DUNG TRUONG
Pharmacist License No. RPH 52822**

and

**NINA THIEN-NGA TRAN
Pharmacist License No. RPH 55935**

Respondents.

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 January 11, 2017.

It is so ORDERED on December 12, 2016.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

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

11
12 In the Matter of the Accusation Against:

13 **SPECTRUM PHARMACY;**
14 **TING LI, TREASURER/CHIEF FINANCIAL**
OFFICER;
15 **NINA THIEN-NG PHAM, CHIEF EXECUTIVE**
OFFICER;
16 **STEVEN DUNG TRUONG, PHARMACIST-IN-**
CHARGE

17 Pharmacy Permit No. PHY 48836

18 and

19 **TING LI**
555 Anton Boulevard #800
20 Costa Mesa, CA 92626

21 Pharmacist License No. RPH 57363

22 and

23 **STEVEN DUNG TRUONG**

24 Pharmacist License No. RPH 52822

25 and

26 **NINA THIEN-NGA TRAN**

27 Pharmacist License No. RPH 55935

28 Respondents.

Case Nos. 5358

STIPULATED SETTLEMENT
AND DISCIPLINARY ORDER
AS TO TING LI ONLY

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 (Board). She brought this action solely in her official capacity and is represented in this matter by
6 Kamala D. Harris, Attorney General of the State of California, by Antoinette Cincotta,
7 Supervising Deputy Attorney General.

8 2. Respondent Ting Li (Respondent) is represented in this proceeding by attorney Ivan
9 Petrzelka, Pharm.D., J.D., whose address is: 2855 Michelle Drive, Ste. 180, Irvine, CA 92606.

10 3. On or about August 16, 2005, the Board issued Pharmacist License No. RPH 57363
11 to Respondent. The Pharmacist License was in full force and effect at all times relevant to the
12 charges brought in Accusation No. 5358, and will expire on May 31, 2017, unless renewed.

13 JURISDICTION

14 4. Accusation No. 5358 was filed before the Board, and is currently pending against
15 Respondent. The Accusation and all other statutorily required documents were properly served
16 on Respondent on April 27, 2016. Respondent timely filed her Notice of Defense contesting the
17 Accusation.

18 5. A copy of Accusation No. 5358 is attached as Exhibit A, and incorporated herein by
19 reference.

20 ADVISEMENT AND WAIVERS

21 6. Respondent has carefully read, fully discussed with counsel, and understands the
22 charges and allegations in Accusation No. 5358. Respondent has also carefully read, fully
23 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
24 Order.

25 7. Respondent is fully aware of her legal rights in this matter, including the right to a
26 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
27 the witnesses against her; the right to present evidence and to testify on her own behalf; the right
28 to the issuance of subpoenas to compel the attendance of witnesses and the production of

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

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

5 CULPABILITY

6 9. Respondent understands and agrees that the charges and allegations in Accusation
7 No. 5358, if proven at a hearing, constitute cause for imposing discipline upon her Pharmacist
8 License.

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

13 11. Respondent agrees that her Pharmacist License is subject to discipline and she agrees
14 to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

15 CONTINGENCY

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

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

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

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

10 **DISCIPLINARY ORDER**

11 IT IS HEREBY ORDERED that Pharmacist License No. RPH 57363 issued to Respondent
12 Ting Li is revoked. However, the revocation is stayed and Respondent is placed on probation for
13 five (5) years on the following terms and conditions.

14 1. **Suspension**

15 As part of probation, Respondent is suspended from the practice of pharmacy for sixty (60)
16 days beginning the effective date of this Decision.

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

25 Respondent shall not engage in any activity that requires the professional judgment of a
26 pharmacist. Respondent shall not direct or control any aspect of the practice of pharmacy.
27 Respondent shall not perform the duties of a pharmacy technician or a designated representative
28 for any entity licensed by the Board.

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

2 **2. Obey All Laws**

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

4 Respondent shall report any of the following occurrences to the Board, in writing, within
5 seventy-two (72) hours of such occurrence:

- 6 • an arrest or issuance of a criminal complaint for violation of any provision of the
7 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
8 substances laws
- 9 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to any
10 criminal complaint, information or indictment
- 11 • a conviction of any crime
- 12 • discipline, citation, or other administrative action filed by any state or federal agency
13 which involves Respondent's pharmacist license or which is related to the practice of
14 pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging
15 for any drug, device or controlled substance.

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

17 **3. Report to the Board**

18 Respondent shall report to the Board quarterly, on a schedule as directed by the Board or its
19 designee. The report shall be made either in person or in writing, as directed. Among other
20 requirements, Respondent shall state in each report under penalty of perjury whether there has
21 been compliance with all the terms and conditions of probation. Failure to submit timely reports
22 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency
23 in submission of reports as directed may be added to the total period of probation. Moreover, if
24 the final probation report is not made as directed, probation shall be automatically extended until
25 such time as the final report is made and accepted by the Board.

26 **4. Interview with the Board**

27 Upon receipt of reasonable prior notice, Respondent shall appear in person for interviews
28 with the Board or its designee, at such intervals and locations as are determined by the Board or

1 its designee. Failure to appear for any scheduled interview without prior notification to Board
2 staff, or failure to appear for two (2) or more scheduled interviews with the Board or its designee
3 during the period of probation, shall be considered a violation of probation.

4 **5. Cooperate with Board Staff**

5 Respondent shall cooperate with the Board's inspection program and with the Board's
6 monitoring and investigation of Respondent's compliance with the terms and conditions of her
7 probation. Failure to cooperate shall be considered a violation of probation.

8 **6. Continuing Education**

9 Respondent shall provide evidence of efforts to maintain skill and knowledge as a
10 pharmacist as directed by the Board or its designee.

11 **7. Notice to Employers**

12 During the period of probation, Respondent shall notify all present and prospective
13 employers of the Decision in case number 5358 and the terms, conditions and restrictions
14 imposed on Respondent by the Decision, as follows:

15 Within thirty (30) days of the effective date of this Decision, and within fifteen (15) days of
16 Respondent undertaking any new employment, Respondent shall cause her direct supervisor,
17 pharmacist-in-charge (including each new pharmacist-in-charge employed during Respondent's
18 tenure of employment) and owner to report to the Board in writing acknowledging that the listed
19 individual(s) has/have read the Decision in case number 5358, and terms and conditions imposed
20 thereby. It shall be Respondent's responsibility to ensure that her employer(s) and/or
21 supervisor(s) submit timely acknowledgment(s) to the Board.

22 If Respondent works for or is employed by or through a pharmacy employment service,
23 Respondent must notify her direct supervisor, pharmacist-in-charge, and owner at every entity
24 licensed by the Board of the terms and conditions of the Decision in case number 5358 in advance
25 of the Respondent commencing work at each licensed entity. A record of this notification must
26 be provided to the Board upon request.

