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

In the Matter of the Accusation Against: **1010 PHARMACY** **1010 Wilshire Boulevard #113** **Los Angeles, CA 90017** **Pharmacy Permit No. PHY 51478** and **JACQUELINE THAO NGUYEN** **4395 E LOWELL ST #G** **Ontario, CA 91761** **Pharmacist License RPH 50255** **and** **NAZLEILA HOJJATI** **1900 E. Ocean Blvd., Apt. #1110** **Long Beach, CA 90802** **Pharmacist License RPH 63668** **and** **RAMONA SAKETKHOU** **425 S. Willaman Dr., Apt. #302** **Los Angeles, CA 90048** **Pharmacist License RPH 65213** **and** *///*	Case No. 5668 **DEFAULT DECISION AND ORDER AS TO CHJ PHARMACARE INC., DBA CHJ PHARMACARE, ONLY** [Gov. Code, §11520]

CHJ PHARMACARE INC. DBA CHJ PHARMACARE; ROBERT WEBER 66% SHAREHOLDER; HENRY C. BALANZA, SHAREHOLDER; EMIL MUCHTAR, SECRETARY
12841 Western Avenue, Ste. D
Garden Grove, CA 92841

Pharmacy Permit No. PHY 45334

and

MATTHEW CHO
23 Periwinkle
Irvine, CA 92618

Pharmacist License RPH 50771

Respondents.

FINDINGS OF FACT

1. On or about November 2, 2016, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the California State Board of Pharmacy (Board), filed Accusation No. 5668 against CHJ Pharmacare Inc. dba CHJ Pharmacare (Respondent) before the Board. (Accusation attached as Exhibit A.)

2. On or about January 7, 2003, the Board issued Pharmacy Permit Number PHY 45334 to CHJ Pharmacare Inc. dba CHJ Pharmacare, Robert Weber as 66% shareholder from January 7, 2003 to January 2, 2015; Henry C. Balanza, shareholder from January 7, 2003 to January 2, 2015; Emil Muchtar, Secretary from January 7, 2003 to January 2, 2015 (Respondent). The Pharmacy Permit expired on October 22, 2014, and was cancelled on January 2, 2015. Pursuant to Business and Professions Code (Code) sections 118(b) and 4300.1, the expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of law or by order or decision of the board or a court of law, the placement of a license on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

///

3. On or about November 10, 2016, Respondent was served by Certified and First Class Mail copies of the Accusation No. 5668, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code section 4100, is required to be reported and maintained with the Board. Respondent's address of record was and is 12841 Western Ave., Suite D, Garden Grove, CA 92841.

4. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c) and/or Business & Professions Code section 124.

5. The aforementioned documents were returned by the U.S. Postal Service and marked "Unable to Forward."

6. Government Code section 11506(c) states, in pertinent part:

> (c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense . . . and the notice shall be deemed a specific denial of all parts of the accusation . . . not expressly admitted. Failure to file a notice of defense . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

7. Respondent failed to file a Notice of Defense within 15 days after service upon them of the Accusation, and therefore waived is right to a hearing on the merits of Accusation No. 5668.

8. California Government Code section 11520(a) states, in pertinent part:

> (a) If the respondent either fails to file a notice of defense . . . or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent . . . .

9. The Board takes official notice of its records and the fact that Respondent failed to file a Notice of Defense within 15 days after service upon Respondent of the Accusation, and that Respondent waived its right to a hearing on the merits of Accusation No. 5668. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as taking official notice of all the

investigatory reports, exhibits and statements contained therein on file at the Board's offices regarding the allegations contained in Accusation No. 5668, finds that the charges and allegations in Accusation No. 5668, are separately and severally, found to be true and correct by clear and convincing evidence.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent CHJ Pharmacare Inc. dba CHJ Pharmacare has subjected its Pharmacy Permit No. PHY 45334 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board is authorized to revoke Respondent's Pharmacy Permit based upon the following violation alleged in the Accusation which is supported by the evidence contained in the Default Decision Evidence Packet in this case:

a. Code section 4301(o) in conjunction with Code section 4169(a)(1) - purchasing, trading, selling, distributing or transferring dangerous drugs to a person or entity that is not licensed with the board as a wholesaler or pharmacy.

ORDER

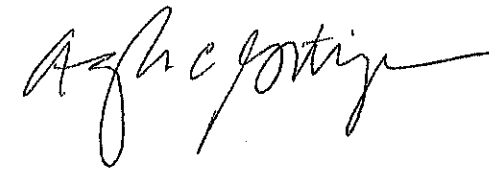
IT IS SO ORDERED that Pharmacy Permit No. PHY 45334, heretofore issued to Respondent CHJ Pharmacare Inc., dba CHJ Pharmacare, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective at 5:00 p.m. on June 29, 2017.

It is so ORDERED on May 30, 2017.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By _____
Amy Gutierrez, Pharm.D.
Board President

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Attachment:
Exhibit A: Accusation

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

In the Matter of the Accusation Against: **1010 PHARMACY; SEAN LANGENBERG, DIRECTOR; VALTON EASON, DIRECTOR; NICHOLAS F. THOMAS, DIRECTOR** **1010 Wilshire Boulevard #113** **Los Angeles, CA 90017** **Pharmacy Permit No. PHY 51478** **and** **JACQUELINE THAO NGUYEN** **4395 E LOWELL ST #G** **Ontario, CA 91761** **Pharmacist License RPH 50255** **and** **NAZLEILA HOJJATI** **1900 E. Ocean Blvd., Apt. #1110** **Long Beach, CA 90802** **Pharmacist License RPH 63668** **and** **RAMONA SAKETKHOU** **425 S. Willaman Dr., Apt. #302** **Los Angeles, CA 90048**	Case No. 5668 **ACCUSATION**

Pharmacist License RPH 65213

and

CHJ PHARMACARE INC. DBA CHJ PHARMACARE; ROBERT WEBER 66% SHAREHOLDER; HENRY C. BALANZA, SHAREHOLDER; EMIL MUCHTAR, SECRETARY
12841 Western Avenue, Ste. D
Garden Grove, CA 92841

Pharmacy Permit No. PHY 45334

and

MATTHEW CHO
23 Periwinkle
Irvine, CA 92618

Pharmacist License RPH 50771

Respondents.

Complainant alleges:

PARTIES

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

2. On or about July 11, 2013, the Board of Pharmacy issued Pharmacy Permit Number PHY 51478 to 1010 Pharmacy; Sean Langenberg, Director; Valton Eason, Director; Nicholas F. Thomas, Director (Respondent 1010). Respondent 1010 filed a discontinuance of business effective November 1, 2015. The Pharmacy Permit was cancelled on May 26, 2016.

3. On or about August 24, 1998, the Board of Pharmacy issued Pharmacist License Number RPH 50255 to Jacqueline Thao Nguyen (Respondent Nguyen). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2017, unless renewed.

4. On or about February 4, 2010, the Board of Pharmacy issued Pharmacist License Number RPH 63668 to Nazleila Hojjati (Respondent Hojjati). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on August

31, 2017, unless renewed. Respondent Hojjati was the Pharmacist-In-Charge ("PIC") of 1010 Pharmacy from January 7, 2014 to May 30, 2014.

5. On or about February 9, 2011, the Board of Pharmacy issued Pharmacist License Number RPH 65213 to Ramona Saketkhou (Respondent Saketkhou). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2016, unless renewed.

6. On or about January 7, 2003, the Board of Pharmacy issued Pharmacy Permit Number PHY 45334 to CHJ Pharmacare Inc. dba CHJ Pharmacare, Robert Weber as 66% shareholder from January 7, 2003 to January 2, 2015; Henry C. Balanza, shareholder from January 7, 2003 to January 2, 2015; Emil Muchtar, Secretary from January 7, 2003 to January 2, 2015 (Respondent CHJ). The Pharmacy Permit expired on October 22, 2014, and was cancelled on January 2, 2015.

7. On or about March 31, 1999, the Board of Pharmacy issued Pharmacist License Number RPH 50771 to Matthew Cho (Respondent Cho). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and expired on March 31, 2015, and has not been renewed. Respondent Cho was the Pharmacist-In-Charge ("PIC") of CHJ Pharmacare from July 6, 2013 to October 22, 2014.

JURISDICTION

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

9. Section 4300 of the Code states:

> (a) Every license issued may be suspended or revoked.
>
> (b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:
>
> (1) Suspending judgment.
>
> (2) Placing him or her upon probation.
>
> (3) Suspending his or her right to practice for a period not exceeding one year.

(4) Revoking his or her license.

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

...

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

10. Section 4300.1 of the Code states:

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

COST RECOVERY

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

STATUTORY AND REGULATORY PROVISIONS

12. 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:

...

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

(e) The clearly excessive furnishing of controlled substances in violation of subdivision (a) of Section 11153.5 of the Health and Safety Code. Factors to be considered in determining whether the furnishing of controlled substances is clearly excessive shall include, but not be limited to, the amount of controlled substances furnished, the previous ordering pattern of the customer (including size and frequency of orders), the type and size of the customer, and where and to whom the customer distributes its product.

(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit,

or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

...

(j) The violation of any of the statutes of this state, or 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.

...

13. Section 4022 of the Code states

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

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

...

14. Section 4059 of the Code states in part:

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

...

15. Section 4081 of the Code states in part:

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

...

16. Section 4113 of the Code states in part, "(c) The pharmacist-in-charge shall be responsible for a pharmacy's compliance with all state and federal laws and regulations pertaining to the practice of pharmacy. ..."

17. Section 4169 of the Code states in part:

(a) A person or entity shall not do any of the following:

(1) Purchase, trade, sell, warehouse, distribute, or transfer dangerous drugs or dangerous devices at wholesale with a person or entity that is not licensed with the board as a wholesaler, third-party logistics provider, or pharmacy.

(2) Purchase, trade, sell, or transfer dangerous drugs that the person knew or reasonably should have known were adulterated, as set forth in Article 2 (commencing with Section 111250) of Chapter 6 of Part 5 of Division 104 of the Health and Safety Code.

...

18. Section 4306.5 of the Code states:

Unprofessional conduct for a pharmacist may include any of the following:

(a) Acts or omissions that involve, in whole or in part, the inappropriate exercise of his or her education, training, or experience as a pharmacist, whether or not the act or omission arises in the course of the practice of pharmacy or the ownership, management, administration, or operation of a pharmacy or other entity licensed by the board.

(b) Acts or omissions that involve, in whole or in part, the failure to exercise or implement his or her best professional judgment or corresponding responsibility with regard to the dispensing or furnishing of controlled substances, dangerous drugs, or dangerous devices, or with regard to the provision of services.

(c) Acts or omissions that involve, in whole or in part, the failure to consult appropriate patient, prescription, and other records pertaining to the performance of any pharmacy function.

(d) Acts or omissions that involve, in whole or in part, the failure to fully maintain and retain appropriate patient-specific information pertaining to the performance of any pharmacy function.

19. Section 4307 of the Code states in part:

(a) Any person who has been denied a license or whose license has been revoked or is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a manager, administrator, owner, member, officer, director, associate, or partner of any partnership, corporation, firm, or association whose application for a license has been denied or revoked, is under suspension or has been placed on probation, and while acting as the manager, administrator, owner, member, officer, director, associate, or partner had

knowledge of or knowingly participated in any conduct for which the license was denied, revoked, suspended, or placed on probation, shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee as follows:

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

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

(b) "Manager, administrator, owner, member, officer, director, associate, or partner," as used in this section and Section 4308, may refer to a pharmacist or to any other person who serves in that capacity in or for a licensee.

(c) The provisions of subdivision (a) may be alleged in any pleading filed pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code. However, no order may be issued in that case except as to a person who is named in the caption, as to whom the pleading alleges the applicability of this section, and where the person has been given notice of the proceeding as required by Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code. The authority to proceed as provided by this subdivision shall be in addition to the board's authority to proceed under Section 4339 or any other provision of law.

20. Section 4333 of the Code states in part:

(a) All prescriptions filled by a pharmacy and all other records required by Section 4081 shall be maintained on the premises and available for inspection by authorized officers of the law for a period of at least three years. In cases where the pharmacy discontinues business, these records shall be maintained in a board-licensed facility for at least three years.

...

