

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

In the Matter of the Accusation Against:

**SGP INC. DBA LA'S PHARMACY &
MEDICAL EQUIPMENT
7903 S. Atlantic Ave., Ste. E
Cudahy, CA 90201**

Pharmacy Permit License No. PHY 49169

**ROGER TRAN
31 Bell Pasture
Ladera Ranch, CA 92694**

Pharmacist License No. RPH 44467

Respondents.

Case No. 5768

OAH No. 2017060545

**STIPULATED SURRENDER OF
LICENSE AND ORDER AS TO
RESPONDENT SGP INC. DBA
LA'S PHARMACY & MEDICAL
EQUIPMENT ONLY**

DECISION AND ORDER

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

This Decision shall become effective at 5:00 p.m. on November 3, 2017.

It is so ORDERED on October 4, 2017.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By _____

Amy Gutierrez, Pharm.D.
Board President

1 XAVIER BECERRA
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 MORGAN MALEK
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Attorneys for Complainant
7

8 **BEFORE THE**
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9 **DEPARTMENT OF CONSUMER AFFAIRS**
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Case No. 5768

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12 **MEDICAL EQUIPMENT**
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STIPULATED SURRENDER OF
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DBA LA'S PHARMACY & MEDICAL
EQUIPMENT ONLY

15 **ROGER TRAN**
16 **31 Bell Pasture**
Ladera Ranch, Orange CA 92694

17 **Pharmacist License No. RPH 44467**

18 Respondents.
19

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

22 **PARTIES**

23 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy
24 (Board). She brought this action solely in her official capacity and is represented in this matter by
25 Xavier Becerra, Attorney General of the State of California, by Morgan Malek, Deputy Attorney
26 General.

27 ///

28 ///

1 2. SGP Inc dba LA's Pharmacy & Medical Equipment (Respondent) is represented in
2 this proceeding by attorney Herbert L. Weinberg, whose address is 1990 S. Bundy Drive, Suite
3 777, Los Angeles, CA 90025.

4 3. On or about August 8, 2008, the Board issued Pharmacy Permit License No. PHY
5 49169 to the Respondent. The Pharmacy Permit License was in full force and effect at all times
6 relevant to the charges brought in Accusation No. 5768 and expired on September 1, 2017.

7 **JURISDICTION**

8 4. First Amended Accusation No. 5768 was filed before the Board and is currently
9 pending against Respondent. The First Amended Accusation and all other statutorily required
10 documents were properly served on Respondent on January 31, 2017. Respondent timely filed its
11 Notice of Defense contesting the Accusation. A copy of Accusation No. 5768 is attached as
12 Exhibit A and incorporated by reference.

13 **ADVISEMENT AND WAIVERS**

14 5. Respondent has carefully read, fully discussed with counsel, and understands the
15 charges and allegations in First Amended Accusation No. 5768. Respondent also has carefully
16 read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of
17 License and Order.

18 6. Respondent is fully aware of its legal rights in this matter, including the right to a
19 hearing on the charges and allegations in the First Amended Accusation; the right to confront and
20 cross-examine the witnesses against them; the right to present evidence and to testify on its own
21 behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the
22 production of documents; the right to reconsideration and court review of an adverse decision;
23 and all other rights accorded by the California Administrative Procedure Act and other applicable
24 laws.

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

27 ///

28 ///

1 CULPABILITY

2 8. Respondent understands that the charges and allegations in First Amended
3 Accusation No. 5768, if proven at a hearing, constitute cause for imposing discipline upon its
4 Pharmacy Permit License.

5 9. For the purpose of resolving the First Amended Accusation without the expense and
6 uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could
7 establish a factual basis for the charges in the First Amended Accusation and that those charges
8 constitute cause for discipline. Respondent hereby gives up their right to contest that cause for
9 discipline exists based on those charges.

10 10. Respondent understands that by signing this stipulation Entity enables the Board to
11 issue an order accepting the surrender of their Pharmacy Permit License without further process.

12 CONTINGENCY

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

22 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
23 copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures
24 thereto, shall have the same force and effect as the originals.