27 Furthermore, within thirty (30) days of the effective date of this Decision, and within fifteen
28 (15) days of Respondent undertaking any new employment by or through a pharmacy

1 employment service, Respondent shall cause her direct supervisor with the pharmacy
2 employment service to report to the Board in writing acknowledging that she has read the
3 Decision in case number 5358 and the terms and conditions imposed thereby. It shall be
4 Respondent's responsibility to ensure that her employer(s) and/or supervisor(s) submit timely
5 acknowledgment(s) to the Board.

6 Failure to timely notify present or prospective employer(s) or to cause that/those
7 employer(s) to submit timely acknowledgments to the Board shall be considered a violation of
8 probation.

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

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

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

19 **9. Reimbursement of Board Costs**

20 Respondent agrees to be jointly and severally liable with Spectrum Pharmacy- Irvine for
21 payment of the Board's costs of investigation and prosecution costs in the amount of \$13,165.37.
22 Respondent shall be permitted to pay these costs in a payment plan approved by the Board, with
23 payments to be completed no later than three months prior to the end of the probation term.

24 There shall be no deviation from this schedule absent prior written approval by the Board or
25 its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of
26 probation.

27 The filing of bankruptcy by Respondent shall not relieve Respondent of her responsibility
28 to reimburse the Board its costs of investigation and prosecution.

1 **10. Probation Monitoring Costs**

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

6 **11. Status of License**

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

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

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

15 Following the effective date of this Decision, should Respondent cease practice due to
16 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
17 Respondent may tender her license to the Board for surrender. The Board or its designee shall
18 have the discretion whether to grant the request for surrender or take any other action it deems
19 appropriate and reasonable. Upon formal acceptance of the surrender of the license, Respondent
20 will no longer be subject to the terms and conditions of probation. This surrender constitutes a
21 record of discipline and shall become a part of the Respondent's license history with the Board.

22 Upon acceptance of the surrender, Respondent shall relinquish her pocket and wall license
23 to the Board within ten (10) days of notification by the Board that the surrender is accepted.
24 Respondent may not reapply for any license from the Board for three (3) years from the effective
25 date of the surrender. Respondent shall meet all requirements applicable to the license sought as
26 of the date the application for that license is submitted to the Board, including any outstanding
27 costs.

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1 **13. Notification of a Change in Name, Residence Address, Mailing Address or**
2 **Employment**

3 Respondent shall notify the Board in writing within ten (10) days of any change of
4 employment. Said notification shall include the reasons for leaving, the address of the new
5 employer, the name of the supervisor and owner, and the work schedule if known. Respondent
6 shall further notify the Board in writing within ten (10) days of a change in name, residence
7 address, mailing address, or phone number.

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

10 **14. Tolling of Probation**

11 Except during periods of suspension, Respondent shall, at all times while on probation, be
12 employed as a pharmacist in California for a minimum of thirty-two (32) hours per calendar
13 month. Any month during which this minimum is not met shall toll the period of probation, i.e.,
14 the period of probation shall be extended by one month for each month during which this
15 minimum is not met. During any such period of tolling of probation, Respondent must
16 nonetheless comply with all terms and conditions of probation.

17 Should Respondent, regardless of residency, for any reason (including vacation) cease
18 practicing as a pharmacist for a minimum of thirty-two (32) hours per calendar month in
19 California, Respondent must notify the Board in writing within ten (10) days of the cessation of
20 practice, and must further notify the Board in writing within ten (10) days of the resumption of
21 practice. Any failure to provide such notification(s) shall be considered a violation of probation.

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

25 "Cessation of practice" means any calendar month during which Respondent is
26 not practicing as a pharmacist for at least thirty-two (32) hours, as defined by
27 Business and Professions Code section 4000 et seq. "Resumption of practice" means
28 any calendar month during which Respondent is practicing as a pharmacist for at least

1 thirty-two (32) hours as a pharmacist as defined by Business and Professions Code
2 section 4000 et seq.

3 **15. Violation of Probation**

4 If a Respondent has not complied with any term or condition of probation, the Board shall
5 have continuing jurisdiction over Respondent, and probation shall automatically be extended,
6 until all terms and conditions have been satisfied or the Board has taken other action as deemed
7 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and
8 to impose the penalty that was stayed.

9 If Respondent violates probation in any respect, the Board, after giving Respondent notice
10 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
11 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a
12 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If
13 a petition to revoke probation or an accusation is filed against Respondent during probation, the
14 Board shall have continuing jurisdiction and the period of probation shall be automatically
15 extended until the petition to revoke probation or accusation is heard and decided.

16 **16. Completion of Probation**

17 Upon written notice by the Board or its designee indicating successful completion of
18 probation, Respondent's license will be fully restored.

19 **17. Remedial Education**

20 Within sixty (60) days of the effective date of this Decision, Respondent shall submit to the
21 Board or its designee, for prior approval, an appropriate program of remedial education related to
22 corresponding responsibility, prescription drug abuse prevention, the role of a pharmacist-in-
23 charge (PIC), and Pharmacy Law. The program of remedial education shall consist of at least six
24 (6) hours for each year of probation, and shall be completed at Respondent's own expense. All
25 remedial education shall be in addition to, and shall not be credited toward, continuing education
26 (CE) courses used for license renewal purposes.

27 Failure to timely submit or complete the approved remedial education shall be considered a
28 violation of probation. The period of probation will be automatically extended until such

1 remedial education is successfully completed and written proof, in a form acceptable to the
2 Board, is provided to the Board or its designee.

3 Following the completion of each course, the Board or its designee may require the
4 Respondent, at her own expense, to take an approved examination to test the Respondent's
5 knowledge of the course. If the Respondent does not achieve a passing score on the examination,
6 this failure shall be considered a violation of probation. Any such examination failure shall
7 require Respondent to take another course approved by the Board in the same subject area.

8 18. Supervised Practice

9 During the period of probation, Respondent shall practice only under the supervision of a
10 licensed pharmacist not on probation with the Board. Upon and after the effective date of this
11 Decision, Respondent shall not practice pharmacy and her license shall be automatically
12 suspended until a supervisor is approved by the Board or its designee. The supervision shall be,
13 as required by the Board or its designee, either:

14 Continuous – At least 75% of a work week

15 Substantial - At least 50% of a work week

16 Partial - At least 25% of a work week

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

18 Within thirty (30) days of the effective date of this Decision, Respondent shall have her
19 supervisor submit notification to the Board in writing stating that the supervisor has read the
20 Decision in case number 5358 and is familiar with the required level of supervision as determined
21 by the Board or its designee. It shall be the Respondent's responsibility to ensure that her
22 employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to the
23 Board. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely
24 acknowledgements to the Board shall be considered a violation of probation.

25 If Respondent changes employment, it shall be the Respondent's responsibility to ensure
26 that her employer(s), pharmacist-in-charge and/or supervisor(s) submit timely
27 acknowledgement(s) to the Board. Respondent shall have her new supervisor, within fifteen (15)
28 days after employment commences, submit notification to the Board in writing stating the direct

1 supervisor and pharmacist-in-charge have read the Decision in case number 5358 and is familiar
2 with the level of supervision as determined by the Board. Respondent shall not practice
3 pharmacy and her license shall be automatically suspended until the Board or its designee
4 approves a new supervisor. Failure to cause the direct supervisor and the pharmacist-in-charge to
5 submit timely acknowledgements to the Board shall be considered a violation of probation.