21. Title 16, California Code of Regulations (hereinafter "CCR"), section 1708.2 states, "Any permit holder shall contact the board prior to transferring or selling any dangerous drugs, devices or hypodermics inventory as a result of termination of business or bankruptcy proceedings and shall follow official instructions given by the board applicable to the transaction."

22. Title 16, CCR, section 1714 states in part:

...

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

...

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

...

23. Title 16, CCR, section 1735.2 states in part:

...

(d) A drug product shall not be compounded until the pharmacy has first prepared a written master formula record that includes at least the following elements:

(1) Active ingredients to be used.

(2) Equipment to be used.

(3) Expiration dating requirements.

(4) Inactive ingredients to be used.

(5) Process and/or procedure used to prepare the drug.

(6) Quality reviews required at each step in preparation of the drug.

(7) Post-compounding process or procedures required, if any.

...

(i) The pharmacist performing or supervising compounding is responsible for the proper preparation, labeling, storage, and delivery of the compounded drug product. ...

24. Title 16, CCR, section 1735.3 states in part:

(a) For each compounded drug product, the pharmacy records shall include:

...

(7) A pharmacy assigned reference or lot number for the compounded drug product.

(8) The expiration date of the final compounded drug product.

...

25. Title 16, CCR, section 1735.4 states in part:

(a) In addition to the labeling information required under Business and Professions Code section 4076, the label of a compounded drug product shall contain the generic name(s) of the principal active ingredient(s)... .

26. Title 16, CCR, section 1735.7 states in part:

...

(c) Pharmacy personnel assigned to compounding duties shall demonstrate knowledge about processes and procedures used in compounding prior to compounding any drug product.

27. Title 16, CCR, section 1761 states in part:

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

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

28. Title 16, CCR, section 1770, states:

For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the qualifications, functions or duties of a licensee or registrant if to a substantial degree it evidences present or potential unfitness of a licensee or registrant to perform the functions authorized by his license or registration in a manner consistent with the public health, safety, or welfare.

29. Health and Safety Code section 11153 states in part:

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

...

30. Health and Safety Code section 11165 states in part:

...

(d) For each prescription for a Schedule II, Schedule III, or Schedule IV controlled substance, as defined in the controlled substances schedules in federal law and regulations, specifically Sections 1308.12, 1308.13, and 1308.14, respectively, of

Title 21 of the Code of Federal Regulations, the dispensing pharmacy, clinic, or other dispenser shall report the following information to the Department of Justice as soon as reasonably possible, but not more than seven days after the date a controlled substance is dispensed, in a format specified by the Department of Justice:

(1) Full name, address, and, if available, telephone number of the ultimate user or research subject, or contact information as determined by the Secretary of the United States Department of Health and Human Services, and the gender, and date of birth of the ultimate user.

(2) The prescriber's category of licensure, license number, national provider identifier (NPI) number, if applicable, the federal controlled substance registration number, and the state medical license number of any prescriber using the federal controlled substance registration number of a government-exempt facility.

(3) Pharmacy prescription number, license number, NPI number, and federal controlled substance registration number.

(4) National Drug Code (NDC) number of the controlled substance dispensed.

(5) Quantity of the controlled substance dispensed.

(6) International Statistical Classification of Diseases, 9th revision (ICD-9) or 10th revision (ICD-10) Code, if available.

(7) Number of refills ordered.

(8) Whether the drug was dispensed as a refill of a prescription or as a first-time request.

(9) Date of origin of the prescription.

(10) Date of dispensing of the prescription.

...

31. Health and Safety Code section 111255 states, "Any drug or device is adulterated if it has been produced, prepared, packed, or held under conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health."

32. Health and Safety Code section 111295 states, "It is unlawful for any person to manufacture, sell, deliver, hold, or offer for sale any drug or device that is adulterated."

33. Health and Safety Code section 111300 states, "It is unlawful for any person to adulterate any drug or device."

34. With regard to electronic orders for Schedule I and II controlled substances, Code of Federal Regulations, section 1305.22, subdivision (g) states, "When a purchaser receives a

shipment, the purchaser must create a record of the quantity of each item received and the date received. The record must be electronically linked to the original order and archived."

DRUGS

35. All drugs discussed herein are dangerous drugs as defined by Code section 4022.

FACTS

TRANSFER OF DRUGS

36. In or about February, 2014, Respondent Nguyen ("Nguyen) offered to purchase CHJ Pharmacare ("CHJ"). During negotiations, Nguyen was allowed to work as the Pharmacist-in-Charge ("PIC") until the sale of the pharmacy was finalized. Nguyen was given office space at CHJ where she had access to CHJ's accounts and pharmacy computers. By February 13, 2014, negotiations fell through and the sale was not finalized. Nguyen was allowed to stay at CHJ until the end of the day on February 13, 2014 but after that, she would no longer be affiliated with CHJ. Nguyen was told not to return until February 17, 2014 in order to remove her belongings because CHJ's owner would be out of town from February 14, 2014 until February 16, 2014.

37. On or about February 14, 2014, Nguyen returned to CHJ with T.P. and removed computers and boxes. She also removed compounding powders from CHJ. The compounding powders were dangerous drugs obtained from Medisca, Inc., a drug wholesaler. Medisca Invoice No. 623926 identified the drugs that were removed by Nguyen:

Drug	Lot	Amount in original container	Expiration date
Baclofen, USP	104622/A	1kg	10/16
Cyclobenzaprine HCL,USP	102419/A	1kg	8/18
Diclofenac Na, USP	103563/A	1kg	4/17
Flurbiprofen, USP	105153/A	5kg	11/16
Gabapentin, USP	104929/B	1kg	4/16
HRT Gel Base (men)	98819/G	100gm	5/15
Ketoprofen, USP	102788/A	5kg	7/16
Lidocaine HCL, USP	103244/C	1kg	5/18
Pentylene Glycol	105242/A	4L	8/15
Tetracaine HCL, USP	103511/A	1kg	9/16
Transdermal Pain Base	104005/A	5kg	9/15

38. These drugs were transported by T.P. and stored in T.P.'s garage, thereby adulterating them, until Nguyen transferred them to Respondent 1010 Pharmacy ("1010 Pharmacy") in or about May 30, 2014. Nguyen was not a licensed wholesaler or pharmacy permit holder.

39. On February 14, 2014, Nguyen contacted Medisca, representing herself as "Beatrice," CHJ's pharmacy technician and placed a telephone order for the same drugs she had ordered on February 4, 2014. The February 14, 2014 order was placed on CHJ's account with Medisca and totaled $13,873.90. Orders from Medisca are non-refundable.

40. After the events of February 14, 2014, B.R., CHJ's pharmacy technician, contacted Medisca and learned that Nguyen placed an order on February 4, 2014 on CHJ's account. Nguyen previously stated she paid for the order. The February 4, 2014 order totaled $9,322.00. None of these products ordered by Nguyen were brought into CHJ's compounding department; they were removed from CHJ before February 13, 2014.

INSPECTION OF 1010 PHARMACY

41. On November 12, 2014, Board inspectors conducted an inspection of 1010 Pharmacy. Nguyen was present during the inspection. Board inspectors found the compounding components listed in Medisca Invoice No. 623926 at 1010 Pharmacy and removed them from 1010 Pharmacy's stock as listed below. These drugs were embargoed as adulterated drugs:

Drug	Lot	Amount in original container	Expiration date
Baclofen, USP	104622/A	1kg	10/16
Cyclobenzaprine HCL,USP	102419/A	1kg	8/18
Diclofenac Na, USP	103563/A	1kg	4/17
Flurbiprofen, USP	105153/A	5kg	11/16
Gabapentin, USP	104929/B	1kg	4/16
HRT Gel Base (men)	98819/G	100gm	5/15
Ketoprofen, USP	102788/A	5kg	7/16
Lidocaine HCL, USP	103244/C	1kg	5/18
Tetracaine HCL, USP	103511/A	1kg	9/16

42. From May 29, 2014 to November 10, 2014, Nguyen compounded and dispensed at least 76 adulterated drugs while working at 1010 Pharmacy.

43. 1010 Pharmacy's drug recall policy called for the recalled product to be removed from stock, quarantined and disposed/returned. The policy called for the pharmacy to identify the patients who potentially received the target product via the pharmacy computer system and the

prescribers notified. 1010 Pharmacy had a similar policy "in the event it is discovered that a compounded product does not pass [1010 Pharmacy's] quality control." No documentation was provided to the Board inspector that patients or prescribers were contacted or that there had been an attempt to recall the adulterated drugs listed in paragraph 38. Nguyen failed to protect the public from these adulterated compounds when she failed to initiate a recall pursuant to the pharmacy's policies.

44. Board inspectors conducted subsequent inspections of 1010 Pharmacy on February 18, 2015, and obtained documents from 1010 Pharmacy including copies of master formulas, compounding logs, compounding worksheets, compounding work orders and dispensing records.

45. The dispensing records were correlated with the master formulas received from 1010 Pharmacy and Nguyen, which revealed that numerous compounded drugs were made without a master formula. These are:

Drug	Lot	Rxnumber	Amount
Amitr2%/Acyclovir5%/Gabapentin10%/Ketoprofen10%/Lidocaine 4% (AAGKL Shingle compound)	010715E1	601794	120gm
Total			120gm
Anti-fungal and anti-itch Cream (Antifungal compound)	112114E2	601421	60gm
Anti-fungal and anti-itch Cream (Antifungal compound)	112114E2	Unknown	60gm
Anti-fungal and anti-itch Cream (Antifungal compound)	101414E1	601421	60gm
Anti-fungal and anti-itch Cream (Antifungal compound)	092914E1	601201	30gm
Anti-fungal and anti-itch Cream (Antifungal compound)	092214E1	601201	60gm
Anti-fungal and anti-itch Cream (Antifungal compound)	122214E1	601201	30gm
Anti-fungal and anti-itch Cream (Antifungal compound)	120414E1	601520	60gm
Anti-fungal and anti-itch Cream (Antifungal compound)	112114E2	Unknown	60gm
Total			420gm
Baclofen 2%/ Amitriptyline 8%/ Ketamine 4% (BAC20mg/Ami 80mg/Keta40mg)	012615E1	C601695	120gm
Baclofen 2%/ Amitriptyline 8%/ Ketamine 4% (BAC20mg/Ami 80mg/Keta40mg)	1217144E1	C601695	120gm
Total			240gm
Citric Acid 40% soln	121014E1	none	1000ml
Total			1000ml
Diclofenac 15%/ Gabapentin 10%/ Lidocaine 10% (DGL Cream)	120914E1	601525	120gm
Total			120gm
Diclofenac 5%/Lidocaine 5%	011615E1	601845	120gm
Total			120gm
Diltiazem 2% ointment	080814E1	600761	15gm
Diltiazem 2% ointment	121114E1	601677	60gm
Total			75gm
Finasteride 0.5%/ Mindoxidil 8% (FM Compound Scalp Soln)	072814E1	600733	240ml
Finasteride 0.5%/ Mindoxidil 8% (FM Compound Scalp Soln)	081014E1	600443	240ml
Finasteride 0.5%/ Mindoxidil 8% (FM Compound Scalp Soln)	081914E2	600889	240ml
Finasteride 0.5%/ Mindoxidil 8% (FM Compound Scalp Soln)	082014E1	600888	240ml
Finasteride 0.5%/ Mindoxidil 8% (FM Compound Scalp Soln)	082114E1	600906	240ml