25 13. This Stipulated Surrender of License and Order is intended by the parties to be an
26 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
27 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
28 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order

1 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
2 executed by an authorized representative of each of the parties.

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

5 **ORDER**

6 **IT IS HEREBY ORDERED** that Pharmacy Permit License No. PHY 49169, issued to
7 Respondent SGP Inc dba LA's Pharmacy & Medical Equipment is surrendered and accepted by
8 the Board of Pharmacy.

9 1. The surrender of Respondent's Pharmacy Permit License and the acceptance of the
10 surrendered license by the Board shall constitute the imposition of discipline against Respondent.
11 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
12 license history with the Board of Pharmacy.

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

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

17 4. If Respondent ever applies for licensure or petitions for reinstatement in the State of
18 California, the Board shall treat it as a new application for licensure. Respondent must comply
19 with all the laws, regulations and procedures for licensure in effect at the time the application or
20 petition is filed, and all of the charges and allegations contained in First Amended Accusation No.
21 5768 shall be deemed to be true, correct and admitted by Respondent when the Board determines
22 whether to grant or deny the application or petition.

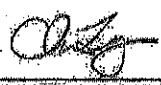
23 5. Respondent shall pay the agency its costs of investigation and enforcement in the
24 amount of \$15,835.35 prior to issuance of a new or reinstated license.

25 6. If Respondent should ever apply or reapply for a new license or certification, or
26 petition for reinstatement of a license, by any other health care licensing agency in the State of
27 California, all of the charges and allegations contained in Accusation, No. 5768 shall be deemed
28

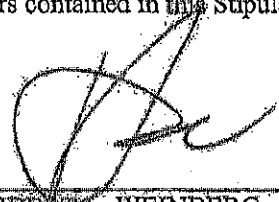
1 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
2 other proceeding seeking to deny or restrict licensure.

3 ACCEPTANCE

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

9
10 DATED: September 21, 2017 
11 SGP INC DBA LA'S PHARMACY & MEDICAL
12 EQUIPMENT
13 Respondent

13 I have read and fully discussed with Respondent SGP Inc dba LA's Pharmacy & Medical
14 Equipment the terms and conditions and other matters contained in this Stipulated Surrender of
15 License and Order. I approve its form and content.

16
17 DATED: 9/21/2017 
18 HERBERT L. WEINBERG
19 Attorney for Respondent

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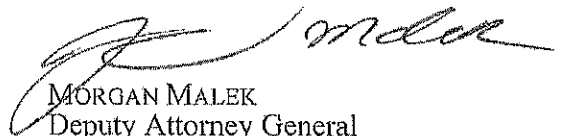
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ENDORSEMENT

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

Dated: 9/21/17

Respectfully submitted,
XAVIER BECERRA
Attorney General of California
MARC D. GREENBAUM
Supervising Deputy Attorney General


MORGAN MALEK
Deputy Attorney General
Attorneys for Complainant

LA2016600876
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Exhibit A

Accusation No. 5768

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2 MARC D. GREENBAUM
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Attorneys for Complainant

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FIRST AMENDED ACCUSATION

14 **Pharmacy Permit License No. PHY 49169**

15 **ROGER TRAN**
16 **31 Bell Pasture**
Ladera Ranch, Orange CA 92694

17 **Pharmacist License No. RPH 44467**

18 Respondents.

19
20 Complainant alleges:

21 **PARTIES**

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

24 2. On or about September 8, 2008, the Board of Pharmacy issued Pharmacy Permit
25 License Number PHY 49169 to SGP Inc dba LA's Pharmacy & Medical Equipment (SGP). The
26 Pharmacy Permit License was in full force and effect at all times relevant to the charges brought
27 herein and will expire on September 1, 2017, unless renewed.

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

8. **Health and Safety Code section (HSC) 11153(a)** states:

“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.”

REGULATORY PROVISIONS

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

“(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; and

(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.”

CONTROLLED SUBSTANCES AND/OR DANGEROUS DRUGS

10. **“Controlled substance”** means any substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.