6 Within ten (10) days of leaving employment, Respondent shall notify the Board in writing.

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

15 During suspension, Respondent shall not engage in any activity that requires the
16 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the
17 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a
18 designated representative for any entity licensed by the Board.

19 Subject to the above restrictions, Respondent may continue to own or hold an interest in
20 any licensed premises in which she holds an interest at the time this Decision becomes effective
21 unless otherwise specified in this order.

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

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

24 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,
25 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
26 partnership, or corporation currently or hereinafter licensed by the Board. Respondent shall sell
27 or transfer any legal or beneficial interest in any entity licensed by the Board within ninety (90)
28 days following the effective date of this Decision and shall immediately thereafter provide written

1 proof thereof to the Board. Failure to timely divest any legal or beneficial interest(s) or provide
2 documentation thereof shall be considered a violation of probation.

3 **20. Tolling of Suspension**

4 During the period of suspension, Respondent shall not leave California for any period
5 exceeding ten (10) days, regardless of purpose (including vacation). Any such absence in excess
6 of the (10) days during suspension shall be considered a violation of probation. Moreover, any
7 absence from California during the period of suspension exceeding ten (10) days shall toll the
8 suspension, i.e., the suspension shall be extended by one day for each day over ten (10) days
9 Respondent is absent from California. During any such period of tolling of suspension,
10 Respondent must nonetheless comply with all terms and conditions of probation.

11 Respondent must notify the Board in writing within ten (10) days of departure, and must
12 further notify the Board in writing within ten (10) days of return. The failure to provide such
13 notification(s) shall constitute a violation of probation. Upon such departure and return,
14 Respondent shall not resume the practice of pharmacy until notified by the Board that the period
15 of suspension has been satisfactorily completed.

16 **21. Ethics Course**

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

21 Respondent shall submit a certificate of completion to the Board or its designee within five
22 days after completing the course. The ethics course shall be in addition to, and shall not be
23 credited toward, continuing education (CE) courses used for license renewal purposes.

24 **ACCEPTANCE**

25 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
26 discussed it with my attorney, Ivan Petrzelka, Pharm.D., J.D. I understand the stipulation and the
27 effect it will have on my Pharmacist License. I enter into this Stipulated Settlement and
28

1 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
2 Decision and Order of the Board of Pharmacy.

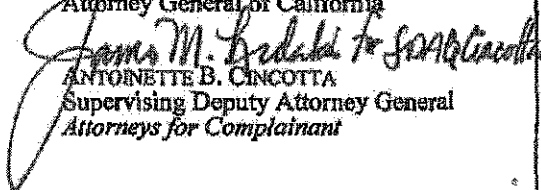
3
4 DATED: 9/9/2016 
5 TING LI
6 Respondent

7 I have read and fully discussed with Respondent Ting the terms and conditions and other
8 matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form
9 and content.

10 DATED: 9-10-16 
11 IVAN PETRZELKA, PHARM.D., J.D.
12 Attorney for Respondent

13 ENDORSEMENT

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

16
17 Dated: 10-31-16 Respectfully submitted,
18 KAMALA D. HARRIS
19 Attorney General of California
20 
21 ANTOINETTE B. CINCOTTA
22 Supervising Deputy Attorney General
23 Attorneys for Complainant

24 SD2014708367
25 81427986.doc

Exhibit A

Accusation No. 5358

1 KAMALA D. HARRIS
Attorney General of California
2 ANTOINETTE B. CINCOTTA
Supervising Deputy Attorney General
3 NICOLE R. TRAMA
Deputy Attorney General
4 State Bar No. 263607
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2143
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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

11 Case No. 5358

12 In the Matter of the Accusation Against:

13 **SPECTRUM PHARMACY;**
14 **TING LI, TREASURER/CHIEF**
FINANCIAL OFFICER;
15 **NINA THIEN-NG PHAM, CHIEF**
EXECUTIVE OFFICER;
16 **STEVEN DUNG TRUONG, PHARMACIST-**
IN-CHARGE
17 **18 Endeavor #100**
Irvine, CA 92618

A C C U S A T I O N

18 **Pharmacy Permit No. PHY 48836**

19 and

20 **TING LI**
505 City Parkway
21 **Orange, CA 92868**

22 **Pharmacist License No. RPH 57363**

23 and

24 **STEVEN DUNG TRUONG**
18 Endeavor #100
25 **Irvine, CA 92618**

26 **Pharmacist License No. RPH 52822**

27 and

28

1 NINA THIEN-NGA TRAN
1236 N. Magnolia Avenue
2 Anaheim, CA 92801

3 Pharmacist License No. RPH 55935

4 Respondents.

5 Complainant alleges:

6 PARTIES

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

9 2. On or about October 10, 2008, the Board issued Pharmacy Permit Number PHY
10 48836 to Spectrum Pharmacy (Respondent Spectrum Pharmacy - Irvine). The Pharmacy Permit
11 was in full force and effect at all times relevant to the charges brought herein and will expire on
12 October 1, 2016, unless renewed.

13 3. On or about August 16, 2005, the Board issued Pharmacist License No. RPH 57363
14 to Ting Li (Respondent Li). The Pharmacist License was in full force and effect at all times
15 relevant to the charges brought herein and will expire on May 31, 2017, unless renewed.

16 4. On or about September 5, 2011, the Board issued Pharmacist License No. RPH 52822
17 to Steven Dung Truong (Respondent Truong). The Pharmacist License was in full force and
18 effect at all times relevant to the charges brought herein and will expire on January 31, 2017,
19 unless renewed.

20 5. On or about August 4, 2004, the Board issued Pharmacist License No. RPH 55935 to
21 Nina Thien-Nga Tran (Respondent Tran). The Pharmacist License was in full force and effect at
22 all times relevant to the charges brought herein, and will expire on December 31, 2017, unless
23 renewed.

24 JURISDICTION

25 6. This Accusation is brought before the Board, under the authority of the following
26 laws. All section references are to the Business and Professions Code unless otherwise indicated.

27 //

28 //

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

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

6 9. Section 4300.1 of the Code states:

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

11 10. Section 4307(a) of the Code states:

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

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

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

28 STATUTORY PROVISIONS

29 11. Section 4022 of the Code states:

30 "Dangerous drug" or "dangerous device" means any drug or device unsafe
31 for self-use in humans or animals, and includes the following:

32 (a) Any drug that bears the legend: "Caution: federal law prohibits
33 dispensing without prescription." "Rx only," or words of similar import.

1 (b) Any device that bears the statement: "Caution: federal law restricts this
2 device to sale by or on the order of a _____," "Rx only," or words of similar import,
3 the blank to be filled in with the designation of the practitioner licensed to use or
4 order use of the device.

5 (c) Any other drug or device that by federal or state law can be lawfully
6 dispensed only on prescription or furnished pursuant to Section 4006.