Finasteride 0.5%/ Mindoxidil 8% (FM Compound Scalp Soln)	082114E1	600904	240ml
Finasteride 0.5%/ Mindoxidil 8% (FM Compound Scalp Soln)	081214E1	600443	240ml
Finasteride 0.5%/ Mindoxidil 8% (FM Compound Scalp Soln)	091714E2	601147	240ml
Finasteride 0.5%/ Mindoxidil 8% (FM Compound Scalp Soln)	091714E2	601161	240ml
Finasteride 0.5%/ Mindoxidil 8% (FM Compound Scalp Soln)	091814E1	601165	240ml
Finasteride 0.5%/ Mindoxidil 8% (FM Compound Scalp Soln)	102014E2	600733	240ml
Finasteride 0.5%/ Mindoxidil 8% (FM Compound Scalp Soln)	100214E2	600904	240ml
Finasteride 0.5%/ Mindoxidil 8% (FM Compound Scalp Soln)	101414E1	600443	240ml
Finasteride 0.5%/ Mindoxidil 8% (FM Compound Scalp Soln)	111914E1	601566	240ml
Finasteride 0.5%/ Mindoxidil 8% (FM Compound Scalp Soln)	111914E1	601567	240ml
Finasteride 0.5%/ Mindoxidil 8% (FM Compound Scalp Soln)	111914E1	601165	240ml
Finasteride 0.5%/ Mindoxidil 8% (FM Compound Scalp Soln)	111914E1	601147	240ml
Finasteride 0.5%/ Mindoxidil 8% (FM Compound Scalp Soln)	101514E4	601165	240ml
Finasteride 0.5%/ Mindoxidil 8% (FM Compound Scalp Soln)	101514E4	601147	240ml
Finasteride 0.5%/ Mindoxidil 8% (FM Compound Scalp Soln)	101514E4	600372	240ml
Finasteride 0.5%/ Mindoxidil 8% (FM Compound Scalp Soln)	101514E4	601161	240ml
Finasteride 0.5%/ Mindoxidil 8% (FM Compound Scalp Soln)	112014E1	600443	240ml
Finasteride 0.5%/ Mindoxidil 8% (FM Compound Scalp Soln)	062114E1	600443	240ml
Finasteride 0.5%/ Mindoxidil 8% (FM Compound Scalp Soln)	061714E1	600372	240ml
Finasteride 0.5%/ Mindoxidil 8% (FM Compound Scalp Soln)	070714E1	Unknown	480ml
Finasteride 0.5%/ Mindoxidil 8% (FM Compound Scalp Soln)	070814E1	Unknown	240ml
Finasteride 0.5%/ Mindoxidil 8% (FM Compound Scalp Soln)	012615E1	Unknown	240ml
Total			6720ml
Flurbiprofen 10%/ gabapentin10%/ Ketamine 10%/ lidocaine 5%/hyaluronic 0.2% (FGKLH compound (F9))	121514E1	C601207	120gm
Flurbiprofen 10%/ gabapentin10%/ Ketamine 10%/ lidocaine 5%/hyaluronic 0.2% (FGKLH compound (F9))	121514E1	unknown	120gm
Total			240gm
Flurbiprofen 20%/ Gabapentin 6%/ Bacol 2%/ Cyclo 2% (FGBC Compound (F20))	122214E1	601428	120gm
Total			120gm
Flurbiprofen 20%/ gabapentin6%/Baclo2%/ Cyclo2% (FGBC compound (F9))	121014E1	601663	120gm
Flurbiprofen 20%/ gabapentin6%/Baclo2%/ Cyclo2% (FGBC compound (F9))	121614E1	601568	120gm
Total			240gm
Hemorrhoid treatment	120414E1	601520	60gm
Hemorrhoid treatment	110614E1	601520	60gm
Total			120gm
Hyaluronic Acid 0.2 soln	082614E1	none	240ml
Total			240ml
Ketoprofen 10%/Gabapentin10%/lidocaine5%/Bupivacaine 5% (KGLB Compound)	012915E1	602024	120gm
Ketoprofen 10%/Gabapentin10%/lidocaine5%/Bupivacaine 5% (KGLB Compound)	012915E1	Unknown	180gm
Total			300gm
Lidocaine 5% soln (Lidocaine 5% spray)	082614E1	600776	10ml
Lidocaine 5% soln (Lidocaine 5% spray)	082614E1	600776	110ml
Total			120ml
Nitroglycerine 0.2% Ointment	111414E2	601555	30gm
Nitroglycerine 0.2% Ointment	111414E2	unknown	30gm
Nitroglycerine 0.2% Ointment	111114E1	601546	15gm
Nitroglycerine 0.2% Ointment	111114E1	unknown	45gm
Nitroglycerine 0.2% Ointment	102214E1	601465	15gm
Nitroglycerine 0.2% Ointment	100214E1	601068	15gm
Nitroglycerine 0.2% Ointment	092514	601235	30gm
Nitroglycerine 0.2% Ointment	091014	601068	15gm

Nitroglycerine 0.2% Ointment	090214E1	600985	30gm
Nitroglycerine 0.2% Ointment	120914E1	unknown	30gm
Nitroglycerine 0.2% Ointment	011415E1	601836	30gm
Nitroglycerine 0.2% Ointment	012815E1	602023	30gm
Nitroglycerine 0.2% Ointment	012015E1	601880	30gm
Nitroglycerine 0.2% Ointment	011515E2	601846	30gm
Nitroglycerine 0.2% Ointment	011515E2	601847	30gm
Total			405gm
Simple Pain Free Therapy Oil (OTC)	102014E4	none	4000ml
Simple Pain Free Therapy Oil (OTC)	092914E1	none	1000ml
Simple Pain Free Therapy Oil (OTC)	092414E2	none	2000ml
Simple Pain Free Therapy Oil (OTC)	092214E4	none	4000ml
Simple Pain Free Therapy Oil (OTC)	092414E1	none	1000ml
Simple Pain Free Therapy Oil (OTC)	092214E1	none	1000ml
Total			13,00ml
Simple Pain Free Therapy Oil with Lidocaine 4% (OTC)	092414E1	none	1000ml
Simple Pain Free Therapy Oil with Lidocaine 4% (OTC)	092214E1	none	1000ml
Total			2,000ml
Simply Pain Free therapy oil with lidocaine 10% (simply pain Free oil)	122214E1	601196	120ml.
Simply Pain Free therapy oil with lidocaine 10% (simply pain Free oil)	120814E1	601217	120ml
Total			240ml
Tetracaine 1%/ Aloe Vera 2%/ Hydrocortisone 1%/ Antacid 30%/ Lidocaine 2% (mouth wash (F1))	071014E1	600357	2700ml
Tetracaine 1%/ Aloe Vera 2%/ Hydrocortisone 1%/ Antacid 30%/ Lidocaine 2% (mouth wash (F1))	082114E1	600357	2700ml
Tetracaine 1%/ Aloe Vera 2%/ Hydrocortisone 1%/ Antacid 30%/ Lidocaine 2% (mouth wash (F1))	112014E1	6015714	2700ml
Total			10,800ml
Tetracaine 1%/ Aloe Vera 2%/ Hydrocortisone 1%/ Antacid 30%/ Lidocaine 2% (Tetra1aloe1HC1antacid30lido2)	052914E1	600164	2700mls
Tetracaine 1%/ Aloe Vera 2%/ Hydrocortisone 1%/ Antacid 30%/ Lidocaine 2% (mouth wash (F1))	060114E1	600357	2700ml
Total			2,700ml
Weight loss capsules	121714E1	none	360 capsules
Total			360capsules

46. In addition, dispensing records indicated several compounded drugs were not labeled correctly in that the labels did not state the generic name of the principal active ingredients. Instead, the labels for the following compounded drugs only identified the first letter of each ingredient in the compounded drug:

Labels read	# of Rx
AAGKL SHINGLE COMPOUND	1
ACCGT COMPOUND (F15)	3
BAC20MG/AMI80MG/KETA40MG	3
BCFKLH COMPOUND (F)	1
BIEST(80/20%)3MG/TESTOS.5MG	7
DGL CREAM	2
DGLH COMPOUND (F14)	3
DKGL COMPOUND (F26)	2
FGBC COMPOUND (F20)	34
FGBCLH COMPOUND (F1)	9

FGC COMPOUND (F17)	9
FGKLH COMPOUND (F9)	42
FGLT COMPOUND (F8)	2
FGLTC COMPOUND (F6)	5
FM COMPOUND (SCALP SOLN)	28
FM SHAMPOO	17
HEMMOROID TREATMENT	2
KDGL COMPOUND (F7)	8
KGAKT COMPOUND (F25)	1
KGLB COMPOUND	1
MOUTH WASH (F1)	4
MY WAY 1.5 MG TABLET	5
SIMPLY PAIN FREE OIL	25
Total	214

47. In addition, a review of 1010 Pharmacy's compounding logs reveal that at least 32 lots were not assigned a unique reference or lot number as required. These compounded drugs are:

Date compounded	Rx number	Lot number	Adulterated component		Notes
			Drug	Lot	
6/15/14	600366	061514el	Flurbiprofen, USP	105153/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Tetracaine HCL, USP	103511/A	
			Cyclobenzaprine HCL, USP	102419/A	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
06/15/14	600382	061514el	Flurbiprofen, USP	105153/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Cyclobenzaprine HCL, USP	102419/A	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
6/26/14	600381	062614el	Flurbiprofen, USP	105153/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Cyclobenzaprine HCL, USP	102419/A	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
6/26/14	600399	062614el	Cyclobenzaprine HCL, USP	102419/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
Unknown	600361	062614el	Flurbiprofen, USP	105153/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	No RPH signature on final product
			Baclofen, USP	104622/A	No date it was compounded
			Cyclobenzaprine HCL, USP	102419/A	
			Lidocaine HCL, USP	103244/C	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
6/27/14	C600390	062714el	Flurbiprofen, USP	105153/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	

			Baclofen, USP	104622/A	
			Cyclobenzaprine HCL, USP	102419/A	
			Lidocaine HCL, USP	103244/C	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
7/9/14	600591 600613	070914el	Ketoprofen, USP	102788/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Diclofenac Na, USP	103563/A	
			Lidocaine HCL, USP	103244/C	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
7/12/14	600382	071214el	Flurbiprofen, USP	105153/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Cyclobenzaprine HCL, USP	102419/A	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
7/12/14	600420	071214el	Flurbiprofen, USP	105153/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Tetracaine HCL, USP	103511/A	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
7/9/14	600380	070914el	Flurbiprofen, USP	105153/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Cyclobenzaprine HCL, USP	102419/A	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
Unknown	600643	071414el	Flurbiprofen, USP	105153/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Baclofen, USP	104622/A	
			Cyclobenzaprine HCL, USP	102419/A	
			Lidocaine HCL, USP	103244/C	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
7/12/14	600623	071414el	Flurbiprofen, USP	105153/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Baclofen, USP	104622/A	
			Cyclobenzaprine HCL, USP	102419/A	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
8/12/14	600602	081214el	Flurbiprofen, USP	105153/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Tetracaine HCL, USP	103511/A	
			Cyclobenzaprine HCL, USP	102419/A	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
8/12/14	C600785	081214el	Flurbiprofen, USP	105153/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Lidocaine HCL, USP	103244/C	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	

8/12/14	C600786	081214el	Flurbiprofen, USP	105153/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Lidocaine HCL, USP	103244/C	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
8/12/14	600788	081214el	Flurbiprofen, USP	105153/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Baclofen, USP	104622/A	
			Cyclobenzaprine HCL, USP	102419/A	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
8/19/14	600395	081914el	Flurbiprofen, USP	105153/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Baclofen, USP	104622/A	
			Cyclobenzaprine HCL, USP	102419/A	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
8/19/14	C600731	081914el	Flurbiprofen, USP	105153/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Lidocaine HCL, USP	103244/C	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
8/21/14	600361	082114el	Flurbiprofen, USP	105153/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Baclofen, USP	104622/A	
			Cyclobenzaprine HCL, USP	102419/A	
			Lidocaine HCL, USP	103244/C	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
8/21/14	600905	082114el	Ketoprofen, USP	102788/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Baclofen, USP	104622/A	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
8/29/14	C600983	082914el	Ketoprofen, USP	102788/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Lidocaine HCL, USP	103244/C	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
8/29/14	C600983	082914el	Flurbiprofen, USP	105153/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Lidocaine HCL, USP	103244/C	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
			Lidocaine HCL, USP	103244/C	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
9/12/14	601134	091214el	Flurbiprofen, USP	105153/A	Log show 240gm made Rx shows only 120gm
			Gabapentin, USP	104929/B	
			Baclofen, USP	104622/A	
			Cyclobenzaprine HCL, USP	102419/A	
			Lidocaine HCL, USP	103244/C	