11. **Phenergan with Codeine Syrup** is a Schedule V controlled substance as designated by Health and Safety Code section 11058(c)(1) and a dangerous drug as designated by

1 Business and Professions Code section 4022. The generic name is promethazine with codeine
2 syrup.

3 12. **Norco** is a Schedule III controlled substance as designated by Health and Safety
4 Code section 11056(e)(4), a dangerous drug as designated by Business and Professions Code
5 section 4022, and Schedule II per 21 CFR 1308 as of October 6, 2014. The generic name is
6 hydrocodone/acetaminophen.

7 13. **Roxicodone** is a Schedule II controlled substance as designated by Health and
8 Safety Code section 11055(b)(1)(M) and a dangerous drug as designated by Business and
9 Professions Code section 4022. The generic name is oxycodone.

10 14. **Xanax** is a Schedule IV controlled substance as designated by Health and Safety
11 Code section 11057(d)(1) and a dangerous drug as designated by Business and Professions Code
12 section 4022. The generic name is alprazolam.

13 15. **Kelfex** is a dangerous drug as designated by Business and Professions Code
14 section 4022. The generic name is cephalexin.

15 16. **DOK** is a dangerous drug as designated by Business and Professions Code section
16 4022. The generic name is docusate.

17 17. **Motrin** is a dangerous drug as designated by Business and Professions Code
18 section 4022. The generic name is Ibuprofen.

19 18. **Mobic** is a dangerous drug as designated by Business and Professions Code
20 section 4022. The generic name is Meloxicam.

21 COST RECOVERY

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

26 ARREST OF DR. M.G. FOR SELLING ILLEGAL PRESCRIPTIONS

27 20. The Board of Pharmacy became aware of the arrest and federal indictment of Dr.
28 M.G. as described by the United States Attorney's Office. The federal authorities arrested five

1 defendants, including Dr. M.G., linked to a narcotics trafficking ring, “that sold illegal
 2 prescriptions for cash and obtained drugs that were shipped to Texas for sale on the black
 3 market.” The operation was based in the Southfork Medical Clinic and alleged the clinic was a
 4 “pill mill” where Dr. M.G. wrote prescriptions “without a legitimate medical purpose.” Dr. M.G.
 5 issued more than 10,000 prescriptions over a 15 month period and nearly 80 percent of the
 6 prescriptions were for hydrocodone or alprazolam. The undercover operations conducted at
 7 Southfork Medical Clinic in which Dr. M.G. gave undercover cooperators prescriptions for
 8 oxycodone and promethazine/codeine syrup, “in exchange for the person returning to the clinic
 9 with the bottles of the prescribed cough syrup.”

10 21. The Board reviewed the California Controlled Substance Utilization and Review and
 11 Evaluation System (CURES) database which contains information about controlled substance
 12 prescriptions filled in California, as reported by pharmacies. Review of CURES data indicated
 13 SGP filled a portion of Dr. M.G.’s controlled substances prescriptions. The Board initiated an
 14 investigation at SGP based on this information.

15 **REVIEW OF CURES DATA FOR SGP**

16 22. Board’s Inspector N.R. reviewed CURES data for SGP showing controlled substance
 17 prescriptions dispensed at SGP from 01/01/2012 to 02/03/2015. In addition to Dr. M.G.,
 18 Inspector N.R. noted the following prescribers with seemingly irregular controlled substance
 19 dispensing profiles:

20 Prescriber	Number of Prescriptions Dispensed	Payment Method	Summary of Prescribing at LA’s Pharmacy & Medical Equipment
21 Dr. S. W.	550	99.45% Cash	88.18% of controlled substance prescriptions reported to CURES during the query period were oxycodone 30 mg, hydrocodone/acetaminophen 10/325 mg, or alprazolam 2 mg.
22 Dr. C.A.	457	99.78% Cash	98.91% of controlled substance prescriptions reported to CURES were hydrocodone/acetaminophen 10/325 mg, alprazolam 2 mg, or oxycodone 30 mg.
23 Dr. M.P.	222	100% Cash	55.65% of the controlled substance prescriptions reported to CURES were for oxycodone 30 mg.

1	Dr. D.W.	210	99.05% Cash	66.67% of the controlled substance prescriptions reported to CURES were for oxycodone 30 mg.
2	Dr. S.O.	78	100% Cash	56.41% of the controlled substance prescriptions reported to CURES were for alprazolam 2 mg.