7 12. Section 4059, subdivision (a) of the Code states:

8 A person may not furnish any dangerous drug, except upon the prescription
9 of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
10 pursuant to Section 3640.7. A person may not furnish any dangerous device,
11 except upon the prescription of a physician, dentist, podiatrist, optometrist,
12 veterinarian, or naturopathic doctor pursuant to Section 3640.7.

13 13. Section 4081 of the Code states:

14 (a) All records of manufacture and of sale, acquisition, or disposition of
15 dangerous drugs or dangerous devices shall be at all times during business hours
16 open to inspection by authorized officers of the law, and shall be preserved for at
17 least three years from the date of making. A current inventory shall be kept by
18 every manufacturer, wholesaler, pharmacy, veterinary food-animal drug retailer,
19 physician, dentist, podiatrist, veterinarian, laboratory, clinic, hospital, institution,
20 or establishment holding a currently valid and unrevoked certificate, license,
21 permit, registration, or exemption under Division 2 (commencing with Section
22 1200) of the Health and Safety Code or under Part 4 (commencing with Section
23 16000) of Division 9 of the Welfare and Institutions Code who maintains a stock
24 of dangerous drugs or dangerous devices.

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

29 14. Section 4115, subdivision (e) of the Code states: "The pharmacist-in-charge shall be
30 responsible for a pharmacy's compliance with all state and federal laws and regulations pertaining
31 to the practice of pharmacy."

32 15. Section 4169, subdivision (a)(5) of the Code provides that a person or entity shall not
33 fail to maintain records of the acquisition and disposition of dangerous drugs for at least three
34 years.

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16. Section 4301 of the Code states:

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

....

(c) Gross negligence.

....

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

....

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

....

17. Health and Safety Code section 11153 states in pertinent part:

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

18. Health and Safety Code section 11164 states in pertinent part:

Except as provided in Section 11167, no person shall prescribe a controlled substance, nor shall any person fill, compound, or dispense a prescription for a controlled substance, unless it complies with the requirements of this section.

1 (a) Each prescription for a controlled substance classified in Schedule II, III,
2 IV, or V, except as authorized by subdivision (b), shall be made on a controlled
3 substance prescription form as specified in Section 11162.1 and shall meet the
4 following requirements:

5 (1) The prescription shall be signed and dated by the prescriber in ink and
6 shall contain the prescriber's address and telephone number; the name of the
7 ultimate user or research subject, or contact information as determined by the
8 Secretary of the United States Department of Health and Human Services; refill
9 information, such as the number of refills ordered and whether the prescription is a
10 first-time request or a refill; and the name, quantity, strength, and directions for
11 use of the controlled substance prescribed.

12 (2) The prescription shall also contain the address of the person for whom
13 the controlled substance is prescribed. If the prescriber does not specify this
14 address on the prescription, the pharmacist filling the prescription or an employee
15 acting under the direction of the pharmacist shall write or type the address on the
16 prescription or maintain this information in a readily retrievable form in the
17 pharmacy.

18 REGULATORY PROVISIONS

19 19. Code of Federal Regulations, title 21, section 1301.11 provides that a person who
20 manufactures, distributes, dispenses, imports or exports any controlled substances be registered
21 with the Drug Enforcement Administration.

22 20. Code of Federal Regulations, title 21, section 1306.04 states in pertinent part:

23 (a) A prescription for a controlled substance to be effective must be issued for
24 a legitimate medical purpose by an individual practitioner acting in the usual
25 course of his professional practice. The responsibility for the proper prescribing
26 and dispensing of controlled substances is upon the prescribing practitioner, but a
27 corresponding responsibility rests with the pharmacist who fills the prescription.
28 An order purporting to be a prescription issued not in the usual course of
professional treatment or in legitimate and authorized research is not a prescription
within the meaning and intent of section 309 of the Act (21 U.S.C. 829) and the
person knowingly filling such a purported prescription, as well as the person
issuing it, shall be subject to the penalties provided for violations of the provisions
of law relating to controlled substances.

21. Code of Federal Regulations, title 21, section 1306.11 states in pertinent part:

(a) A pharmacist may dispense directly a controlled substance listed in
Schedule II that is a prescription drug as determined under section 503 of the

1 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)) only pursuant to a
2 written prescription signed by the practitioner, except as provided in paragraph (d)
3 of this section. A paper prescription for a Schedule II controlled substance may be
4 transmitted by the practitioner or the practitioner's agent to a pharmacy via
5 facsimile equipment, provided that the original manually signed prescription is
6 presented to the pharmacist for review prior to the actual dispensing of the
7 controlled substance, except as noted in paragraph (e), (f), or (g) of this section.
8 The original prescription shall be maintained in accordance with §1304.04(h) of
9 this chapter.

10

11 22. California Code of Regulations, title 16, section 1761 states:

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

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

20 COST RECOVERY

21 23. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
22 administrative law judge to direct a licentiate found to have committed a violation or violations of
23 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
24 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
25 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
26 included in a stipulated settlement.

27 DRUGS

28 24. At all times mentioned herein, Hydrocodone/APAP was a Schedule III controlled
substance pursuant to Health and Safety Code section 11056, subdivision (c), and a dangerous
drug pursuant to Business and Professions Code section 4022. On October 6, 2014,
Hydrocodone/APAP was reclassified as a Schedule II controlled substance.

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- 1 25. Diladid is a brand name for hydromorphone, is a Schedule II controlled substance
2 pursuant to Health and Safety Code section 11055, subdivision (b), and a dangerous drug
3 pursuant to Business and Professions Code section 4022.
- 4 26. Fentanyl is a Schedule II controlled substance pursuant to Health and Safety Code
5 section 11055, subdivision (c), and a dangerous drug pursuant to Business and Professions Code
6 section 4022.
- 7 27. Methadone is a Schedule II controlled substance pursuant to Health and Safety Code
8 section 11055, subdivision (c), and a dangerous drug pursuant to Business and Professions Code
9 section 4022.
- 10 28. MS Contin is a brand name for morphine, a Schedule II controlled substance pursuant
11 to Health and Safety Code section 11055, subdivision (b), and a dangerous drug pursuant to
12 Business and Professions Code section 4022.
- 13 29. Opana is a brand name for oxymorphone hydrochloride, is a Schedule II controlled
14 substance pursuant to Health and Safety Code section 11055, subdivision (b), and a dangerous
15 drug pursuant to Business and Professions Code section 4022.
- 16 30. Oxycodone is a Schedule II controlled substance pursuant to Health and Safety Code
17 section 11055, subdivision (b)(1)(M), and a dangerous drug pursuant to Business and Professions
18 Code section 4022.
- 19 31. Oxycontin is a brand name for oxycodone, a Schedule II controlled substance
20 pursuant to Health and Safety Code section 11055, subdivision (b), and a dangerous drug
21 pursuant to Business and Professions Code section 4022.
- 22 32. Percocet is a brand name for oxycodone and acetaminophen, a Schedule II controlled
23 substance pursuant to Health and Safety Code section 11055, subdivision (b), and a dangerous
24 drug pursuant to Business and Professions Code section 4022.
- 25 33. Phenergan with codeine, is a brand name for promethazine with codeine syrup, and is
26 a Schedule V controlled substance pursuant to Health and Safety Code section 11058, and a
27 dangerous drug pursuant to Business and Professions Code section 4022.
- 28 ///

1 34. Roxicodone is a brand name for oxycodone, a Schedule II controlled substance
2 pursuant to Health and Safety Code section 11055, subdivision (b), and a dangerous drug
3 pursuant to Business and Professions Code section 4022.

