

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

In the Matter of the Accusation Against:

Case No. 5526

**111 PHARMACY**

111 W. Beverly Blvd., Ste. B  
Montebello, CA 90640

**Original Permit No. PHY 41023**

**BOO NAM SHIN**

15909 Atitlan Dr.  
Hacienda Heights, CA 91745

**Original Pharmacist License No. RPH 42592**

Respondents.

**DECISION AND ORDER**

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

This Decision shall become effective at 5:00 p.m. on July 8, 2016.

It is so ORDERED on June 8, 2016.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By \_\_\_\_\_

Amy Gutierrez, Pharm.D.  
Board President

1 KAMALA D. HARRIS  
Attorney General of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
3 ZACHARY T. FANSELOW  
Deputy Attorney General  
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300 So. Spring Street, Suite 1702  
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*Attorneys for Complainant*  
7

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

10 In the Matter of the Accusation Against:

Case No. 5526

11 **111 Pharmacy**  
12 111 W. Beverly Blvd, Ste. B  
Montebello, CA 90640  
13 BOO NAM SHIN, Pharmacist-In-Charge

**STIPULATED SURRENDER OF  
PERMIT AND LICENSE AND ORDER**

14 **Original Permit No. PHY 41023**

15 **BOO NAM SHIN**  
15909 Atitlan Dr.  
16 Hacienda Heights, CA 91745

17 **Original Pharmacist License No. RPH 42592**

18 Respondents.  
19

20  
21  
22 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
23 entitled proceedings that the following matters are true:

24 **PARTIES**

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



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

4 8. Respondents voluntarily, knowingly, and intelligently waive and give up each and  
5 every right set forth above.

6 **CULPABILITY**

7 9. Respondent Pharmacy understands that the charges and allegations in Accusation No.  
8 5526, if proven at a hearing, constitute cause for imposing discipline upon its Original Permit  
9 Number PHY 41023.

10 10. For the purpose of resolving the Accusation without the expense and uncertainty of  
11 further proceedings, Respondent Pharmacy agrees that, at a hearing, Complainant could establish  
12 a factual basis for the charges in the Accusation and that those charges constitute cause for  
13 discipline. Respondent Pharmacy hereby gives up its right to contest that cause for discipline  
14 exists based on those charges.

15 11. Respondent Shin understands that the charges and allegations in Accusation No.  
16 5526, if proven at a hearing, constitute cause for imposing discipline upon his Original  
17 Pharmacist License Number RPH 42592.

18 12. For the purpose of resolving the Accusation without the expense and uncertainty of  
19 further proceedings, Respondent Shin agrees that, at a hearing, Complainant could establish a  
20 factual basis for the charges in the Accusation and that those charges constitute cause for  
21 discipline. Respondent Shin hereby gives up his right to contest that cause for discipline exists  
22 based on those charges.

23 13. Respondents understand that by signing this stipulation they enable the Board to issue  
24 an order accepting the surrender of their Permit and License without further process.

25 **CONTINGENCY**

26 14. This stipulation shall be subject to approval by the Board of Pharmacy. Respondents  
27 understand and agree that counsel for Complainant and the staff of the Board of Pharmacy may  
28 communicate directly with the Board regarding this stipulation and surrender, without notice to or

1 participation by Respondents or their counsel. By signing the stipulation, Respondents  
2 understand and agree that they may not withdraw their agreement or seek to rescind the  
3 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this  
4 stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of  
5 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between  
6 the parties, and the Board shall not be disqualified from further action by having considered this  
7 matter.

8 15. The parties understand and agree that Portable Document Format ("PDF") and  
9 facsimile copies of this Stipulated Surrender of Permit and License and Order, including PDF and  
10 facsimile signatures thereto, shall have the same force and effect as the originals.

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

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

19 **ORDER**

20 **AS TO RESPONDENT PHARMACY**

21 IT IS HEREBY ORDERED that Original Permit Number No. PHY 41023, issued to  
22 Respondent 111 Pharmacy with Boo Nam Shin as the individual licensed owner and Pharmacist-  
23 In-Charge, is surrendered and accepted by the Board of Pharmacy.