3

4

5 **BOARD'S INSPECTION**

6 23. On May 5, 2015, Inspectors A.N. and N.R. conducted an inspection at SGP.

7 Pharmacist-in-charge (PIC) Roger Tran was not present, however, staff pharmacist R.N. was

8 present and assisted in the inspection. RPH Nguyen explained that SGP filled about 100-150

9 prescriptions per day. The inspectors requested to review prescription documents for filled

10 prescriptions which are usually filed sequentially in "books" by prescription number. Pharmacy

11 Technician K.S. provided several "books" of completed prescription documents. The books

12 contained prescription documents for schedule II controlled substances, schedules III-V

13 controlled substances, and non-controlled substances, comingled.

14 24. The board inspectors reviewed the completed prescription documents, however, they

15 were unable to find any prescription documents from the prescribers identified in the above chart.

16 RPH Nguyen spoke with Pharmacy Technician K.S. who informed the inspectors that a portion of

17 the pharmacy's prescription documents were filed separately in the back of the pharmacy.

18 Technician Sanchez produced one rubber-banded stack of prescription for Drs. S.W., M.P., D.W.

19 and S.O., and M.G.

20 25. Inspector A.N. inquired about the procedure for filing and retaining prescription

21 documents at SGP.. It is common practice for pharmacies to assign prescription numbers to the

22 prescription documents and file them numerically by prescription number. However, the

23 inspectors had not seen a pharmacy organize prescription documents by prescriber. Further, it

24 seemed unusual that prescriptions written by the prescribers the inspectors identified as having

25 potentially irregular dispensing profiles were separated from the majority of the pharmacy's

26 prescription documents. Technician Sanchez and RPH Nguyen were not able to explain why the

27 pharmacy filed prescription documents from these prescribers separately.

1 26. The board inspectors reviewed and collected a sample of prescription documents.
2 The majority of the prescription documents were stapled to a sheet of paper containing one or
3 more of the following elements: a photocopy of the prescription itself, a photocopy of the
4 patient's identification card, and/or a printout of a Patient Activity Report from the California
5 Prescription Drug Monitoring Program which showed a patient's recent controlled substance
6 dispensing history from pharmacies in California. The inspectors collected prescription
7 documents and associated verifications from Drs. S.W., M.P., D.W., S.O., and M.G..

8 27. Inspector N.R. asked RPH Nguyen if he was familiar with the prescribers listed
9 above. RPH Nguyen stated he believed Dr. S.W. had restrictions placed on his license by the
10 Board of Medicine or the Drug Enforcement Administration (DEA) and he explained that SGP
11 had stopped filling Dr. S.W.'s prescriptions. The inspectors reviewed and collected a sample of
12 invoices for sales of medications from Cardinal Health to SGP. At the conclusion of the
13 inspection, Inspector N.R. (1) left a questionnaire regarding corresponding responsibility and
14 requested PIC Tran complete the questionnaire and provide it to her; and (2) asked SGP to
15 provide their complete dispensing data for controlled and non-controlled substances in an excel
16 file. She issued a correction for non-compliance with the Code of Federal Regulations Section
17 1304.04(f)(1) which states in part, Inventories and records of controlled substances listed in
18 Schedules I and II shall be maintained separately from all of the records of the registrant. She
19 explained to RPH Tran that the prescription documents for Schedule II controlled substances
20 should be filed separately from prescription documents for Schedules III-V and non-controlled
21 substances.

22 **COMMUNICATIONS WITH PIC TRAN**

23 28. On May 15, 2015, Inspector N.R. received a fax from PIC TRAN which included PIC
24 Tran's responses to the questions she left during the inspection on May 5, 2015. Inspector N.R.'s
25 questions and PIC TRAN's responses were as follows:

26 1. Is your computer software the primary method of record keeping and
27 maintenance in the pharmacy? If not, what is? "Yes".
28

1 2. Is the following statement true or false: The electronic computer record of
2 dispensed prescriptions stored in the pharmacy software system is a true and accurate
3 representation of the hard copy (paper) prescription record? “Yes”.