4 FACTUAL ALLEGATIONS

5 35. From October 10, 2008 to March 13, 2013, Respondent Li was the Pharmacist-in-
6 Charge (PIC) of Respondent Spectrum Pharmacy – Irvine and has also been its Treasurer and
7 Chief Financial Officer since October 2008. Respondent Truong worked as a staff pharmacist at
8 Spectrum Pharmacy –Irvine, and he became the PIC on March 13, 2013. Respondent Tran has
9 been the Chief Executive Officer since October 2008, and has worked as a staff pharmacist at
10 Spectrum Pharmacy- Irvine.

11 36. On or about September 25, 2012, the Drug Enforcement Administration (DEA) with
12 the assistance of the Long Beach Police Department (LBPD) performed an inspection at
13 Respondent Spectrum Pharmacy - Irvine. As a result of the inspection, Respondent Spectrum
14 Pharmacy –Irvine surrendered their DEA registration effective September 25, 2012. During the
15 inspection, a male individual, later identified as "Earl T.," walked into Respondent Spectrum
16 Pharmacy- Irvine. When he noticed the officer and agents, Earl T. began acting suspiciously.
17 The agents and officer noted that Earl T. briefly spoke to pharmacy staff in a quiet voice, and then
18 left the pharmacy. When the officer and agents followed Earl T., he attempted to flee the scene in
19 a vehicle, but was stopped and searched. Earl T. had \$6,600 in cash in one pocket and \$559 in
20 cash in the other pocket. Earl T. stated that he was from Los Angeles. When asked what he was
21 picking up or dropping off at the pharmacy, Earl T. stated, "nothing." The officer and agents
22 searched the area where Earl T. had exited the building and located eight prescriptions written in
23 sequence by Dr. C.A.,¹ all dated May 7, 2012, for Oxycodone 30 mg, with a different patient's
24

25 ¹ On December 15, 2014, the Medical Board of California filed a disciplinary action
26 (Accusation) against Dr. C.A. for prescribing controlled substances to addicts, excessive
27 prescribing, dishonest or corrupt acts for engaging in a criminal enterprise through which he was
28 paid to write prescriptions to patients who were not suffering from any medical conditions
warranting such prescriptions and for which the patients received remuneration from other
individuals for the prescriptions which were then filled and resold for street use, among several
other allegations.

1 name, telephone number, and date of birth on them. The officer and agents also searched Earl
2 T.'s phone and discovered a call to a telephone number identified as "pharmacy steve" [sic] on
3 September 24, 2012. The "pharmacy steve" phone number belonged to Respondent Truong.

4 37. On October 3, 2012, Respondent Truong was interviewed by LBPD and DEA.
5 Respondent Truong stated that he did not know Earl T.'s last name or occupation, that Earl T.
6 was referred to him by another pharmacist who worked at W&P Pharmacy, that Earl T. would
7 contact Respondent Truong on his cell phone to ask him if he had Oxycodone 30 mg or
8 Phenergan with Codeine in stock, that Earl T. had come into Respondent Spectrum Pharmacy -
9 Irvine several times to fill multiple prescriptions written by the same doctor (Dr. C.A.) for
10 different patients, that Earl T. always paid cash for the prescriptions, and that he never filled a
11 prescription written for Earl T. On Respondent Truong's phone, there was a text message from
12 Earl T. on August 17, 2012 that read, "Dis is earl u have enough for six more cause I want me
13 back until thrusdae r fridae im tryina not to get too backed up." [sic] Respondent Truong
14 admitted during the interview that Earl T. told him that he would pay him an extra \$50 if he
15 ordered Oxycodone manufactured by Mallinckrodt.² Respondent Truong admitted that he
16 ordered the Oxycodone by Mallinckrodt, but was never paid extra money. Respondent Truong
17 stated that he verified some, but not all, of the prescriptions that Earl T. brought to him, that he
18 never asked Earl T. why he was obtaining these prescriptions, and that he never asks patients why
19 they are getting prescriptions.

20 38. In October, 2012, in response to a complaint filed with the Board by the LBPD, the
21 Board conducted an inspection of Respondent Spectrum Pharmacy - Irvine. The inspector
22 discovered a prescription, RX 523506, for a controlled substance that had been filled and
23 dispensed by Respondent Spectrum Pharmacy - Irvine on September 27, 2012, two days after its
24 DEA registration was surrendered. When asked, Respondent Truong admitted that he transferred
25 the drug from another pharmacy (Spectrum Pharmacy - Anaheim) to dispense it from Respondent
26 Spectrum Pharmacy - Irvine. Respondent Truong stated that they were no longer transferring

27 ² There is a higher street demand for Oxycodone manufactured by Mallinckrodt, as
28 opposed to other manufacturers.

1 controlled substances, and were instead faxing prescriptions to Spectrum Pharmacy -Anaheim to
2 be filled and dispensed there.

3 39. During the October 2012 inspection, the Inspector also noticed a large number of
4 prescriptions being filled from pain clinics all over Orange County. The inspector noted several
5 prescriptions dispensed by the pharmacy in sequence written by Dr. C.A., whose office was
6 located in Inglewood, approximately 47 miles from Respondent Spectrum Pharmacy - Irvine, for
7 patients from all over Los Angeles. When questioned, Respondent Truong stated that patients
8 sometimes picked up their own medications, but that there was also a driver by the name, "Earle,"
9 who would bring in the prescriptions and pick up the medications for patients. Respondent
10 Spectrum Pharmacy- Irvine had no documentation on the identity of Earle. When the inspector
11 attempted to contact Dr. C.A. to confirm that he wrote the prescriptions dispensed by Respondent
12 Spectrum Pharmacy - Irvine, the letter sent to Dr. C.A. by the Board inspector was returned as
13 undeliverable. The inspector also attempted to contact several patients who had been dispensed
14 medications by Respondents, and all of those letters were returned by the United States Postal
15 Service marked not deliverable.

16 40. As a follow up to the investigation, Respondent LI was asked to answer questions
17 about the patients to whom Respondents had dispensed prescriptions. Respondent LI responded
18 to the inspector's request, and reported that Respondents contact the prescribers to verify new
19 prescriptions, but "do not obtain diagnosis or alternatives 'tried and failed' as that information is
20 not required by California Law." Respondent LI stated that, "It is not the pharmacist's role to
21 discuss other potential medications - that is the role for the physician." Respondent LI provided
22 only limited information about the patients.

23 41. Upon review of the prescriptions, the Board inspector discovered that Respondents
24 frequently dispensed prescriptions issued in sequence and written several months prior by Dr.
25 C.A., for the same drug and in the same dose (oxycodone 30 mg), with the same directions for
26 use (take 2 tablets three times per day), for different patients located out-of-the-area. For
27 example, on April 25, 2012, four prescription blanks # 4266-4269 were written by Dr. C.A. for
28 oxycodone 30 mg to four different patients, with directions to take 2 tablets three times per day.