24 1. The surrender of Respondent Pharmacy's Permit and the acceptance of the  
25 surrendered license by the Board shall constitute the imposition of discipline against Respondent  
26 Pharmacy. This stipulation constitutes a record of the discipline and shall become a part of  
27 Respondent Pharmacy's license history with the Board of Pharmacy.

28 ///

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

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

5           4.     Respondent Pharmacy understands and agrees that if it ever files an application for a  
6 licensed premises or a petition for reinstatement in the State of California, the board shall treat it  
7 as a new application for licensure. Respondent Pharmacy may not reapply for any license from  
8 the board for three (3) years from the effective date of this decision. Respondent Pharmacy  
9 stipulates that should it apply for any license from the board on or after the effective date of this  
10 decision, all allegations set forth in the accusation shall be deemed to be true, correct and  
11 admitted by Respondent Pharmacy when the board determines whether to grant or deny the  
12 application. Respondent Pharmacy shall satisfy all requirements applicable to that license as of  
13 the date the application is submitted to the board. Respondent Pharmacy is required to report this  
14 surrender as disciplinary action.

15           5.     Respondent Pharmacy shall pay the agency, pursuant to Business and Professions  
16 Code section 125.3, its costs of investigation and enforcement in the amount of \$12,035.00 prior  
17 to issuance of a new or reinstated license. These costs are the same costs referenced in the order  
18 as to Respondent Shin. Respondent Pharmacy and Respondent Shin are jointly and severally  
19 liable for these costs.

20           6.     If Respondent Pharmacy should ever apply or reapply for a new license or  
21 certification, or petition for reinstatement of a license, by any other health care licensing agency  
22 in the State of California, all of the charges and allegations contained in Accusation, No. 5526  
23 shall be deemed to be true, correct, and admitted by Respondent Pharmacy for the purpose of any  
24 Statement of Issues or any other proceeding seeking to deny or restrict licensure.

25           **AS TO RESPONDENT SHIN**

26           IT IS HEREBY ORDERED that Original Pharmacist License Number RPH 42592, issued  
27 to Respondent Boo Nam Shin is surrendered and accepted by the Board of Pharmacy.

28           ///

1           1.     The surrender of Respondent Shin's License and the acceptance of the surrendered  
2 license by the Board shall constitute the imposition of discipline against Respondent Shin. This  
3 stipulation constitutes a record of the discipline and shall become a part of Respondent Shin's  
4 license history with the Board of Pharmacy.

5           2.     Respondent Shin shall lose all rights and privileges as a pharmacist in California as of  
6 the effective date of the Board's Decision and Order.

7           3.     Respondent Shin shall cause to be delivered to the Board his pocket license and, if  
8 one was issued, his wall certificate on or before the effective date of the Decision and Order.

9           4.     Respondent Shin understands and agrees that if he ever files an application for  
10 licensure or a petition for reinstatement in the State of California, the board shall treat it as a new  
11 application for licensure. Respondent Shin may not apply for any license, permit, or registration  
12 from the board for three years from the effective date of this decision. Respondent Shin stipulates  
13 that should he apply for any license from the board on or after the effective date of this decision,  
14 all allegations set forth in the accusation shall be deemed to be true, correct and admitted by  
15 Respondent Shin when the board determines whether to grant or deny the application.  
16 Respondent Shin shall satisfy all requirements applicable to that license as of the date the  
17 application is submitted to the board, including, but not limited to taking and passing the  
18 California Pharmacist Licensure Examination prior to the issuance of a new license. Respondent  
19 Shin is required to report this surrender as disciplinary action.

20           5.     Respondent Shin shall pay the agency, pursuant to Business and Professions Code  
21 section 125.3, its costs of investigation and enforcement in the amount of \$12,035.00 prior to  
22 issuance of a new or reinstated license. These costs are the same costs referenced in the order as  
23 to Respondent Pharmacy. Respondent Pharmacy and Respondent Shin are jointly and severally  
24 liable for these costs.