			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
9/16/14	600381	091614el	Flurbiprofen, USP	105153/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Cyclobenzaprine HCL, USP	102419/A	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
9/16/14	C600785	091614el	Flurbiprofen, USP	105153/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Lidocaine HCL, USP	103244/C	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
9/16/14	600788	091614el	Flurbiprofen, USP	105153/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Cyclobenzaprine HCL, USP	102419/A	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
9/16/14	600361	091614el	Flurbiprofen, USP	105153/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Baclofen, USP	104622/A	
			Cyclobenzaprine HCL, USP	102419/A	
			Lidocaine HCL, USP	103244/C	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
10/3/14	C600865	100314e2	Flurbiprofen, USP	105153/A	Log shows 240gm compounded rxs show 120gms
			Gabapentin, USP	104929/B	
			Lidocaine HCL, USP	103244/C	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
10/6/14	None?	100614e1	Flurbiprofen, USP	105153/A	Log has not Rxs attached but shows 240gm were compounded
			Gabapentin, USP	104929/B	
			Lidocaine HCL, USP	103244/C	Product contains Ketamine
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
10/14/14	606613	101414e1	Ketoprofen, USP	102788/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Lidocaine HCL, USP	103244/C	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
10/14/14	601182	101414e1	Flurbiprofen, USP	105153/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Baclofen, USP	104622/A	
			Cyclobenzaprine HCL, USP	102419/A	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
10/27/14	600788	102714e1	Flurbiprofen, USP	105153/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Baclofen, USP	104622/A	
			Cyclobenzaprine HCL, USP	102419/A	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
10/27/14	601164	102714e1	Flurbiprofen, USP	105153/A	Lot number not unique to this compound

			Gabapentin, USP	104929/B	
			Baclofen, USP	104822/A	
			Cyclobenzaprine HCL, USP	102419/A	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
10/28/14	601170	102714e1	Flurbiprofen, USP	105153/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Lidocaine HCL, USP	103244/C	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
10/27/14	C600786	102714e1	Flurbiprofen, USP	105153/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Lidocaine HCL, USP	103244/C	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	

48. Staff training records were reviewed and revealed that Nguyen began compounding at 1010 Pharmacy on or before June 5, 2014, although she did not receive compounding training until October 24, 2014 and October 25, 2014. Pharmacist J.T. received no training but began compounding drugs at 1010 Pharmacy on or before June 13, 2014.

49. 1010 Pharmacy's compounding logs were compared with its dispensing records from January 1, 2014 to December 23, 2014. The review revealed the following discrepancies:

a. Simple Pain Free Oil was a drug compounded by Nguyen for a doctor to whom she sold the drug. Dispensing records showed 2,460 ml of Simple Pain Free Oil were sold for a total of $4,003.07. However, acquisition records or compounding logs showed only 240 ml of Simple Pain Free Oil. 1010 Pharmacy failed to provide compounding logs or acquisition records for 2,220 ml of Simple Pain Free Oil for 23 prescriptions.

b. Acquisition records were provided for weight loss capsules (360 capsules), hyaluronic acid 0.2% solution 240 ml, and citric acid 40% solution 1,000 ml, but no disposition records were provided.

50. Between November 12, 2013 and May 5, 2014, 1010 Pharmacy failed to report dispensing of Schedules II – IV controlled substances to the Controlled Substance Utilization Review & Evaluation System ("CURES") when dispensing records showed about 100 drugs dispensed, including Schedules II – IV controlled substances.

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CORRESPONDING RESPONSIBILITY

51. Respondents, 1010 Pharmacy, Nguyen, Hojjati and Sakethkhou dispensed 309 prescriptions written by Dr. A.A. between October 29, 2013 and January 29, 2015. Dr. A.A. had four offices: Los Angeles, Santa Monica, Rancho Cucamonga, Long Beach and Hollister. His prescriptions rarely indicated which office he was prescribing out of. His Los Angeles office was about 0.8 miles from 1010 Pharmacy; his Rancho Cucamonga office was about 43 miles from 1010 Pharmacy; his Hollister office was about 306 miles from 1010 Pharmacy; and the Santa Monica and Long Beach offices were about 15 miles and 22 miles, respectively, from 1010 Pharmacy.

52. A review of 246 of the 309 prescriptions written by Dr. A.A. indicated that the following top ten drugs dispensed at 1010 Pharmacy were:

DRUG NAME	# of Rx	% of Rxs	Total number of tablets	Average number of tablets per RX
OXYCODONE 30 MG	133	43.2%	14,100	106.0
IBUPROFEN 800 MG TABLET	66	21.4%	5,160	78.2
HYDROCODON-APAP 10-325	23	7.5%	2,670	116.1
METHYLPREDNISOLONE 4 MG DOS	13	4.2%	273	21.0
CYCLOBENZAPRINE 10 MG TAB	10	3.2%	330	33.0
IBUPROFEN 600 MG TABLET	9	2.9%	570	63.3
PROMETHAZINE-CODEINE SYRUP	7	2.3%	2,439ml	348.4ml
MELOXICAM 15 MG TABLET	5	1.6%	140	28.0
HYDROXYZINE HCL 25 MG TAB	5	1.6%	150	30.0
PREDNISONE 1 MG TABLET	4	1.3%	23	5.8

53. There was no adjustment for sex, age, weight, renal or hepatic function, race, diagnosis, past medications used (opioid tolerance) or any other patient related factor in Dr. A.A.'s prescribing pattern for oxycodone 30 mg. The pain medications prescribed by Dr. A.A. were generally for the same drugs, dosages and quantities. The average age of Dr. A.A.'s patients was 46 years old. None of the patients with "chronic pain" were also receiving long-acting pain medication to control their baseline pain. Only one of the 133 prescriptions for oxycodone 30 mg had a diagnosis, Rx number 200127. The diagnosis was hip pain, which is generally not a medical reason for a very powerful narcotic such as oxycodone 30 mg.

54. Of the 308 prescriptions written by Dr. A.A. between October 29, 2013 to January 29, 2015, 99.03% or 305 were paid for with cash, while 0.97% or 3 were paid for with insurance. The average amount paid for a prescription for oxycodone 30 mg was $390.82; for hydrocodone/apap 10/32, it was $187.39; and for oxycodone/apap, it was $397.50.

55. Only 4 of the 133 prescriptions for oxycodone were verified by the dispensing pharmacist at 1010 Pharmacy although these 4 prescriptions were verified with a person at Dr. A.A.'s office, but not with Dr. A.A.

56. Between January 1, 2012 and February 19, 2015, Dr. A.A. wrote 3,050 prescriptions for oxycodone and 4,218 prescriptions for Norco 10/325 mg. Therefore, on average, between January 1, 2012 and February 19, 2015, 3.9 prescriptions for oxycodone 30 mg per day and 5.4 prescriptions for Norco 10/325 were dispensed per day written by Dr. A.A. Dr. A.A.'s CURES report for November 1, 2013 shows over 30 prescriptions from Dr. A.A. filled on November 1, 2013, in Northern and Southern California:

Patient City	Drug	Date filled	Pharmacy	PHY City
LOS ANGELES	OXYCODONE HYDROCHLORIDE 30 MG	11/01/2013	WESTSIDE PHARMACY	LOS ANGELES
LOS ANGELES	OXYCODONE HYDROCHLORIDE 30 MG	11/01/2013	RITE AID 5471	GARDENA
HOLLISTER	MORPHINE SULFATE 100 MG	11/01/2013	ANSR PHARMACY 101	HOLLISTER
HOLLISTER	APAP/HYDROCODONE BITARTRATE 325 MG-10 MG	11/01/2013	ANSR PHARMACY 101	HOLLISTER
PARADISE	APAP/HYDROCODONE BITARTRATE 325 MG-10 MG	11/01/2013	RITE AID 6092	PARADISE
HOLLISTER	OXYCONTIN 80 MG	11/01/2013	ANSR PHARMACY 101	HOLLISTER
HOLLISTER	OXYCODONE HCL 30 MG	11/01/2013	ANSR PHARMACY 101	HOLLISTER
LONG BEACH	OXYCODONE HCL 30 MG	11/01/2013	STATION PHARMACY	SANTA MONICA
ORLAND	HYDROCODONE BITARTRATE AND ACETAMIN 325 MG-10 MG	11/01/2013	WALGREENS #13001	ORLAND
HOLLISTER	FENTANYL TRANSDERMAL SYSTEM 100 MCG/HR	11/01/2013	ANSR PHARMACY 101	HOLLISTER
CHICO	APAP/HYDROCODONE BITARTRATE 325 MG-10 MG	11/01/2013	CVS/PHARMACY #7506	CHICO
CHICO	CARISOPRODOL 350 MG	11/01/2013	CVS/PHARMACY #7506	CHICO
HOLLISTER	OXYCODONE AND ACETAMINOPHEN 325 MG-10 MG	11/01/2013	ANSR PHARMACY 101	HOLLISTER
LOS ANGELES	OXYCODONE HYDROCHLORIDE 30 MG	11/01/2013	CVS PHARMACY #9781	LOS ANGELES
PALMDALE	OXYCODONE HYDROCHLORIDE 30 MG	11/01/2013	WESTSIDE PHARMACY	LOS ANGELES
HOLLISTER	HYDROCODONE BITARTRATE AND ACETAMIN 325 MG-5 MG	11/01/2013	HAZEL HAWKINS MEMORIAL HOSPITAL PHARMACY	HOLLISTER
FELTON	CARISOPRODOL 350 MG	11/01/2013	ANSR PHARMACY 101	HOLLISTER
FELTON	OXYCONTIN 80 MG	11/01/2013	ANSR PHARMACY 101	HOLLISTER
FELTON	OXYCODONE HCL 30 MG	11/01/2013	ANSR PHARMACY 101	HOLLISTER
HEMET	OXYCODONE HYDROCHLORIDE 30 MG	11/01/2013	WALMART PHARMACY #10-2708	TEMECULA
ORLAND	CARISOPRODOL 350 MG	11/01/2013	WALGREENS #13001	ORLAND
CHICO	APAP/HYDROCODONE BITARTRATE 325 MG-10 MG	11/01/2013	CVS PHARMACY #7128	CHICO
OROVILLE	CARISOPRODOL 350 MG	11/01/2013	CVS/PHARMACY #9158	OROVILLE
SAN BERNARDINO	OXYCODONE HCL 30 MG	11/01/2013	JURUPA VALLEY PHARMACY	JURUPA VALLEY
HOLLISTER	METHADONE HYDROCHLORIDE 10 MG	11/01/2013	ANSR PHARMACY 101	HOLLISTER
HOLLISTER	OXYCODONE HCL 30 MG	11/01/2013	ANSR PHARMACY 101	HOLLISTER
HOLLISTER	HYDROCODONE BITARTRATE AND ACETAMIN 325 MG-10 MG	11/01/2013	ANSR PHARMACY 101	HOLLISTER
HOLLISTER	LYRICA 50 MG	11/01/2013	ANSR PHARMACY 101	HOLLISTER
CHICO	AVINZA 120 MG	11/01/2013	CVS PHARMACY #7128	CHICO

HOLLISTER	HYDROCODONE BITARTRATE AND ACETAMIN 325 MG-10 MG	11/01/2013	ANSR PHARMACY 101	HOLLISTER
HOLLISTER	TRAMADOL HYDROCHLORIDE 50 MG	11/01/2013	ANSR PHARMACY 101	HOLLISTER
HOLLISTER	BUTRANS 20 MCG/HR	11/01/2013	ANSR PHARMACY 101	HOLLISTER

57. Board inspectors reviewed the Patient Activity Reports of 26 of Dr. A.A.'s patients who filled prescriptions at 1010 Pharmacy. Three of the 26 patients had no CURES information although 1010 Pharmacy's dispensing records showed that controlled substances were dispensed to these three patients. The following is a summary of the Board inspector's findings:

a. **Patient NF**: No CURES reports were available for this patient. 1010 Pharmacy's dispensing record shows:

RX	FILL DATE	DRUG NAME	QTY	CITY	DOB	PAID	CURES
200142	12/06/2013	OXYCODONE 30 MG	120	Compton	12/11/1964	178	No
600249	12/06/2013	IBUPROFEN 600 MG TABLET	60	Compton	12/11/1964	20	N/A
200178	01/16/2014	OXYCODONE 30 MG	120	Compton	12/11/1964	436	No
600308	01/16/2014	IBUPROFEN 800 MG TABLET	90	Compton	12/11/1964	33	N/A

b. **Patient MG**: No CURES reports were available for this patient. 1010 Pharmacy's dispensing record shows:

RX	FILL DATE	DRUG NAME	QTY	CITY	DOB	PAID	CURES
200197	02/11/2014	OXYCODONE 30 MG	120	Compton	11/03/1959	436	No
600335	02/11/2014	COLACE 100 MG CAPSULE	30	Compton	11/03/1959	11	N/A
600336	02/11/2014	IBUPROFEN 600 MG TABLET	60	Compton	11/03/1959	20	N/A

c. **Patient TB**: According to the CURES report, TB saw three different prescribers, filled three different controlled substance prescriptions at three different pharmacies from December 16, 2012 to July 30, 2014. TB had insurance but paid for the prescriptions filled at 1010 Pharmacy with cash. 1010 Pharmacy's dispensing record shows:

RX	FILL DATE	DRUG NAME	QTY	CITY	DOB	PAID	CURES
200155	12/11/2013	OXYCODONE 30 MG	90	Los Angeles	10/07/1976	135	No
600269	12/11/2013	IBUPROFEN 800 MG TABLET	90	Los Angeles	10/07/1976	33	N/A
200272	07/30/2014	OXYCODONE 30 MG	90	Los Angeles	10/07/1976	360	Yes
600737	07/30/2014	IBUPROFEN 800 MG TABLET	60	Los Angeles	10/07/1976	25	N/A

d. **Patient GC**: According to the CURES report, GC saw 14 different prescribers, filled 12 different controlled substance prescriptions at 13 different pharmacies from September 8, 2014 to January 7, 2015. 1010 Pharmacy never reported GC's prescriptions to CURES. The CURES report also showed GC had insurance on every fill, however no insurance was billed for the prescriptions dispensed by 1010 pharmacy. 1010 Pharmacy's dispensing record shows:

RX	FILL DATE	DRUG NAME	QTY	CITY	DOB	PAID	CURES
200112	11/19/2013	OXYCODONE 30 MG	90	Los Angeles	06/06/1960	329	No
600210	11/19/2013	IBUPROFEN 600 MG TABLET	60	Los Angeles	06/06/1960	20	N/A
200165	12/12/2013	OXYCODONE 30 MG	90	Los Angeles	06/06/1960	135	No
600279	12/12/2013	IBUPROFEN 800 MG TABLET	90	Los Angeles	06/06/1960	33	N/A

e. **Patient ND:** According to the CURES report, ND saw five different prescribers, filled five different controlled substance prescriptions at seven different pharmacies from September 30, 2013 to December 3, 2014. The CURES report showed ND had insurance on all filled prescriptions but did not use it on any oxycodone 30 mg prescriptions, nor for any of the prescriptions filled at 1010 pharmacy. 1010 Pharmacy's dispensing record shows the following. Of note, 1010 Pharmacy never reported the two oxycodone 30 mg prescriptions to CURES:

RX	FILL DATE	DRUG NAME	QTY	CITY	DOB	PAID	CURES
200138	12/04/2013	OXYCODONE 30 MG	120	Los Angeles	01/19/1984	178	No
600241	12/04/2013	IBUPROFEN 600 MG TABLET	60	Los Angeles	01/19/1984	20	N/A
200203	02/11/2014	OXYCODONE 30 MG	120	Los Angeles	01/19/1984	436	No
600343	02/11/2014	HYDROXYZINE HCL 25 MG TAB	30	Los Angeles	01/19/1984	33	N/A
200529	12/30/2014	HYDROCODON-APAP 10-325	120	Los Angeles	01/19/1984	240	YES

f. **Patient MD:** According to the CURES report, MD filled three different controlled substance prescriptions at three different pharmacies from March 24, 2014 to July 22, 2014. MD did not have pain medications before she stated filling her controlled substance prescriptions at 1010 Pharmacy. The Pharmacist should have questioned the high starting dose of oxycodone on December 16, 2013. 1010 Pharmacy never reported MD's prescriptions to CURES. 1010 Pharmacy's dispensing record shows:

RX	FILL DATE	DRUG NAME	QTY	CITY	DOB	PAID	CURES
200172	12/16/2013	OXYCODONE 30 MG	120	Los Angeles	03/04/1971	178	No
400123	12/16/2013	CARISOPRODOL 350 MG TABLET	30	Los Angeles	03/04/1971	23	No
600289	12/16/2013	MELOXICAM 15 MG TABLET	10	Los Angeles	03/04/1971	54	N/A

g. **Patient WF:** According to the CURES report, WF saw three prescribers, filled three different controlled substance prescriptions at six different pharmacies from February 14, 2012 to January 7, 2015. The CURES report also shows ND had insurance but failed to use it on her prescriptions at 1010 pharmacy. 1010 Pharmacy never reported two prescriptions for oxycodone 30mg to CURES. 1010 Pharmacy's dispensing record shows:

RX	FILL DATE	DRUG NAME	QTY	CITY	DOB	PAID	CURES
200117	11/21/2013	OXYCODONE 30 MG	120	Los Angeles	07/29/1960	436	No
200202	02/11/2014	OXYCODONE 30 MG	120	Los Angeles	07/29/1960	436	No
600342	02/11/2014	HYDROXYZINE HCL 25 MG TAB	30	Los Angeles	07/29/1960	33	N/A
200542	01/07/2015	OXYCODONE 30 MG	90	Los Angeles	07/29/1960	630	Yes

h. **Patient WH**: According to the CURES report, WH saw three prescribers, filled four different controlled substance prescriptions at four different pharmacies from April 17, 2014 to April 30, 2015. 1010 Pharmacy never reported the oxycodone 30 mg prescriptions to CURES. The CURES report shows WH had insurance, but failed to use it on is his prescriptions at 1010 pharmacy. 1010 Pharmacy's dispensing record shows:

RX	FILL DATE	DRUG NAME	QTY	CITY	DOB	PAID	CURES
200207	02/18/2014	OXYCODONE 30 MG	90	Los Angeles	06/26/1962	329	No
600349	02/18/2014	HYDROXYZINE HCL 25 MG TAB	30	Los Angeles	06/26/1962	33	N/A
200539	01/06/2015	HYDROCODON-APAP 10-325	120	Los Angeles	06/26/1962	360	Yes

i. **Patient CJ**: According to the CURES report, CJ saw three prescribers, filled two different controlled substance prescriptions at one pharmacy from September 30, 2012 to May 7, 2015. The CURES report also shows CJ had insurance failed to use it on her prescriptions at 1010 pharmacy. 1010 Pharmacy never reported the three oxycodone 30 mg prescriptions to CURES. 1010 Pharmacy's dispensing record shows:

RX	FILL DATE	DRUG NAME	QTY	CITY	DOB	PAID	CURES
200119	11/21/2013	OXYCODONE 30 MG	120	Los Angeles	02/10/1969	178	No
600215	11/21/2013	OXYCODONE 30 MG	60	Los Angeles	02/10/1969	24	No
200191	01/30/2014	OXYCODONE 30 MG	120	Los Angeles	02/10/1969	436	No
600325	01/30/2014	HYDROXYZINE HCL 25 MG TAB	60	Los Angeles	02/10/1969	24	N/A

j. **Patient TJ:** According to the CURES report, TJ saw three prescribers, filled two different controlled substance prescriptions at one pharmacy from September 30, 2012 to May 7, 2015. The CURES report also shows TJ had insurance on 7/15/14 and 8/14/14 but failed to use it on her prescriptions at 1010 pharmacy. 1010 Pharmacy never reported the oxycodone 30 mg prescription dispensed on November 27, 2013 to CURES. 1010 Pharmacy's dispensing record shows:

RX	FILL DATE	DRUG NAME	QTY	CITY	DOB	PAID	CURES
200125	11/27/2013	OXYCODONE 30 MG	90	Culver City	01/07/1976	329	No
200273	07/30/2014	OXYCODONE 30 MG	90	Culver City	01/07/1976	360	YES
600738	07/30/2014	IBUPROFEN 800 MG TABLET	60	Culver City	01/07/1976	25	N/A

k. **Patient FL:** According to the CURES report, FL saw 15 prescribers, filled 17 different controlled substance prescriptions at 12 pharmacies from February 7, 2012 to April 6, 2015. The CURES report also shows FL had insurance but failed to use it on her prescriptions at 1010 pharmacy. 1010 Pharmacy never reported the two oxycodone 30 mg prescriptions to CURES. 1010 Pharmacy's dispensing record shows:

RX	FILL DATE	DRUG NAME	QTY	CITY	DOB	PAID	CURES
200158	12/11/2013	OXYCODONE 30 MG	120	Los Angeles	09/10/1975	178	No
600274	12/11/2013	IBUPROFEN 600 MG TABLET	60	Los Angeles	09/10/1975	20	N/A
200179	01/16/2014	OXYCODONE 30 MG	120	Los Angeles	09/10/1975	436	No
600309	01/16/2014	IBUPROFEN 800 MG TABLET	90	Los Angeles	09/10/1975	33	N/A
200528	12/30/2014	HYDROCODON-APAP 10-325	120	Los Angeles	09/10/1975	240	Yes
601756	12/30/2014	CYCLOBENZAPRINE 10 MG TAB	30	Los Angeles	09/10/1975	30	No

l. **Patient CM:** According to the CURES report, CM saw six prescribers, filled three different controlled substance prescriptions at five pharmacies from October 3, 2012 to January 24, 2015. 1010 Pharmacy never reported the oxycodone 30 mg prescriptions to CURES. 1010 Pharmacy's dispensing record shows:

RX	FILL DATE	DRUG NAME	QTY	CITY	DOB	PAID	CURES
200157	12/11/2013	OXYCODONE 30 MG	90	Los Angeles	06/30/1963	135	No
600273	12/11/2013	IBUPROFEN 800 MG TABLET	90	Los Angeles	06/30/1963	33	N/A
200368	10/15/2014	HYDROCODON-APAP 10-325	120	Los Angeles	06/30/1963	180	Yes

m. **Patient MM:** According to the CURES report, MM saw only Dr. A.A., filled one controlled substance prescription at two pharmacies from July 8, 2014 to October 20, 2014. 1010 Pharmacy never reported the oxycodone 30 mg prescription from 11/19/13 to CURES. 1010 Pharmacy's dispensing record shows:

RX	FILL DATE	DRUG NAME	QTY	CITY	DOB	PAID	CURES
200111	11/19/2013	OXYCODONE 30 MG	90	Los Angeles	08/15/1961	329	No
600208	11/19/2013	IBUPROFEN 800 MG TABLET	60	Los Angeles	08/15/1961	24	N/A
200330	08/25/2014	OXYCODONE 30 MG	90	Los Angeles	08/15/1961	450	YES
200374	10/20/2014	OXYCODONE 30 MG	90	Los Angeles	08/15/1961	540	YES

n. **Patient RM:** According to the CURES report, RM saw two prescribers, filled two different controlled substance prescriptions at nine pharmacies from January 9, 2013 to November 20, 2014. 1010 Pharmacy never reported the oxycodone 30 mg prescription from 11/21/13 to CURES. 1010 Pharmacy's dispensing record shows:

RX	FILL DATE	DRUG NAME	QTY	CITY	DOB	PAID	CURES
200118	11/21/2013	OXYCODONE 30 MG	120	Carson	11/24/1963	436	No
600214	11/21/2013	IBUPROFEN 800 MG TABLET	60	Carson	11/24/1963	24	N/A
200290	08/07/2014	OXYCODONE 30 MG	120	Carson	11/24/1963	480	YES
600762	08/07/2014	IBUPROFEN 800 MG TABLET	60	Carson	11/24/1963	24	N/A
200344	09/03/2014	OXYCODONE 30 MG	120	Carson	11/24/1963	720	YES

o. **Patient JS:** According to the CURES report, JS saw 14 prescribers, filled 22 different controlled substance prescriptions at fifteen pharmacies from January 10, 2012 to April 9, 2015. JS's residence address is in San Francisco and a majority of her prescriptions were filled in San Francisco. JS used insurance to pay for prescriptions she filled on August 11, 2014 and August 21, 2014 at a Walgreens in San Francisco, but paid $726 in cash on August 20, 2014 to

fill her prescriptions at 1010 Pharmacy in Los Angeles (400 miles south of her residence address). 1010 Pharmacy's dispensing record shows:

RX	FILL DATE	DRUG NAME	QTY	CITY	DOB	PAID	CURES
600894	08/20/2014	TOPIRAMATE 100 MG TABLET	60	Beverly Hills	08/09/1985	125	N/A
600893	08/20/2014	DEXILANT DR 30 MG CAPSULE	30	Beverly Hills	08/09/1985	226	N/A
200322	08/20/2014	OXYCODONE-APAP 10-	150	Beverly Hills	08/09/1985	375	YES

p. **Patient RS**: According to the CURES report, RS saw 12 prescribers and filled six different controlled substance prescriptions at six pharmacies from October 12, 2012 to April 3, 2015. RS had insurance but failed to use it for her prescriptions filled at 1010 Pharmacy on August 7, 2014. The CURES report also showed that from October 12, 2012 to August 1, 2014, the only pain medications RS received were hydrocodone combination products. On August 7, 2014, 1010 Pharmacy filled a prescription for oxycodone 30 mg. The Pharmacist should have questioned the high starting dose of oxycodone on August 7, 2014.