1 and all four of these prescriptions were filled in sequence at Respondent Spectrum- Irvine on July
 2 11, 2012. The following is a summary of those prescriptions:

3	4	5	6	7	8	9
Date on RX	No. on Prescription Blank	Date Filled	RX No. Assigned by Spectrum	Patient Birth Year	Patient City	Dispensing Pharmacist
4/25/12	4268	7/11/12	521054	1975	Lawndale	Unknown
4/25/12	4267	7/11/12	521056	1966	Los Angeles	Unknown
4/25/12	4269	7/11/12	521055	1970	Gardena	Unknown
4/25/12	4266	7/11/12	521057	1973	Lawndale	Unknown
4/25/12	4271	7/24/12	521452	1981	Los Angeles	ST ³
4/25/12	4275	7/24/12	521453	1970	Los Angeles	ST
4/25/12	4276	7/24/12	521454	1957	Los Angeles	ST
4/25/12	4272	7/24/12	541455	1975	Los Angeles	ST
4/25/12	4277	7/25/12	521490	1955	Compton	ST
4/25/12	4278	7/25/12	521491	1975	Los Angeles	ST
4/25/12	4279	7/25/12	521492	1959	Compton	ST
4/26/12	4283	7/28/12	521585	1977	Los Angeles	ST
4/26/12	4284	7/28/12	521584	1970	Los Angeles	ST
4/26/12	4282	7/28/12	521586	1969	Los Angeles	ST
4/26/12	4281	7/28/12	521587	1961	Inglewood	ST
4/26/12	4280	7/28/12	521588	1974	Los Angeles	ST
4/27/12	4286	7/30/12	521596	1966	Compton	ST
4/27/12	4287	7/30/12	521597	1951	Los Angeles	ST
4/26/12	4285	7/30/12	521598	1953	Los Angeles	ST
4/27/12	4293	8/1/12	521676	1971	Los Angeles	ST
4/27/12	4296	8/1/12	521677	1966	Compton	ST

³ The initials ST are Respondent Truong's initials.

1	4/27/12	4295	8/1/12	521678	1954	Los Angeles	ST
2	4/29/12	4294	8/9/12	521910	1979	Los Angeles	ST
3	4/29/12	4292	8/9/12	521911	1974	Los Angeles	ST
4	4/29/12	4291	8/9/12	521912	1956	Inglewood	ST
5	4/29/12	4290	8/9/12	521913	None	Compton	ST
6	4/29/12	4300	8/10/12	521961	1965	Compton	ST
7	4/29/12	4297	8/10/12	521962	1955	Los Angeles	ST
8	4/29/12	4298	8/10/12	521963	1970	Los Angeles	ST
9	4/29/12	4299	8/11/12	521989	1952	Los Angeles	ST
10	4/30/12	4527	8/11/12	521990	1971	Inglewood	ST
11	5/3/12	4538	8/14/12	522046	1966	Inglewood	ST
12	5/3/12	4546	8/14/12	522047	1961	Compton	ST
13	5/3/12	4549	8/14/12	522048	1977	Los Angeles	ST
14	5/3/12	4548	8/14/12	522049	1968	Los Angeles	ST
15	5/3/12	4547	8/14/12	522050	1970	Compton	ST
16	5/2/12	4637	8/16/12	522137	1967	Los Angeles	ST
17	5/2/12	4536	8/16/12	522138	1970	Inglewood	ST
18	5/2/12	4539	8/16/12	522143	1974	Los Angeles	ST
19	5/2/12	4534	8/16/12	522141	1966	Los Angeles	ST
20	5/2/12	4535	8/16/12	522140	1972	Los Angeles	ST
21	5/4/12	4309	8/29/12	522526	1939	Los Angeles	ST
22	5/4/12	4305	8/29/12	522527	None	None	ST
23	5/4/12	4304	8/29/12	522528	None	None	ST
24	5/4/12	4303	8/29/12	522529	None	None	ST
25	5/4/12	4306	8/29/12	522530	1974	Los Angeles	ST
26	5/4/12	4313	8/31/12	522633	None	None	ST
27	5/4/12	4311	8/31/12	522634	1956	Los Angeles	ST
28							

1	5/4/12	4310	8/31/12	522635	1977	Los Angeles	ST
2	5/4/12	4312	8/31/12	522636	1972	Los Angeles	ST
3	5/4/12	4327	9/1/12	522690	None	None	ST
4	5/4/12	4326	9/1/12	522691	None	None	ST
5	5/4/12	4318	9/1/12	522692	None	None	ST
6	5/4/12	4317	9/1/12	522693	None	None	ST
7	5/4/12	4325	9/1/12	522694	None	None	ST
8	5/5/12	4314	9/6/12	522774	None	None	ST
9	5/4/12	4315	9/6/12	522775	None	None	ST
10	5/4/12	4316	9/6/12	522776	None	None	ST
11	5/4/12	4321	9/6/12	522777	None	None	ST

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13 42. In addition, Respondents dispensed drugs to multiple patients with fake or non-
14 existent addresses. Respondent Spectrum – Irvine also dispensed 180 tablets of oxycodone 30 mg
15 without a valid prescription. In fact, RX 521585 had no quantity written on the prescription and
16 no checkbox was checked; yet, Respondent Truong dispensed 180 tablets of oxycodone to the
17 patient.

18 43. Respondents also filled prescriptions for patients who were habitual doctor and
19 pharmacy shoppers, as follows:

20 Patient R.M.

21 44. R.M. (DOB 1983) had an address in Inglewood, approximately 45 miles from
22 Respondent Spectrum Pharmacy. From May, 2010 to September, 2012, Respondents dispensed
23 multiple prescriptions to R.M. for oxycodone 30 mg written by five different prescribers, located
24 in Rancho Cucamonga, Panorama City, Los Angeles, and Garden Grove. The use of five
25 different prescribers of the same drug should have been a red flag to Respondents. Some of the
26 prescriptions did not relate to the prescriber's practice. For example, R.M. received a strong pain
27 medication (oxycodone) from Dr. MS, who is a board certified eye specialist. In addition to
28 oxycodone, R.M. was also prescribed other pain medications. R.M. paid cash for all of the

1 oxycodone prescriptions dispensed by Respondents. Moreover, the prescriptions dispensed by
2 Respondents were not consistent. For example, on July 29, 2010, R.M. received 60 tablets of 60
3 mg of oxycodone with directions to take the drug twice per day. Therefore, R.M. was taking 120
4 mg of oxycodone per day. The next month, a different prescriber wrote a prescription for 90
5 tablets of oxycodone 80 mg, with directions for R.M. to take the drug three times per day.
6 Therefore R.M. received double the dose prescribed the month prior. Respondents should have
7 questioned R.M. and the prescriber about how R.M. was taking their medications, and verify that
8 the prescriber knew about the previous therapies and multiple prescribers to ensure patient safety,
9 and the legitimacy of the prescription.