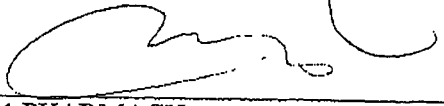
25           6.     If Respondent Shin should ever apply or reapply for a new license or certification, or  
26 petition for reinstatement of a license, by any other health care licensing agency in the State of  
27 California, all of the charges and allegations contained in Accusation, No. 5526 shall be deemed  
28

1 to be true, correct, and admitted by Respondent Shin for the purpose of any Statement of Issues or  
2 any other proceeding seeking to deny or restrict licensure.

3 ACCEPTANCE

4 I have carefully read the above Stipulated Surrender of Permit and License and Order and  
5 have fully discussed it with my attorney, Tony J. Park. I understand the stipulation and the effect  
6 it will have on my Original Permit Number PHY 41023. I enter into this Stipulated Surrender of  
7 Permit and License and Order voluntarily, knowingly, and intelligently, and agree to be bound by  
8 the Decision and Order of the Board of Pharmacy.

9  
10 DATED: 04/12/2016

  
11 111 PHARMACY  
12 BOO NAM SHIN, OWNER AND  
13 PHARMACIST-IN-CHARGE  
Respondent Pharmacy


14 I have carefully read the above Stipulated Surrender of Permit and License and Order and  
15 have fully discussed it with my attorney, Tony J. Park. I understand the stipulation and the effect  
16 it will have on my Original Pharmacist License Number RPH 42592. I enter into this Stipulated  
17 Surrender of Permit and License and Order voluntarily, knowingly, and intelligently, and agree to  
18 be bound by the Decision and Order of the Board of Pharmacy.

19  
20 DATED: 04/12/2016

  
21 BOO NAM SHIN  
22 Respondent Shin

23 I have read and fully discussed with Respondent Pharmacy and Respondent Shin the terms  
24 and conditions and other matters contained in this Stipulated Surrender of Permit and License and  
25 Order. I approve its form and content.

26  
27 DATED: 04/19/2016

  
28 TONY J. PARK  
Attorney for Respondents



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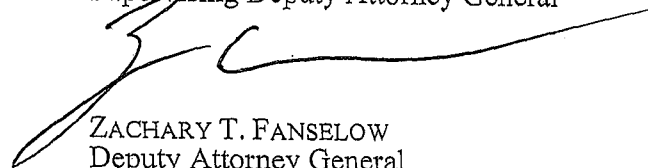
ENDORSEMENT

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

Dated: 4/21/2016

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
MARC D. GREENBAUM  
Supervising Deputy Attorney General



ZACHARY T. FANSELOW  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 5526**

1 KAMALA D. HARRIS  
Attorney General of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
3 ZACHARY T. FANSELOW  
Deputy Attorney General  
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13 BOO NAM SHIN, Pharmacist-In-Charge

**A C C U S A T I O N**

14 **Original Permit No. PHY 41023**

15 **BOO NAM SHIN**  
16 15909 Atitlan Dr.  
Hacienda Heights, CA 91745

17 **Original Pharmacist License No. RPH 42592**

18 Respondents.  
19

20  
21 Complainant alleges:

22 **PARTIES**

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

25 2. On or about August 8, 1995, the Board of Pharmacy issued Original Permit Number  
26 PHY 41023 to 111 Pharmacy with Boo Nam Shin as the individual licensed owner and  
27 Pharmacist-In-Charge ("Respondent Pharmacy"). The Permit was in full force and effect at all  
28 times relevant to the charges brought herein, expired on June 23, 2015, and has been canceled.



1           8.    Section 4036.5 states: "Pharmacist-in-charge" means a pharmacist proposed by a  
2 pharmacy and approved by the board as the supervisor or manager responsible for ensuring the  
3 pharmacy's compliance with all state and federal laws and regulations pertaining to the practice of  
4 pharmacy."

5           9.    Section 4301 states:

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

9           ....

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

12          ....

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

15          ....