4 3. Describe the sequential steps this pharmacy takes to satisfy its corresponding
5 responsibility to dispense only medically legitimate controlled substance prescriptions. In other
6 words, what criteria/criterion must a controlled substance prescription satisfy before this
7 pharmacy decides to fill and dispense the medication? “Controlled prescriptions must be written
8 on secure prescription form, Copy patient id and check patient address, DOB, Phone number,
9 Verify MD with Physician Board, Patient is checked on PDMP/CURES to verify if the
10 prescription was filled recently usually within 30 days, Profile on PDMP/CURES is checked for
11 last 3 months. If the profile looks okay the doctor’s office is called to verify that the prescription
12 is okay, then the prescription is filled and dispensed.”

13 4. Does this pharmacy have to capability to access information provided by the
14 Prescription Drug Monitoring Program (PDMP) (sometimes referred to as CURES data) which is
15 provided freely to pharmacists? If yes, provide a sample. “Yes. See sample.”

16 5. If yes, explain the instances in which this pharmacy checks the PDMP. “Every
17 controlled substance medications”

18 6. When the pharmacy does check the PDMP, how does the review of information
19 affect the outcome of dispensing the controlled substance prescription? “Last fill date; how often
20 controlled medications are filled, doctors that prescribe the medication; If there are discrepancies
21 for any of the above mention; the prescription will be return to patient.”

22 7. What is your and/or your pharmacy’s policy on filling a controlled substance
23 prescription early? In your opinion. How many days are too soon to fill a controlled substance
24 prescription early? “Controlled substances are rarely filled early unless otherwise requested by
25 the doctor with valid reason. Controlled substances are filled on or after the day supply of the last
26 time the medication was received by the patient.”

27 8. Are you familiar with the term “doctor shopper?” If you are, explain what this
28 means and explain how you and/or this pharmacy identify and handle doctor shoppers. “Yes.

1 Patients that received controlled medications from different doctors. These patients are identified
2 via PDMP/CURES program. We reserve the right to refuse service.”

3
4 9. If you took special notes on a patient or prescription, where do you store the
5 notes (i.e. on the computer patient profile, documented on the prescription hard copy, other
6 documentation?) “Documented on hard copy and patients profiles.”

7 10. Does this pharmacy have policy on dispensing controlled substance
8 prescriptions from out of the area doctors? According to the practice of this pharmacy, what is an
9 acceptable distance from the doctor’s office to the pharmacy to allow dispensing of controlled
10 substance prescriptions? “This pharmacy follows the legal limitations when dispensing
11 controlled substances from out of the area doctors.”

12 11. Does this pharmacy have policy on dispensing controlled substance
13 prescriptions to out of the area patients? According to the practice of this pharmacy, what is an
14 acceptable distance from the patient’s home to the pharmacy to allow dispensing of controlled
15 substance prescriptions? “This pharmacy follows the legal limitations when dispensing
16 controlled substances from out of the area patients.”

17 12. List and describe any training, continuing education, certification or the like
18 you or your pharmacy has in the field of pain management. Include any and all documentation to
19 support this training, continuing education credit, certificate or the like. “We are retail pharmacy
20 only.”

21 13. Based on your education and professional experience, what is the appropriate
22 starting dose for the following medications:

- | | |
|-----------------------------------|--|
| 23 a. Alprazolam | “Alprazolam 0.25-0.5 mg tid” |
| 24 b. Hydrocodone/acetaminophen | “Hydrocodone/apap 5/325 mg q4-6h prn” |
| 25 c. Oxycodone immediate release | “Oxycodone ir 10-20 mg q 4 h prn” |
| 26 d. Oxycodone extended release | “Oxycodone ext. release 10 mg bid prn” |

1 14. How does this pharmacy determine if a patient is naïve to benzodiazepine and
2 opiate therapy? How is this information documented? “According to patient and physician. This
3 information is recorded in the hard copy of RX.”

4 15. Are you familiar with the nature of the practice of the following prescribers?