10 Patient T.C.H.

11 45. T.C.H. (DOB 1936) had an address in Riverside, approximately 44 miles from
12 Respondent Spectrum Pharmacy - Irvine. From June 2009 to March 2012, T.C.H. saw seven
13 prescribers from Northridge, Rancho Cucamonga, Culver City, Panorama City, Inglewood, Los
14 Angeles, and Garden Grove, who prescribed her controlled substances, and obtained controlled
15 substances from seven pharmacies in Los Angeles, El Segundo, Torrance, Huntington Beach,
16 Lennox, Irvine, and Alhambra. Respondents dispensed multiple controlled substance
17 prescriptions to T.C.H. from March 2010 to March 2012, and told the inspector that this patient
18 was tested for drugs. The prescriptions were inconsistent. For example, Respondents dispensed
19 to T.C.H. Oxycontin 80 mg, with directions to take it three times per day (240 mg/day) from
20 March to July 2010. In August 2010, Respondents filled a prescription written by a different
21 prescriber for Oxycontin 30 mg, with directions to take it every 4-6 hours (120-180 mg/day).
22 There were no notes or documentation indicating that Respondents spoke with the prescriber or
23 patient about the sudden decrease in dosage. In January 2011, T.C.H. was prescribed Opana
24 (oxymorphone). A few months later, a different prescriber wrote T.C.H. a prescription for
25 oxycodone. Respondent Li stated that T.C.H. tried Motrin for pain, but the pain was significant,
26 and that T.C.H. would pick up her prescriptions after her doctor's appointment in Garden Grove.
27 However, Garden Grove is 15 miles away from Respondent Spectrum - Irvine and, in the

28 *iii*

1 opposite direction of T.C.H.'s home in Riverside. In addition, T.C.H. also received other pain
2 medications.

3 Patient F.I.L.

4 46. F.I.L. (DOB 1956) had an address in Inglewood, approximately 46 miles from
5 Respondent Spectrum Pharmacy - Irvine. From March 2010 to September 2012, F.I.L. saw six
6 different prescribers from Rancho Cucamonga, Hawthorne, Panorama City, Los Angeles, and
7 Garden Grove, that prescribed her controlled substance prescriptions, and obtained controlled
8 substances from eight pharmacies in Alhambra, Hawthorne, Irvine, and Santa Ana. The
9 prescriptions were inconsistent. For example, one month F.I.L. was dispensed oxycodone 80 mg
10 with directions to take it three times per day (240 mg/day). The following month, F.I.L. was
11 prescribed oxymorphone. Then the next month, F.I.L. was taking oxycodone again, at a different
12 dosage (120-180 mg). There was no documentation indicating that Respondents clarified the
13 prescriptions, asked about the change in regimen, or spoke to F.I.L. or the prescriber about the
14 medication, the dose, or the other multiple prescribers. Respondents did not answer the inspector
15 when asked whether F.I.L. picked up his own prescriptions from Respondent Spectrum
16 Pharmacy. Respondent Li acknowledged that F.I.L. used multiple doctors.

17 47. All three of the above patients regularly obtained controlled substances from the same
18 prescribers, including Drs. MA, MS, EC,⁴ and Physician Assistant (PA) DN.⁵ Had Respondent
19 Spectrum - Irvine utilized CURES reports, they would have been able to determine that the
20 patients were doctor and/or pharmacy shopping or that the patients were receiving narcotic
21 prescriptions from other pharmacies at the same time they were obtaining narcotics from
22 Respondent Spectrum - Irvine.

23 48. In addition, Respondent Li failed to provide complete records of disposition of
24 controlled substances to the Board inspector. Despite requests by inspectors, Respondent Li

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26 ⁴ Dr. E.C.'s medical license was surrendered effective November 6, 2015, following the
27 Medical board's filing of an Accusation against him.

28 ⁵ PA DN's physician assistant license was disciplined by the Physician's Assistant
Committee, effective April 11, 2005, after PA DN committed repeated negligent acts.

1 never provided complete controlled substance logs showing dispositions of approximately fifty-
2 eight prescriptions from January 1, 2011 to October 5, 2012.

3 49. Additionally, the Board inspector discovered that Respondent Tran, while working as
4 a staff pharmacist, dispensed Schedule II controlled substance prescriptions from faxed copies
5 and telephonic prescriptions before receiving the original prescriptions as follows:

6

Patient	Drug	RX No.	Date
RB	Dilaudid Liquid	505877	10/28/2010
IP	Methadone 10mg	517306	3/9/2012
IP	Oxycodone 30mg	517307	3/9/2012
LG	Dilaudid 4 mg	510002	5/23/2011
JH	MS Contin 60 mg	511746	8/10/2011
JH	MS Contin 15 mg	511747	8/10/2011
PW	Fentanyl Patches	511745	8/10/11
DB	Nucynta 75 mg	512400	9/8/2011
DB	Fentanyl Patches	512401	9/8/2011
BC	Percocet 10/325	513103	10/6/2011
TD	Dilaudid 4mg	516887	2/27/2012
OS	Fentanyl patch	516956	2/28/2012

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20 **FIRST CAUSE FOR DISCIPLINE**

21 (As to Respondents Spectrum Pharmacy, L.L. and Truong)

22 (Unprofessional Conduct - Failure to Implement Corresponding Responsibility)

23 50. Respondents Spectrum Pharmacy, L.L. and Truong are subject to disciplinary action for
24 unprofessional conduct under Code section 4301, subdivisions (j), for violation of Health and
25 Safety Code section 11153, subdivision (a), in that they failed to comply with their corresponding
26 responsibility to ensure that controlled substances are dispensed for a legitimate medical purpose.
27 The circumstances are that they failed to evaluate the totality of the circumstances (information
28 from the patient, physician, CURES and other sources) to determine the prescriptions were

1 issued for a legitimate medical purpose in light of information showing that several patients
2 demonstrated drug seeking behaviors such as doctor and pharmacy shopping, numerous patients
3 had addresses outside Respondents' normal trade area, numerous patients saw prescribers that
4 were great distances from the pharmacy's addresses, prescriptions were written for an unusually
5 large quantity of drugs, there were irregularities in the prescriber's qualifications in relation to the
6 type of medications prescribed, several patients came into Respondent Spectrum Pharmacy-
7 Irvine in sequence from the same doctor with prescriptions for the same drug, in the same dose
8 and strength on the same day, and controlled substance prescriptions were provided to an
9 unidentified driver "Earl" without confirming with the patient, among other things, as set forth in
10 paragraphs 35 through 49, which are incorporated herein by this reference.

11 **SECOND CAUSE FOR DISCIPLINE**

12 (As to Respondents Spectrum Pharmacy, Li, and Truong)

13 (Unprofessional Conduct – Filling Erroneous or Uncertain Prescriptions)

14 51. Respondents Spectrum Pharmacy, Li and Truong are subject to disciplinary action for
15 unprofessional conduct under Code section 4301, subdivision (o), for violating California Code of
16 Regulations, title 16, section 1761 for filling erroneous or uncertain prescriptions in that
17 Respondents dispensed prescriptions containing errors, irregularities, or uncertainties to patients,
18 as set forth in paragraphs 35 through 49, which are incorporated herein by this reference.