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

20          10.   Health and Safety Code Section 11153 states, in pertinent part:

21          "(a) A prescription for a controlled substance shall only be issued for a legitimate medical  
22 purpose by an individual practitioner acting in the usual course of his or her professional practice.  
23 The responsibility for the proper prescribing and dispensing of controlled substances is upon the  
24 prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the  
25 prescription. Except as authorized by this division, the following are not legal prescriptions: (1) an  
26 order purporting to be a prescription which is issued not in the usual course of professional  
27 treatment or in legitimate and authorized research; or (2) an order for an addict or habitual user of  
28 controlled substances, which is issued not in the course of professional treatment or as part of an

1 authorized narcotic treatment program, for the purpose of providing the user with controlled  
2 substances, sufficient to keep him or her comfortable by maintaining customary use.”

3 **REGULATORY PROVISION**

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

5 “(a) No pharmacist shall compound or dispense any prescription which contains any  
6 significant error, omission, irregularity, uncertainty, ambiguity or alteration. Upon receipt of any  
7 such prescription, the pharmacist shall contact the prescriber to obtain the information needed to  
8 validate the prescription.

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

12 **COST RECOVERY**

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

17 **CONTROLLED SUBSTANCES AND DANGEROUS DRUGS**

18 13. Oxycodone is a Schedule II controlled substance pursuant to Health and Safety Code  
19 section 11055, subdivision (b)(1)(M), and a dangerous drug pursuant to Business and Professions  
20 Code section 4022.

21 14. Alprazolam is a Schedule IV controlled substance pursuant to Health and Safety Code  
22 section 11057, subdivision (d)(1), and a dangerous drug pursuant to Business and Professions  
23 Code section 4022.

24 15. Norco, a combination product containing the controlled substance hydrocodone and  
25 non-narcotic acetaminophen, is a Schedule III controlled substance pursuant to Health and Safety  
26 Code section 11056, subdivision (e)(4), and a dangerous drug pursuant to Business and  
27 Professions Code section 4022.

28

1 16. Promethazine with codeine syrup is a Schedule V controlled substance pursuant to  
2 Health and Safety Code section 11058, subdivision (c)(1), and a dangerous drug pursuant to  
3 Business and Professions Code section 4022.

4 17. Carisoprodol is a Schedule IV controlled substance pursuant to Code of Federal  
5 Regulations, title 21, section 1308.14, subdivision (c)(6), and a dangerous drug pursuant to  
6 Business and Professions Code section 4022.

7 **FACTUAL BACKGROUND**

8 18. On or about January 5, 2015, Board Inspectors conducted an inspection of  
9 Respondent Pharmacy following reports that a doctor had written illegal prescriptions and  
10 investigation into that doctor revealed some of the prescriptions had been filled at Respondent  
11 Pharmacy. The Board Inspectors received electronic dispensing data for five doctors from January  
12 1, 2011, through December 31, 2014: Dr. A.S., Dr. C.A., Dr. W.E., Dr. D.W., and Dr. S.K. The  
13 Board Inspectors also reviewed hard copies of prescriptions at Respondent Pharmacy, drug  
14 delivery invoices to Respondent Pharmacy, Respondent Pharmacy's electronic computer records  
15 of dispensed prescriptions, and CURES<sup>1</sup> data, among other documents.

16 19. The Board Inspectors' review identified factors of irregularity or red flags consistent  
17 with illegitimate doctor prescribing and indiscriminate pharmacy dispensing. These red flags  
18 included patients paying for the vast majority of reviewed prescriptions with cash (thus receiving  
19 no financial assistance from insurance), a uniformity in prescriptions for multiple patients, requests  
20 for early refills of prescriptions, and initial prescriptions written for strong dosages of opiates (in  
21 contrast to an initial prescription at a lower dose, which is slowly raised to a higher dose.) These  
22 red flags either gave, or should have given, Respondent Pharmacy and Respondent Shin sufficient  
23