RX	FILL DATE	DRUG NAME	QTY	CITY	DOB	PAID	CURES
600760	08/07/2014	VOLTAREN 1% GEL	100	Los Angeles	09/26/1958	60	N/A
600759	08/07/2014	IBUPROFEN 800 MG TABLET	90	Los Angeles	09/26/1958	35	N/A
200289	08/07/2014	OXYCODONE 30 MG	90	Los Angeles	09/26/1958	360	YES

q. **Patient DV**: According to the CURES report, DV saw three prescribers, filled one controlled substance prescription at two pharmacies from August 21, 2014 to December 12, 2014. The CURES report showed that from January 1, 2012 to May 5, 2015, the only pain medication DV was taking was Tylenol with codeine #3. According to 1010 Pharmacy's dispensing records, DV filled a prescription for oxycodone 30mg on December 6, 2013 at 1010 Pharmacy:

RX	FILL DATE	DRUG NAME	QTY	CITY	DOB	PAID	CURES
200145	12/06/2013	OXYCODONE 15 MG	90	Los Angeles	08/06/1987	74	No
600254	12/06/2013	IBUPROFEN 600 MG TABLET	60	Los Angeles	08/06/1987	20	N/A
600255	12/06/2013	CYCLOBENZAPRINE 10 MG TAB	30	Los Angeles	08/06/1987	39	N/A

r. **Patient JW**: According to the CURES report, JW saw seven prescribers, filled five different controlled substance prescriptions at nine pharmacies from October 26, 2012 to February 24, 2015. 1010 Pharmacy's dispensing record shows:

RX	FILL DATE	DRUG NAME	QTY	CITY	DOB	PAID	CURES
200292	08/07/2014	OXYCODONE 30 MG	120	Santa Monica	08/13/1976	480	YES
600764	08/07/2014	IBUPROFEN 800 MG TABLET	90	Santa Monica	08/13/1976	35	N/A
200318	08/18/2014	OXYCODONE 30 MG	120	Santa Monica	08/13/1976	600	YES
600862	08/18/2014	IBUPROFEN 800 MG TABLET	90	Santa Monica	08/13/1976	35	N/A

s. **Patient RW**: According to the CURES report, RW saw eight prescribers, filled seven controlled substance prescriptions at 15 pharmacies from May 16, 2012 to January 23,

2015. 1010 Pharmacy never reported the oxycodone 30 mg prescriptions from 12/10/13 and 1/30/14 to CURES. 1010 Pharmacy's dispensing record shows:

RX	FILL DATE	DRUG NAME	QTY	CITY	DOB	PAID	CURES
200152	12/10/2013	OXYCODONE 30 MG	90	Los Angeles	02/13/1946	135	No
600266	12/10/2013	IBUPROFEN 600 MG TABLET	90	Los Angeles	02/13/1946	27	N/A
200190	01/30/2014	OXYCODONE 30 MG	90	Los Angeles	02/13/1946	329	No

58. The dispensing pharmacists for Dr. A.A.'s prescriptions for oxycodone 30 mg are as follows: Hojjati – 57 prescriptions; Nguyen – 43 prescriptions; Saketkhou – 19 prescriptions; E.T. – 10 prescriptions; T.Q. – 3 prescriptions; and, J.T. – 1 prescription.

59. Dr. A.A. denied writing the following prescriptions:

RX NBR	WRITTEN	Patient	DOB	DRUG NAME	QTY	RP
400130	02/10/2014	GM	12/21/1958	PROMETHAZINE-CODEINE SYRUP	240	LH
600337	02/10/2014	GM	12/21/1958	AMOXICILLIN 500 MG CAPSULE	30	LH
600338	02/11/2014	GM	12/21/1958	LORATADINE 10 MG TABLET	10	LH
400133	02/10/2014	AM	06/08/1987	PROMETHAZINE-CODEINE SYRUP	240	LH
600350	02/10/2014	AM	06/08/1987	AMOXICILLIN 500 MG CAPSULE	30	LH
600351	02/10/2014	AM	06/08/1987	LORATADINE 10 MG TABLET	10	LH

FIRST CAUSE FOR DISCIPLINE

AS TO CHJ PHARMACARE ONLY

(Transfer to Unauthorized Persons)

60. Respondent CHJ Pharmacare is subject to disciplinary action under Code section 4301(o) in conjunction with Code section 4169(a)(1) for purchasing, trading, selling, distributing or transferring dangerous drugs to a person or entity that is not licensed with the board as a wholesaler or pharmacy. On or about February 13, 2014, Respondent CHJ Pharmacare transferred dangerous drugs to Nguyen as set forth in paragraphs 36 – 40 above and incorporated herein. Nguyen was not a licensed wholesaler or pharmacy.

SECOND CAUSE FOR DISCIPLINE

AS TO MATTHEW CHO ONLY

(Transfer to Unauthorized Persons)

61. Respondent Cho is subject to disciplinary action under Code section 4301(o) in conjunction with Code sections 4113(c) and 4169(a)(1) for purchasing, trading, selling, distributing or transferring dangerous drugs to a person or entity that is not licensed with the

board as a wholesaler or pharmacy. On or about February 13, 2014, Respondent Matthew Cho, the Pharmacist-in-Charge of CHJ Pharmacare, allowed the transfer of dangerous drugs to Nguyen as set forth in paragraphs 36 – 40 above and incorporated herein. Nguyen was not a licensed wholesaler or pharmacy.

THIRD CAUSE FOR DISCIPLINE

AS TO 1010 PHARMACY ONLY

(Transfer From Unauthorized Persons)

62. Respondent 1010 Pharmacy is subject to disciplinary action under Code section 4301(o) in conjunction with Code section 4169(a)(1) for purchasing, trading, selling, distributing or transferring dangerous drugs from a person or entity that is not licensed with the board as a wholesaler or pharmacy. On or about May 30, 2014, Respondent 1010 Pharmacy accepted the transfer of dangerous drugs from Nguyen to 1010 Pharmacy as set forth in paragraphs 36 – 42 above and incorporated herein. Nguyen was not a licensed wholesaler or pharmacy.

FOURTH CAUSE FOR DISCIPLINE

AS TO 1010 PHARMACY ONLY

(Transfer of Adulterated Dangerous Drugs)

63. Respondent 1010 Pharmacy is subject to disciplinary action under Code section 4301(o) in conjunction with Code section 4169(a)(2) for purchasing, trading, selling, distributing or transferring dangerous drugs the person knew or reasonably should have known were adulterated. From on or about May 29, 2014 through November 10, 2014, Respondent 1010 accepted the transfer of adulterated drugs from Nguyen, which were drugs obtained by Nguyen in February, 2014 and stored in T.P.'s garage until about May 30, 2014, as set forth in paragraphs 36 – 42 above and incorporated herein.

FIFTH CAUSE FOR DISCIPLINE

AS TO 1010 PHARMACY ONLY

(Unlawful Sale of Adulterated Dangerous Drugs)

64. Respondent 1010 Pharmacy is subject to disciplinary action under Code section 4301, subdivisions (j) and (o), in conjunction with Code section 4169(a)(2) and Health and Safety Code

section 111295, for selling, distributing or transferring dangerous drugs that are adulterated. From on or about May 29, 2014 through November 10, 2014, Respondent 1010 compounded and dispensed at least 76 adulterated drugs, which were drugs obtained by Nguyen in February, 2014 and stored in T.P.'s garage until about May 30, 2014, as set forth in paragraphs 36 – 42 above and incorporated herein.

SIXTH CAUSE FOR DISCIPLINE

AS TO 1010 PHARMACY ONLY

(Failure to Report to CURES)

65. Respondent 1010 Pharmacy is subject to disciplinary action under Code section 4301(j) in conjunction with Health and Safety Code section 11165(d) for failing to report to the Department of Justice, not more than seven days after the date a controlled substance is dispensed, the name, address, telephone number, date of birth, the prescriber's information, the pharmacy prescription number, National Drug Code ("NDC") number of the controlled substance dispensed, the quantity dispensed, the date of dispensing, among other things, of drugs dispensed by Respondent 1010 Pharmacy from November 12, 2013 through May 5, 2014, as set forth in paragraphs 50 and 59 above and incorporated herein.

SEVENTH CAUSE FOR DISCIPLINE

AS TO 1010 PHARMACY ONLY

(Excessive Furnishing of Controlled Substances)

66. Respondent 1010 Pharmacy is subject to disciplinary action under Code section 4301(d) for the clearly excessive furnishing of controlled substances in violation of subdivision (a) of Section 11153 of the Health and Safety Code. From October 29, 2013 to January 29, 2015, Respondent 1010 Pharmacy excessively furnished controlled substances that lacked legitimate medical purpose. This excessive furnishing included, but was not limited to, 133 prescriptions for a total of 14,100 tablets of oxycodone 30 mg written by Dr. A.A., as set forth in paragraphs 51 – 59 above and incorporated herein.

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EIGHTH CAUSE FOR DISCIPLINE

AS TO 1010 PHARMACY ONLY

(Failure to Comply with Corresponding Responsibility for Legitimate Controlled Substance Prescriptions)

67. Respondent 1010 Pharmacy is subject to disciplinary action under Code section 4301(j) in conjunction with Health and Safety Code section 11153(a) and title 16, CCR, section 1761(b), for unprofessional conduct in that Respondent 1010 Pharmacy failed to comply with its corresponding responsibility to ensure that controlled substances are dispensed for a legitimate medical purpose when, from the period October 29, 2013 to January 29, 2015, Respondent 1010 Pharmacy failed to evaluate the totality of the circumstances (information from the patient, physician and other sources) to determine the prescription's legitimate medical purpose in light of irregularities on the face of the prescription itself; all patients received oxycodone 30 mg, all of Dr. A.A.'s prescriptions were paid for with cash; the prescriptions were written for an unusually large quantity of drugs; initial prescriptions were written for strong opiates; and prescriptions were written for medications with no logical connection to an illness or condition; among other things.

68. These controlled substance prescriptions included, but were not limited to the following:

a. 133 prescriptions for a total of 14,100 tablets of oxycodone 30 mg written by Dr. A.A., as set forth in paragraphs 49 – 57 above and incorporated herein.

b. Prescription numbers 400130, 600337 and 600388 written by Dr. A.A. to Patient G.M. on February 10, 2014 and prescription numbers 400133, 600350 and 600351 written by Dr. A.A. to Patient A.M. on February 10, 2014, as set forth in paragraph 57 above and incorporated herein.

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NINTH CAUSE FOR DISCIPLINE

AS TO 1010 PHARMACY ONLY

(Failure to Maintain Records of Acquisition and Disposition)

69. Respondent 1010 Pharmacy is subject to disciplinary action under Code section 4301(o) in conjunction with Code section 4081(a) for failure to maintain all records of manufacture and of sale, acquisition, receipt, shipment, or disposition of dangerous drugs or dangerous devices at all times during business hours open to inspection by authorized officers of the law, and shall be preserved for at least three years from the date of making. The circumstances are as follows and are set forth in paragraphs 44 and 49 above and incorporated herein.