19 **THIRD CAUSE FOR DISCIPLINE**

20 (As to Respondents Spectrum Pharmacy, Li, and Truong)

21 (Unprofessional Conduct – Gross Negligence)

22 52. Respondents Spectrum Pharmacy, Li and Truong are subject to disciplinary action for
23 unprofessional conduct under Code section 4301, subdivision (e), in that Respondents were
24 grossly negligent in dispensing controlled substances. The circumstances are that Respondents
25 knew or should have known that the controlled substances dispensed to patients were likely to be
26 used for other than a legitimate medical purpose, and Respondent failed to take appropriate steps
27 when presented with numerous controlled substance prescriptions by patients from the same
28 doctor for the same drug and strength on the same day and who came into Respondent Pharmacy

1 in sequence. Respondent failed to perform additional investigation to determine whether the
2 prescriptions were issued for a legitimate medical purpose, as set forth in paragraphs 35 through
3 49, which are incorporated herein by this reference.

4 **FOURTH CAUSE FOR DISCIPLINE**

5 (As to Respondents Spectrum Pharmacy and Li)

6 (Unprofessional Conduct – Failure to Keep Complete Records)

7 53. Respondents Spectrum Pharmacy and Li are subject to disciplinary action for
8 unprofessional conduct under Code section 4169(a)(5) in that Respondents failed to maintain
9 records of disposition of dangerous drugs for at least three years as set forth in paragraphs 35
10 through 49, which are incorporated herein by this reference.

11 **FIFTH CAUSE FOR DISCIPLINE**

12 (As to Respondents Spectrum Pharmacy, Li, and Truong)

13 (Unprofessional Conduct – Non-Compliant Furnishing a Controlled Substance After
14 Surrender of DEA Registration)

15 54. Respondents Spectrum Pharmacy and Li are subject to disciplinary action for
16 unprofessional conduct under Code section 4301, subdivision (j), for violating Code of Federal
17 Regulations, title 21, section 1301.11, in that after Respondent Spectrum Pharmacy surrendered
18 their DEA registration, they arranged for a controlled substance be transferred from another
19 pharmacy and to be dispensed from Respondent Spectrum Pharmacy, as set forth in paragraphs
20 35 through 49, which are incorporated herein by this reference.

21 **SIXTH CAUSE FOR DISCIPLINE**

22 (As to Respondents Spectrum Pharmacy, Li, and Truong)

23 (Unprofessional Conduct –Furnishing a Controlled Substance
24 Without a Valid Prescription)

25 55. Respondents Spectrum Pharmacy, Li, and Truong are subject to disciplinary action
26 for unprofessional conduct under Code section 4301, subdivision (j), for violating Business and
27 Professions Code section 4059(a) and Health and Safety Code section 11164, for furnishing a
28

1 controlled substance (180 tablets of oxycodone) without a valid prescription, as set forth in
2 paragraph 48, which is incorporated herein by this reference.

3 **SEVENTH CAUSE FOR DISCIPLINE**

4 (As to Respondents Spectrum Pharmacy and Tran)

5 (Unprofessional Conduct—Non-compliant Dispensing of Controlled Substance
6 Prescriptions)

7 56. Respondents Spectrum Pharmacy and Tran are subject to disciplinary action for
8 unprofessional conduct under Code section 4301, subdivision (j), for violating Code of Federal
9 Regulations, title 21, section 1306.11, subdivision (a) in that Respondents dispensed Schedule II
10 controlled substance prescriptions from faxed copies and telephonic prescriptions before
11 receiving the original prescription, as set forth in paragraph 49, which is incorporated herein by
12 this reference.

13 **DISCIPLINARY CONSIDERATIONS**

14 57. To determine the degree of discipline, if any, to be imposed on Respondent Truong,
15 Complainant alleges that on or about July 25, 2013, in a prior action, the Board issued Citation
16 Number CI 2011 52553 to Respondent Truong for violation of Business and Professions Code
17 section 4301, subdivisions (f), unprofessional conduct; acts of moral turpitude, dishonesty, fraud
18 deceit or corruption, and subdivision (g), knowingly making or signing any certificate or other
19 document that falsely represents the existence or nonexistence of a fact; and Business and
20 Professions Code section 4342 for drugs lacking quality and strength, and assessed a fine in the
21 amount of \$2,500.00. That Citation is now final, and is incorporated herein by this reference.

22 58. The circumstances that led to the citation are that in January and February 2012,
23 Respondent Truong was the pharmacist-in-charge at Santa Elena Pharmacy. On or about
24 February 10, 2012, during a Board inspection, it was discovered that Santa Elena Pharmacy failed
25 to reverse insurance claims for a patient who did not receive the medication the patient was
26 charged for. In addition, Santa Elena Pharmacy had several medications that were in repackaged
27 bottles and vials with improper labels.

28 //

1 OTHER MATTERS

2 59. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
3 PHY 48836 issued to Spectrum Pharmacy, and Ting Li, Steven Dung Truong, and/or Nina Thien-
4 Nga Tran, while acting as the manager, administrator, owner, member, officer, director, associate,
5 or partner of Spectrum Pharmacy, had knowledge of or knowingly participated in any conduct for
6 which Pharmacy Permit Number PHY 48836 issued to Spectrum Pharmacy was revoked,
7 suspended or placed on probation, Ting Li, Steven Dung Truong, and/or Nina Thien-Nga Tran
8 shall be prohibited from serving as a manager, administrator, owner, member, officer, director,
9 associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 48836 issued to
10 Spectrum Pharmacy is placed on probation or until Pharmacy Permit Number PHY 48836 issued
11 to Spectrum Pharmacy is reinstated if it is revoked.

12 PRAAYER

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

15 1. Revoking or suspending Pharmacy Permit Number PHY 48836 issued to Spectrum
16 Pharmacy;

17 2. Revoking or suspending Pharmacist License No. RPH 57363 issued to Ting Li;

18 3. Revoking or suspending Pharmacist License No. RPH 52822 issued to Steven Dung
19 Truong;

20 4. Revoking or suspending Pharmacist License No. RPH 55935 issued to Nina Thien-
21 Nga Tran;

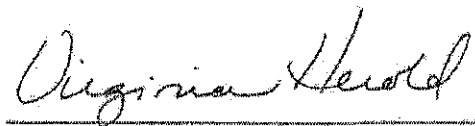
22 5. Ordering Spectrum Pharmacy, Ting Li, Steven Dung Truong, and Nina Thien-Nga
23 Tran to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of
24 this case, pursuant to Business and Professions Code section 125.3;

25 6. Prohibiting Respondents Steven Dung Truong, Ting Li and Nina Thien-Nga Tran
26 from serving as a manager, administrator, owner, member, officer, director, associate or partner
27 of a licensee for a period not to exceed five years in the case of probation, or in the case of
28 revocation, until the license is reinstated.

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7. Taking such other and further action as deemed necessary and proper.

DATED: 4/16/16



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

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