24 <sup>1</sup> Controlled Substance Utilization Review and Evaluation System, or CURES, is a  
25 database that contains over 100 million entries of controlled substance drugs that were dispensed  
26 in California. CURES is part of program developed by the California Department of Justice and  
27 Bureau of Narcotic Enforcement, which allows access to the Prescription Drug Monitoring  
28 Program (PDMP) system. The PDMP allows pre-registered users including licensed healthcare  
prescribers eligible to prescribe controlled substances, pharmacists authorized to dispense  
controlled substances, law enforcement and regulatory boards to access patient controlled  
substance history information. (<http://oag.ca.gov/dures-pdmp>)

1 information to identify potential problems with the prescriptions, and put them on notice to  
2 conduct further inquiries into the legitimacy of the prescriptions.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Filing Erroneous Prescriptions and Failure to Assume Corresponding Responsibility in**  
5 **Legitimacy of Prescriptions)**

6 **A. "Doctor Shoppers"<sup>2</sup>**

7 20. Respondent Pharmacy and Respondent Shin (collectively, "Respondents") are subject  
8 to disciplinary action under section 4301, subdivisions (d), (j), and (o), in conjunction with Health  
9 and Safety Code section 11153, subdivision (a), and California Code of Regulations, title 16,  
10 section 1761, in that Respondents failed to comply with their corresponding responsibility to only  
11 fill medically legitimate prescriptions by dispensing controlled substances to "doctor shoppers," by  
12 failing to validate the legitimacy of prescriptions, by failing to review patients' drug history, and by  
13 dispensing erroneous/uncertain prescriptions. The circumstances include the presence of multiple  
14 red flags for irregular prescriptions coming from both the statistics of individual prescribing  
15 doctors and from patients who sought early refills.

16 21. The circumstances regarding the red flags and irregular prescriptions originating from  
17 specific prescribing doctors are as follows:

18 Dr. A.S.

19 a. Respondent Pharmacy dispensed 5,534 prescriptions written by Dr. A.S. for 501  
20 unique patients. 5,484, or 99.06%, of these prescriptions were for controlled substances. 5,519,  
21 or 99.73%, of the prescriptions were paid with cash and no insurance was utilized. Both a  
22 prescribing profile consisting primarily of controlled substances and a profile showing nearly  
23 uniform cash payments are red flags of improper prescriptions.

24 b. The majority of Dr. A.S.' patients received a uniform combination of hydrocodone  
25 10/325 mg, alprazolam 2 mg and promethazine with codeine syrup. All of these drugs are  
26 recognized as drugs of potential abuse individually. The medications are also from different

27 <sup>2</sup> The phrase "doctor shopper" refers to a patient that seeks out multiple doctors in order to  
28 obtain multiple prescriptions of drugs.



1 classes of drugs so it would be unlikely that most of Dr. A.S.' patients suffered from the same  
2 ailments necessitating the same combination of controlled substances.

3 c. Promethazine with codeine syrup should be used for the temporary relief of coughs  
4 and upper respiratory symptoms. The maximum suggested volume of medication per day of use is  
5 30 milliliters, the dosage should not be increased if the cough fails to respond, and a cough that is  
6 unresponsive after five (5) days should be re-evaluated. Thus the total amount of promethazine  
7 with codeine syrup dispensed to a patient should not be dramatically more than 150 ml. Yet, the  
8 majority of promethazine with codeine prescriptions dispensed by Respondents were for 473 ml.  
9 Several patients were also dispensed 1 pint of promethazine with codeine for several months of  
10 treatment, with one patient receiving the promethazine with codeine for 11 consecutive months.

11 d. The second most frequent prescription written by Dr. A.S., and dispensed by  
12 Respondents by percentage was hydrocodone / acetaminophen 10/325 mg. The medication treats  
13 pain and Dr. A.S. did not self report as a pain management physician. A Family Medicine /  
14 General Practitioner prescribing pain medication at a high percentage is another red flag.

15 Dr. C.A.

16 e. Respondent Pharmacy dispensed 693 prescriptions written by Dr. C.A. for 160 unique  
17 patients. 649, or 93.94%, of these prescriptions were for controlled substances. 100% of the  
18 prescriptions were paid for with cash.