70. From September 19, 2014 to December 22, 2014, Respondent 1010 Pharmacy's dispensing records showed that 2,460 ml of Simple Pain Free Oil were sold by 1010 Pharmacy for and $4,003.07. However, acquisition records (compounding logs) of Simple Pain Free Oil were only made available for 240 ml. 1010 Pharmacy failed to provide records of acquisition records (compounding logs) for 23 prescriptions and 2,220 ml of Simple Pain Free Oil. Additionally, records of acquisition were found for weight loss capsules (360 capsules), hyaluronic acid 0.2% solution 240 ml, and citric acid 40% solution 1,000 ml, but no records of disposition were provided or made available for review.

TENTH CAUSE FOR DISCIPLINE

AS TO 1010 PHARMACY ONLY

(Incorrectly Labeled Compounded Drug Products)

71. Respondent 1010 Pharmacy is subject to disciplinary action under Code section 4301(o) in conjunction with title 16, CCR, section 1735.4(a) for failure to include the generic name(s) of the principal active ingredient(s) on the labels of compounded drug products in that only the first letter of each ingredient was included on the labels of at least 214 prescriptions for compounded drug products, as set forth in paragraph 46 above and incorporated herein.

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ELEVENTH CAUSE FOR DISCIPLINE

AS TO 1010 PHARMACY ONLY

(Lacking Master Formula)

72. Respondent 1010 Pharmacy is subject to disciplinary action under Code section 4301(o) in conjunction with title 16, CCR, section 1735.2(d) for compounding drugs without first preparing a master formula, as set forth in paragraph 45 above and incorporated herein.

TWELFTH CAUSE FOR DISCIPLINE

AS TO 1010 PHARMACY ONLY

(Lacking Records for Compounded Products)

73. Respondent 1010 Pharmacy is subject to disciplinary action under Code section 4301(o) in conjunction with title 16, CCR, section 1735.3(a)(7) (formerly section 1735.3(a)(8)) for lacking a pharmacy assigned reference or lot number of each compounded drug product, as set forth in paragraph 47 above and incorporated herein.

THIRTEENTH CAUSE FOR DISCIPLINE

AS TO 1010 PHARMACY ONLY

(Lack of Security of the Pharmacy)

74. Respondent 1010 Pharmacy is subject to disciplinary action under Code section 4301(o) in conjunction with title 16, CCR, section 1714, subdivisions (b) and (d), for failing to maintain the security of the pharmacy in that on November 8, 2013, Pharmacist T.Q. gave the keys to 1010 Pharmacy and the cabinet where Schedule II controlled substances were stored to A.F., an unlicensed individual.

FOURTEENTH CAUSE FOR DISCIPLINE

AS TO 1010 PHARMACY ONLY

(Failure to Train Compounding Staff)

75. Respondent 1010 Pharmacy is subject to disciplinary action under Code section 4301(o) in conjunction with title 16, CCR, section 1735.7(c) in that pharmacy personnel assigned to compounding duties shall demonstrate knowledge about processes and procedures used in compounding prior to compounding any drug product. However, Pharmacist Nguyen received

compounding training on October 24, 2014 and October 24, 2014, however she began compounding on or before June 5, 2014. Additionally Pharmacist J.T. received no training but began compounding on or before June 13, 2014.

FIFTEENTH CAUSE FOR DISCIPLINE

AS TO 1010 PHARMACY ONLY

(Improper Completion of DEA form e222)

76. Respondent 1010 Pharmacy is subject to disciplinary action under Code section 4301(o) in conjunction with Code of Federal Regulations (CFR) section 1305.21 in that on least 29 different dates from October 13, 2014 to February 1, 2015 on electronic orders for Schedule II controlled substances, Respondent Nguyen failed to electronically link the proof of receipt of each item received on DEA form e222 to the original order and to archive it.

SIXTEENTH CAUSE FOR DISCIPLINE

AS TO 1010 PHARMACY ONLY

(Failure to Timely File a Discontinuance of Business)

77. Respondent 1010 Pharmacy is subject to disciplinary action under Code section 4301(o) in conjunction with title 16, CCR, section 1708.2 in that Respondent 1010 Pharmacy failed to contact the Board prior to transferring or selling any dangerous drugs, devices or hypodermics inventory as a result of termination of business. The circumstances are as follows:

78. On or about October 6, 2015, the Board received notification that PIC G.A. resigned as the PIC of Respondent 1010 Pharmacy effective October 5, 2015. On October 16, 2015, the Board inspector requested Respondent 1010 Pharmacy provide the Board with information regarding the pharmacy's new PIC. The Board did not receive a response to this request and a second request for the new PIC information was sent on or about February 25, 2016. The Board did not receive a response to the second request. Concerned that Respondent 1010 Pharmacy closed, the Board inspector sent requests to Respondent to advise the Board of the new PIC or to file a Discontinuance of Business form.

79. On April 5, 2016, the Board received a Discontinuance of Business form that indicated that Respondent 1010 Pharmacy discontinued business on November 1, 2015 and that

the prescription inventory was transferred to Rx Reverse Distributors on October 25, 2015. The Discontinuance of Business form represented that all records of acquisition and disposition were transferred to, and maintained, at a location located at 1000 W.6th Street in Los Angeles, CA, 90017, which is not a Board-licensed facility as required but rather, is a self-storage facility. A review of the records of Rx Reverse Distributors do not show the adulterated drugs that had been embargoed as described in paragraph 41, above.

SEVENTEENTH CAUSE FOR DISCIPLINE

AS TO 1010 PHARMACY ONLY

(Failure to Maintain Records of Acquisition and Disposition in Licensed Facility)

80. Respondent 1010 Pharmacy is subject to disciplinary action under Code section 4301(o) in conjunction with section 4333 in that Respondent 1010 Pharmacy failed to maintain records of acquisition and disposition of drugs in a board-licensed facility as set forth in paragraphs 78 – 79 above and incorporated by this reference as though set forth in full.

EIGHTEENTH CAUSE FOR DISCIPLINE

AS TO JACQUELINE NGUYEN ONLY

(Transfer From Unauthorized Persons)

81. Respondent Nguyen is subject to disciplinary action under Code section 4301(o) in conjunction with Code sections 4113(c) and 4169(a)(1) for transferring dangerous drugs from CHJ Pharmacare on or about February 13, 2014 and on or about May 30, 2014, Respondent Nguyen transferred dangerous drugs to 1010 Pharmacy as set forth in paragraphs 36 – 42 above and incorporated herein. Nguyen was not a licensed wholesaler or pharmacy.

NINETEENTH CAUSE FOR DISCIPLINE

AS TO JACQUELINE NGUYEN ONLY

(Adulteration of Dangerous Drugs)

82. Respondent Nguyen is subject to disciplinary action under Code section 4301(j) in conjunction with Code section 4113(c) and Health and Safety Code section 111300 for adulterating drugs, as defined by Health and Safety Code section 111255, in that from February 13, 2014 to May 30, 2014, Respondent Nguyen stored dangerous drugs in a garage thereby

adulterating the dangerous drugs, as set forth in paragraphs 36 – 38 above and incorporated herein.

TWENTIETH CAUSE FOR DISCIPLINE

AS TO JACQUELINE NGUYEN ONLY

(Unlawful Holding and Offering for Sale of Adulterated Dangerous Drugs)

83. Respondent Nguyen is subject to disciplinary action under Code section 4301, subdivisions (j) and (o), in conjunction with Code sections 4113(c) and 4169(a)(2) and Health and Safety Code section 111295, for holding, selling, distributing or transferring dangerous drugs that are adulterated. From February 13, 2014 to May 30, 2014, Respondent Nguyen held adulterated dangerous drugs. On or about May 30, 2014, Respondent Nguyen transferred the adulterated drugs to 1010 Pharmacy and from on or about May 29, 2014 to November 10, 2014, Respondent Nguyen compounded and dispensed at least 76 adulterated drugs while working at 1010 Pharmacy, as set forth in paragraphs 36 – 42 above and incorporated herein.

TWENTY-FIRST CAUSE FOR DISCIPLINE

AS TO JACQUELINE NGUYEN ONLY

(Excessive Furnishing of Controlled Substances)

84. Respondent Nguyen is subject to disciplinary action under Code sections 4301(d) and 4113(c) for the clearly excessive furnishing of controlled substances in violation of subdivision (a) of Section 11153 of the Health and Safety Code. From July 15, 2014 to January 7, 2015, Respondent Nguyen excessively furnished controlled substances that lacked legitimate medical purpose. This excessive furnishing included but was not limited to 43 prescriptions for a total of 4,620 tablets of oxycodone 30 mg written by Dr. A.A., as set forth in paragraphs 51 – 59 above and incorporated herein.

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TWENTY-SECOND CAUSE FOR DISCIPLINE

AS TO JACQUELINE NGUYEN ONLY

(Failure to Comply with Corresponding Responsibility for Legitimate Controlled Substance Prescriptions)

85. Respondent Nguyen is subject to disciplinary action under Code section 4301, subdivisions (j) and (o), in conjunction with Code section 4113(c) and Health and Safety Code section 11153(a) and title 16, CCR, section 1761(b), for unprofessional conduct in that Respondent Nguyen failed to comply with her corresponding responsibility to ensure that controlled substances are dispensed for a legitimate medical purpose when, from the period July 15, 2014 to January 7, 2015, Respondent Nguyen failed to evaluate the totality of the circumstances (information from the patient, physician and other sources) to determine the prescription's legitimate medical purpose in light of irregularities on the face of the prescription itself; all patients received oxycodone 30 mg, all of Dr. A.A.'s prescriptions were paid for with cash; the prescriptions were written for an unusually large quantity of drugs; initial prescriptions were written for strong opiates; and prescriptions were written for medications with no logical connection to an illness or condition; among other things.

86. These controlled substance prescriptions included, but were not limited to 43 prescriptions for a total of 4,620 tablets of oxycodone 30 mg written by Dr. A.A., as set forth in paragraphs 51 – 59 above and incorporated herein.

TWENTY-THIRD CAUSE FOR DISCIPLINE

AS TO JACQUELINE NGUYEN ONLY

(Unprofessional Conduct Involving Acts Involving Dishonesty, Fraud, or Deceit)

87. Respondent Nguyen is subject to disciplinary action under Code sections 4301(f) for unprofessional conduct for the commission of any act involving moral turpitude, dishonesty, fraud, or deceit in that on February 14, 2014, Respondent Nguyen placed a telephone order for dangerous drugs with Medisca, a drug wholesaler, by misrepresenting herself as "Beatrice", the Pharmacy Technician at CHJ Pharmacare, to the Medisca salesperson, as set forth in paragraphs 36 – 40 above and incorporated herein.

TWENTY-FOURTH CAUSE FOR DISCIPLINE

AS TO JACQUELINE NGUYEN ONLY

(Incorrectly Labeled Compounded Drug Products)

88. Respondent Nguyen is subject to disciplinary action under Code sections 4113(c) and 4301(o) in conjunction with title 16, CCR, sections 1735.2(i) and 1735.4(a) for failure to include the generic name(s) of the principal active ingredient(s) on the labels of compounded drug products in that Respondent Nguyen wrote only the first letter of each ingredient was printed on the label and, while supervising compounding at 1010 Pharmacy, allowed at least 214 prescriptions for compounded drug products to be dispensed where only the first letter of each ingredient was included on the labels, as set forth in paragraph 46 above and incorporated herein.

TWENTY-FIFTH CAUSE FOR DISCIPLINE

AS TO JACQUELINE NGUYEN ONLY

(Lacking Master Formula)

89. Respondent Nguyen is subject to disciplinary action under Code sections 4113(c) and 4301(o) in conjunction with title 16, CCR, section 1735.2, subdivisions (d) and (i), in that Respondent Nguyen, while supervising compounding at 1010 Pharmacy, allowed the compounding of drugs without first preparing a master formula, as set forth in paragraph 45 above and incorporated herein.

TWENTY-SIXTH CAUSE FOR DISCIPLINE

AS TO JACQUELINE NGUYEN ONLY

(Lacking Records for Compounded Products)

90. Respondent Nguyen is subject to disciplinary action under Code sections 4113(c) and 4301(o) in conjunction with title 16, CCR, sections 1735.2(i) and 1735.3(a)(7) (formerly section 1735.3(a)(8)), in that Respondent Nguyen, while supervising compounding at 1010 Pharmacy, failed to assign, or failed to ensure the assignment of, a unique pharmacy lot number for at least 32 compounded drug products, as set forth in paragraph 47 above and incorporated herein.