19 f. The majority of Dr. C.A.'s patients received oxycodone 30 mg, promethazine with  
20 codeine syrup, alprazolam 2 mg and carisoprodol either alone or in combination. All of these  
21 drugs are recognized as drugs of potential abuse individually. The medications are also from  
22 different classes of drugs so it would be unlikely that most of Dr. C.A.'s patients suffered from the  
23 same ailments necessitating the same combination of controlled substances.

24 g. Oxycodone is manufactured in varying doses of 5, 10, 15, 20, and 30 mg. Alprazolam  
25 is manufactured in varying doses of 0.25, 0.5, 1 and 2 mg. For each medication Dr. C.A.'s  
26 prescribing pattern showed no variation from the highest tablet strength possible.

27 h. Promethazine with codeine syrup was the prescription most frequently written by Dr.  
28 C.A. and dispensed by Respondents. Patients suffering from an infection often develop cough

1 symptoms so it is common to see a prescription written for an antibiotic and promethazine with  
2 codeine simultaneously. Respondent Pharmacy dispensed 234 prescriptions for promethazine with  
3 codeine written by Dr. C.A. Respondent Pharmacy dispensed only 12 prescriptions for an  
4 antibiotic within the same time period.

5 Dr. W.E.

6 i. Respondent Pharmacy dispensed 486 prescriptions written by Dr. W.E. for 54 unique  
7 patients. 477, or 98.15%, of these prescriptions were for controlled substances. 100% of the  
8 prescriptions were paid with cash and no insurance was utilized.

9 j. Between August 2012 and February 2013, the vast majority of Dr. W.E.'s patients  
10 received a combination of hydrocodone/acetaminophen products, alprazolam 2 mg, carisoprodol  
11 and promethazine with codeine syrup. All of these drugs are recognized as drugs of potential  
12 abuse individually. The medications are also from different classes of drugs so it would be unlikely  
13 that most of Dr. W.E.'s patients suffered from the same ailments necessitating the same  
14 combination of controlled substances.

15 k. Promethazine with codeine syrup is to be used for the temporary relief of coughs and  
16 upper respiratory symptoms. The maximum suggested volume of medication per day of use is 30  
17 ml, the dosage should not be increased if the cough fails to respond, and a cough that is  
18 unresponsive after five (5) days should be re-evaluated. Thus the total amount dispensed to a  
19 patient should not be dramatically more than 150 ml. Yet, 100% of promethazine with codeine  
20 prescriptions dispensed by Respondents were for 473 ml.

21 l. Patients are also commonly written a prescription for an antibiotic simultaneously with  
22 promethazine with codeine. Although Dr. W.E.'s prescribing profile included 9 instances of  
23 prescribing an antibiotic, none of the patients receiving an antibiotic received it concurrently with a  
24 prescription for promethazine with codeine.

25 m. Prescription statistics indicated that multiple patients came to the pharmacy  
26 simultaneously to obtain similar cocktails of drugs. Several sequential prescription numbers  
27 showed the same drug cocktail and sometimes the same address for several different patients.  
28

1 Both issuing sequential prescriptions for the same controlled substance and issuing the same  
2 prescription to multiple patients at the same address are red flags.

3 Dr. S.K.

4 n. Respondent Pharmacy dispensed 29 prescriptions written by Dr. S.K., or forged using  
5 Dr. S.K.'s information, for 19 unique patients. 100% of the dispensed prescriptions were for a  
6 controlled substance. 100% of the prescriptions were paid with cash and no insurance was  
7 utilized.

8 o. Oxycodone is manufactured in varying doses of 5, 10, 15, 20, and 30 mg. 24 of the 29  
9 prescriptions written by Dr. S.K. and dispensed by Respondent Pharmacy were for oxycodone 30  
10 mg. Each patient receiving oxycodone received the highest tablet strength possible.

11 Dr. D.W.

12 p. Respondent Pharmacy dispensed 291 prescriptions written by Dr. D.W. for 47 unique  
13 patients. 99.31% of the prescriptions were paid with cash and no insurance was utilized.

14 q. Oxycodone 30 mg was the prescription most frequently written by Dr. D.W. and  
15 dispensed by Respondents. Each patient receiving oxycodone received the highest tablet strength  
16 possible without any evidence of the patient first receiving lower doses of the controlled substance.

17 r. The primary practice area of Dr. D.W. is Cardiology. Only 6 out of 291 prescriptions  
18 written by Dr. D.W. and dispensed by Respondents may have been for a condition related to  
19 Cardiology. The majority of controlled dispensed were used to treat pain.

20 s. While a secondary area of practice for Dr. D.W. is pain, prescribing patterns for pain  
21 specialists typically contain medications for neuropathic pain and anti-inflammatory drugs in  
22 addition to muscle relaxants and opioid agonists. The dispensing record for Dr. D.W. showed only  
23 5 prescriptions that may be used to treat neuropathic pain and 1 prescription that treats  
24 inflammation.

25 **B. Controlled Substance Prescriptions Filled Too Early**

26 22. Respondents also failed to assume corresponding responsibility in dispensing  
27 controlled substances by filling a large number of controlled substance prescriptions early or too  
28 soon. These controlled substance prescriptions were filled more than five days before a

1 prescription is scheduled to expire, and exceeds the time period in Respondent Shin's statement to  
2 Board Investigators that he allowed a three to four day grace period. The circumstances regarding  
3 early refills includes the following patients:

4 a. Patient B.W.: The Patient Activity Report ("PAR") showed that B.W. used 7  
5 different prescribers and 7 different pharmacies, including Respondent Pharmacy, to obtain 12  
6 early refills of H/APAP or alprazolam between January 2011 and June 2012. B.W. also primarily  
7 used cash payments and for his entire patient profile used 16 different prescribers and 19 different  
8 pharmacies to obtain controlled substances.

9 b. Patient D.W.: The PAR showed that D.W. obtained an early refill of alprazolam from  
10 Respondent Pharmacy only eight days after he had received a 90 day supply of alprazolam.

11 c. Patient P.W.: The PAR showed that P.W. used 2 different prescribers and 4 different  
12 pharmacies, including Respondent Pharmacy, to obtain 7 early refills of H/APAP or alprazolam  
13 between October 2011 and March 2012. P.W. primarily made cash payments and for his entire  
14 patient profile used 7 different prescribers and 9 different pharmacies to obtain controlled  
15 substances.

16 d. Patient L.T.: The PAR showed that L.T. used 4 different prescribers and 5 different  
17 pharmacies, including Respondent Pharmacy, to obtain 3 early refills of oxycodone between July  
18 2011 and March 2014. L.T. primarily made cash payments and for her entire patient profile used 8  
19 different prescribers and 14 different pharmacies to obtain controlled substances.

20 e. Patient C.S.: The PAR showed that C.S. obtained an early refill of H/APAP from  
21 Respondent Pharmacy only two days after he had received a 13 day supply of the controlled  
22 substance. C.S.' entire patient profile also indicated that he used 8 different prescribers and 8  
23 different pharmacies to obtain controlled substances.

24 f. Patient G.H.: The PAR showed that G.H. used 6 different prescribers and 8 different  
25 pharmacies, including Respondent Pharmacy, to obtain 13 early refills of H/APAP or carisoprodol  
26 between August 2011 and September 2013. G.H. switched between using insurance and paying  
27 cash for the controlled substances and for her entire patient profile used 12 different prescribers  
28 and 16 different pharmacies to obtain controlled substances.

1 **SECOND CAUSE FOR DISCIPLINE**

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

3 23. Respondents are subject to disciplinary action under section 4301, subdivisions (d), (j),  
4 and (o), in conjunction with Health and Safety Code section 11153, subdivision (a), in that  
5 Respondents engaged in the clearly excessive furnishing of controlled substances, suggesting a  
6 level of specificity from patients when choosing what pharmacy to use when filling specific  
7 controlled substances, as follows:

8 a. Respondent Pharmacy dispensed 77,385 tablets of oxycodone 30 mg between January  
9 3, 2011, and April 4, 2014, whereas a CVS pharmacy 0.9 miles away dispensed 270 tablets of the  
10 controlled substance at that strength, a Rite Aid pharmacy 0.6 miles away dispensed 300 tablets,  
11 Montebello Professional pharmacy 0.6 miles away dispensed 4,380 tablets and Beverly  
12 Professional pharmacy 0.2 miles away dispensed 0 tablets during this time period.