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TWENTY-SEVENTH CAUSE FOR DISCIPLINE

AS TO JACQUELINE NGUYEN ONLY

(Failure to Receive Training Prior to Compounding)

91. Respondent Nguyen is subject to disciplinary action under Code sections 4113(c) and 4301(o) in conjunction with title 16, CCR, section 1735.7(c) in that pharmacy personnel assigned to compounding duties shall demonstrate knowledge about processes and procedures used in compounding prior to compounding any drug product. Respondent Nguyen received compounding training on October 24, 2014 and October 24, 2014, however she began compounding on or before June 5, 2014.

TWENTY-EIGHTH CAUSE FOR DISCIPLINE

AS TO JACQUELINE NGUYEN ONLY

(Improper Completion of DEA form e222)

92. Respondent Nguyen is subject to disciplinary action under Code sections 4113(c) and 4301(o) in conjunction with Code of Federal Regulations (CFR) section 1305.21 in that on least 29 different dates from October 13, 2014 to February 1, 2015 on electronic orders for Schedule I and II controlled substances, Respondent Nguyen failed to electronically link the proof of receipt of each item received on DEA form e222 to the original order and to archive it.

TWENTY-NINTH CAUSE FOR DISCIPLINE

AS TO JACQUELINE NGUYEN ONLY

(Failure to Initiate a Recall)

93. Respondent Nguyen is subject to disciplinary action under Code section 4301(o) in conjunction with Code section 4306.5(a) for unprofessional conduct for the inappropriate exercise of her education, training, or experience as a pharmacist. The circumstances are that Respondent Nguyen, while working at 1010 Pharmacy, failed to initiate a recall of the adulterated compounds she transferred from CHJ Pharmacare, stored in a garage from February 13, 2014 to May 30, 2014 and transferred to 1010 Pharmacy, where the adulterated compounds were dispensed. 1010 Pharmacy had a drug recall policy that called for the recalled product to be removed from stock, quarantined, disposed/returned and the notification of patients who potentially received the target

product and the prescribers, as set forth in paragraphs 36 – 43 above and incorporate herein as though set forth in full.

THIRTIETH CAUSE FOR DISCIPLINE

AS TO NAZLEILA HOJJATI ONLY

(Failure to Report to CURES)

94. Respondent Hojjati is subject to disciplinary action under Code sections 4113(c) and 4301(j) in conjunction with Health and Safety Code section 11165(d) for failing to report to the Department of Justice, not more than seven days after the date a controlled substance is dispensed, the name, address, telephone number, date of birth, the prescriber's information, the pharmacy prescription number, National Drug Code ("NDC") number of the controlled substance dispensed, the quantity dispensed, the date of dispensing, among other things, of drugs dispensed by Respondent Hojjati or while Respondent Hojjati was the PIC of 1010 Pharmacy from November 12, 2013 through May 5, 2014, as set forth in paragraphs 50 and 57 above and incorporated herein.

THIRTY-FIRST CAUSE FOR DISCIPLINE

AS TO NAZLEILA HOJJATI ONLY

(Excessive Furnishing of Controlled Substances)

95. Respondent Hojjati is subject to disciplinary action under Code sections 4113(c) and 4301(d) for the clearly excessive furnishing of controlled substances in violation of subdivision (a) of Section 11153 of the Health and Safety Code. From November 19, 2013 to February 18, 2014, Respondent Hojjati excessively furnished controlled substances that lacked legitimate medical purpose. This excessive furnishing included but was not limited to 57 prescriptions for a total of 6,030 tablets of oxycodone 30 mg written by Dr. A.A., as set forth in paragraphs 51 – 59 above and incorporated herein.

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THIRTY-SECOND CAUSE FOR DISCIPLINE

AS TO NAZLEILA HOJJATI ONLY

(Failure to Comply with Corresponding Responsibility for Legitimate Controlled Substance Prescriptions)

96. Respondent Hojjati is subject to disciplinary action under Code sections 4113(c) and 4301, subdivisions (j) and (o), in conjunction with Health and Safety Code section 11153(a) and title 16, CCR, section 1761(b), for unprofessional conduct in that Respondent Hojjati failed to comply with her corresponding responsibility to ensure that controlled substances are dispensed for a legitimate medical purpose when, from the period November 19, 2013 to February 18, 2014, Respondent Hojjati failed to evaluate the totality of the circumstances (information from the patient, physician and other sources) to determine the prescription's legitimate medical purpose in light of irregularities on the face of the prescription itself; all patients received oxycodone 30 mg, all of Dr. A.A.'s prescriptions were paid for with cash; the prescriptions were written for an unusually large quantity of drugs; initial prescriptions were written for strong opiates; and prescriptions were written for medications with no logical connection to an illness or condition; among other things.

97. These controlled substance prescriptions included, but were not limited to the following:

a. 57 prescriptions for a total of 6,030 tablets of oxycodone 30 mg written by Dr. A.A., as set forth in paragraphs 51 – 59 above and incorporated herein.

b. Prescription numbers 400130, 600337 and 600388 written by Dr. A.A. to Patient G.M. on February 10, 2014 and prescription numbers 400133, 600350 and 600351 written by Dr. A.A. to Patient A.M. on February 10, 2014, as set forth in paragraph 57 above and incorporated herein.

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THIRTY-THIRD CAUSE FOR DISCIPLINE

AS TO RAMONA SAKETKHOU ONLY

(Excessive Furnishing of Controlled Substances)

98. Respondent Saketkhou is subject to disciplinary action under Code section 4301(d) for the clearly excessive furnishing of controlled substances in violation of subdivision (a) of Section 11153 of the Health and Safety Code. From November 27, 2013 to December 16, 2013, Respondent Saketkhou failed to implement her best professional judgment by excessively furnishing controlled substances that lacked legitimate medical purpose. This excessive furnishing included but was not limited to 19 prescriptions for a total of 1,950 tablets of oxycodone 30 mg written by Dr. A.A., as set forth in paragraphs 51 – 59 above and incorporated herein.

THIRTY-FOURTH CAUSE FOR DISCIPLINE

AS TO RAMONA SAKETKHOU ONLY

(Failure to Comply with Corresponding Responsibility for Legitimate Controlled Substance Prescriptions)

99. Respondent Saketkhou is subject to disciplinary action under Code section 4301, subdivisions (j) and (o), in conjunction with Health and Safety Code section 11153(a) and title 16, CCR, section 1761(b), for unprofessional conduct in that Respondent Saketkhou failed to comply with her corresponding responsibility to ensure that controlled substances are dispensed for a legitimate medical purpose when, from the period November 27, 2013 to December 16, 2013, Respondent Saketkhou failed to evaluate the totality of the circumstances (information from the patient, physician and other sources) to determine the prescription's legitimate medical purpose in light of irregularities on the face of the prescription itself; all patients received oxycodone 30 mg, all of Dr. A.A.'s prescriptions were paid for with cash; the prescriptions were written for an unusually large quantity of drugs; initial prescriptions were written for strong opiates; and prescriptions were written for medications with no logical connection to an illness or condition; among other things.

100. These controlled substance prescriptions included, but were not limited to 19 prescriptions for a total of 1,950 tablets of oxycodone 30 mg written by Dr. A.A., as set forth in paragraphs 51 – 59 above and incorporated herein.

OTHER MATTERS

101. Pursuant to Section 4307, if Pharmacy Permit Number PHY 51478 to issued to 1010 Pharmacy is suspended, revoked or placed on probation, and Respondent Nguyen, while acting as the manager, administrator, owner, member, officer, director, associate, or partner, had knowledge of or knowingly participated in any conduct for which Pharmacy Permit Number PHY 51478 was revoked, suspended, or placed on probation, Respondent Nguyen shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee of the Board.

102. Pursuant to Section 4307, if Pharmacist License Number RPH 50255 issued to Jacqueline Thao Nguyen is suspended or revoked, Respondent Nguyen shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee.

103. Pursuant to Section 4307, if Pharmacy Permit Number PHY 51478 to issued to 1010 Pharmacy is suspended, revoked or placed on probation, and Respondent Hojjati, while acting as the manager, administrator, owner, member, officer, director, associate, or partner, had knowledge of or knowingly participated in any conduct for which Pharmacy Permit Number PHY 51478 was revoked, suspended, or placed on probation, Respondent Hojjati shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee of the Board.

104. Pursuant to Section 4307, if Pharmacist License Number RPH 63668 issued to Nazleila Hojjati is suspended or revoked, Respondent Hojjati shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee.

105. Pursuant to Section 4307, if Pharmacy Permit Number PHY 51478 to issued to 1010 Pharmacy is suspended, revoked or placed on probation, and Respondent Sakethkou, while acting as the manager, administrator, owner, member, officer, director, associate, or partner, had

knowledge of or knowingly participated in any conduct for which Pharmacy Permit Number PHY 51478 was revoked, suspended, or placed on probation, Respondent Saketkhou shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee of the Board.

106. Pursuant to Section 4307, if Pharmacist License Number RPH 65213 issued to Ramona Saketkhou is suspended or revoked, Respondent Sakethkou shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee.

107. Pursuant to Section 4307, if Pharmacy Permit Number PHY 45334 to issued to CHJ Pharmacare Inc., dba CHJ Pharmacare is suspended, revoked or placed on probation, and Respondent Cho, while acting as the manager, administrator, owner, member, officer, director, associate, or partner, had knowledge of or knowingly participated in any conduct for which Pharmacy Permit Number PHY 45334 was revoked, suspended, or placed on probation, Respondent Cho shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee of the Board.

108. Pursuant to Section 4307, if Pharmacist License Number RPH 50771 issued to Matthew Cho is suspended or revoked, Respondent Cho shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee.

DISCIPLINE CONSIDERATIONS

109. To determine the degree of discipline, if any, to be imposed on Respondent CHJ Pharmacare Inc. dba CHJ Pharmacare, Complainant alleges that on or about July 19, 2016, Complainant filed Accusation No. 5531 against Respondent CHJ Pharmacare Inc. dba CHJ Pharmacare in *The Matter of the Accusation Against CHJ Pharmacare Inc. dba CHJ Pharmacare and Matthew Cho*. Accusation No. 5531 is currently pending before the Board and is incorporated by reference as if fully set forth.

110. To determine the degree of discipline, if any, to be imposed on Respondent Cho, Complainant alleges that on or about July 19, 2016, Complainant filed Accusation No. 5531 against Respondent Matthew Cho in *The Matter of the Accusation Against CHJ Pharmacare Inc.*

dba CHJ Pharmacare and Matthew Cho. Accusation No. 5531 is currently pending before the Board and is incorporated by reference as if fully set forth.

PRAYER

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

1. Revoking or suspending Pharmacy Permit Number PHY 51478 issued to 1010 Pharmacy;

2. Prohibiting Sean Langenberg from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee of the Board;

3. Prohibiting Valton Eason from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee of the Board;

4. Prohibiting Nicholas F. Thomas from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee of the Board;

5. Revoking or suspending Pharmacist License Number RPH 50255 issued to Jacqueline Thao Nguyen;

6. Prohibiting Jacqueline Thao Nguyen from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee of the Board;

7. Revoking or suspending Pharmacist License Number RPH 63668 issued to Nazleila Hojjati;

8. Prohibiting Nazleila Hojjati from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee of the Board;

9. Revoking or suspending Pharmacist License Number RPH 65213 issued to Ramona Saketkhou;

10. Prohibiting Ramona Saketkhou from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee of the Board;

11. Revoking or suspending Pharmacy Permit Number PHY 45334 issued to CHJ Pharmacare, Inc. dba CHJ Pharmacare;

12. Prohibiting Robert Weber from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee of the Board;

13. Prohibiting Henry C. Balanza from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee of the Board;

14. Prohibiting Emil Muchtar from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee of the Board;

15. Revoking or suspending Pharmacist License Number 50771 issued to Matthew Cho;

16. Prohibiting Matthew Cho from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee of the Board;

17. Ordering 1010 Pharmacy; Jacqueline Thao Nguyen; Nazleila Hojjati; Ramona Saketkhou; CHJ Pharmacare, Inc. dba CHJ Pharmacare; and, Matthew Cho; jointly and severally, to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED: 11/2/16

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

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