13 b. Respondent Pharmacy dispensed 320,636 tablets of hydrocodone acetaminophen  
14 10/325 between January 3, 2011, and April 4, 2014, whereas a CVS pharmacy 0.9 miles away  
15 dispensed 107,744 tablets of the controlled substance at that strength, a Rite Aid pharmacy 0.6  
16 miles away dispensed 91,8177 tablets, Montebello Professional pharmacy 0.6 miles away  
17 dispensed 8,665 tablets and Beverly Professional pharmacy 0.2 miles away dispensed 10,766  
18 tablets during this time period.

19 c. Respondent Pharmacy dispensed 124,975 tablets of carisoprodol 350 between January  
20 3, 2011, and April 4, 2014, whereas a CVS pharmacy 0.9 miles away dispensed 22,818 tablets of  
21 the controlled substance at that strength, a Rite Aid pharmacy 0.6 miles away dispensed 40,726  
22 tablets, Montebello Professional pharmacy 0.6 miles away dispensed 1,912 tablets and Beverly  
23 Professional pharmacy 0.2 miles away dispensed 6,293 tablets during this time period.

24 d. Respondent Pharmacy dispensed 177,344 tablets of alprazolam 2 mg between January  
25 3, 2011, and April 4, 2014, whereas a CVS pharmacy 0.9 miles away dispensed 6,624 tablets of  
26 the controlled substance at that strength, a Rite Aid pharmacy 0.6 miles away dispensed 8,388  
27 tablets, Montebello Professional pharmacy 0.6 miles away dispensed 3,770 tablets and Beverly  
28 Professional pharmacy 0.2 miles away dispensed 0 tablets during this time period.

1 **DISCIPLINARY CONSIDERATIONS**

2 24. To determine the degree of discipline, if any, to be imposed on Respondents,  
3 Complainant alleges the following:

4 a. On or about June 5, 2012, the Board of Pharmacy issued Respondent Pharmacy  
5 Citation Number CI 2010 48804, with no associated fine. Respondent Pharmacy complied with  
6 the citation and it is final. The citation alleged that from March 2011 through October 2011,  
7 Respondent Pharmacy transmitted CURES data to the Department of Justice on a monthly basis  
8 instead of a weekly basis as required by Health and Safety Code section 11165, subdivision (d).

9 b. On or about June 5, 2012, the Board of Pharmacy issued Respondent Shin Citation  
10 Number CI 2011 52649, with no associated fine. Respondent Shin complied with the citation and  
11 it is final. The citation alleged that from March 2011 through October 2011, Respondent Shin  
12 transmitted CURES data to the Department of Justice on a monthly basis instead of a weekly basis  
13 as required by Health and Safety Code section 11165, subdivision (d).

14 **PRAYER**

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

17 1. Revoking or suspending Original Permit Number PHY 41023, issued to 111 Pharmacy  
18 with Boo Nam Shin as the individual licensed owner and Pharmacist-In-Charge;

19 2. Revoking or suspending Original Pharmacist License Number RPH 42592 issued to  
20 Boo Nam Shin;

21 3. Ordering 111 Pharmacy and Boo Nam Shin to pay the Board of Pharmacy the  
22 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
23 Professions Code section 125.3; and,

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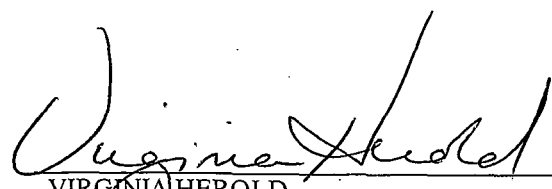
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4. Taking such other and further action as deemed necessary and proper.

DATED: 2/20/16



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

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