5 a. Dr. S.W.? Internal medicine. Cease from practice

6 b. Dr. C.A.? General practitioner

7 c. Dr. M.P.? Podiatrist

8 d. Dr. D.W.? Internal medicine cardiology

9 e. Dr. M.G.? General Practice.

10 16. Have you called and spoken to anyone at the above prescribers offices? If so,
11 who did you speak with and why?

12 “Yes. Drs. S.W., C.A., M.P., D.W., and M.G., to verify prescriptions”

13 29. On September 2, 2015, after an initial review of the prescription documents collected
14 during the inspection, Inspector N.R. sent PIC TRAN a second questionnaire and a request for
15 additional prescription documents. On September 19, 2015, Inspector N.R. received a response
16 from PIC Tran along with the requested prescription documents from Dr. S.W. and M.G.
17 Inspector N.R.’s questions and PIC Tran’s responses included the following:

18 1. Many of the prescription documents collected during the inspection on
19 05/05/2015 have verifications initialed by “KS”. Who is “KS”? “[Technician] K.S.”

20 2. Many of the prescription documents have a notation reading “C-Verified”.
21 What does that statement indicate? “We checked patients with cures program make sure patients
22 not filled control substance somewhere else.”

23 3. During the inspection on 05/05/2015, the prescription documents (hard copies)
24 for Drs. M.G., S.O., C.A., and D.W. were filed separately from other prescriptions, by prescriber.
25 Why does LA’s Pharmacy use this filing convention? “The owner wanted to keep them separately
26 for checking cash patients and keeping track of cash payments”

27 30. On December 1, 2015, Inspector N.R. sent PIC TRAN and the owner of SGP, Mr.
28 Long, another email. She asked if there were additional documentations of verifications or

1 prescriber conversations regarding the prescriptions in her possession. On December 2, 2015,
 2 PIC TRAN replied via email and stated, "We do not have any additional records of verification."

3 **REVIEW OF THE ELECTRONIC DISPENSING DATA**

4 31. After Inspector N.R. reviewed the electronic dispensing data provided by PIC TRAN
 5 and Mr. Long, the majority of the prescriptions filled at SGP during the query period were
 6 purchased using drug insurance. 88.25% of the prescriptions in the dispensing data showed
 7 prescription insurance as the payment method while 11.72% of the prescriptions showed "cash"
 8 as the payment method. Typically, patients do not desire to pay high out-of-pocket costs for
 9 medications; therefore, using the financial aid of insurance is normally desired. As a baseline
 10 measure, the percentage of payment methods seemed standard. Further, the top 20 drugs
 11 dispensed by the pharmacy consisted of a mixture of drugs treating a variety of conditions.
 12 (Inspector Noelle is attempting to establish a baseline measure of normalcy which she then uses
 13 to argue the prescriptions from the suspect prescribers were abnormal in that they were
 14 predominantly cash and mostly controlled substances lacking in variety.) Inspector N.R. prepared
 15 the below chart:

Medication	Controlled Substance?	Number of Prescriptions Dispensed	Percent of Total Prescriptions Dispensed
18 OMEPRAZOLE DR 20 MG CAPSULE	No	2274	2.28%
19 PROMETHAZINE-CODEINE SYRUP	Yes – Schedule V per HSC 11058(c)(1)	2165	2.17%
20 IBUPROFEN 600 MG TABLET	No	1687	1.69%
21 ASPIRIN EC 81 MG TABLET	No	1681	1.68%
22 PROMETHAZINE-DM SYRUP	No	1535	1.54%
METFORMIN HCL 1,000 MG TABLET	No	1426	1.43%
23 PROAIR HFA 90 MCG INHALER	No	1425	1.43%
LORATADINE 10 MG TABLET	No	1421	1.42%
24 FLUTICASONE PROP 50 MCG SPRAY	No	1305	1.31%
25 ASPIR-LOW EC 81 MG TABLET	No	1256	1.26%
26 FERROUS SULFATE 325 MG TABLET	No	1154	1.16%
TRAMADOL HCL 50 MG TABLET	Yes – Schedule IV per 21 CFR 1308 as of 08/18/2014	1025	1.03%
27 HYDROCODON-ACETAMINOPHN 10-325	Yes – Schedule III per H&SC 11056(e)(4) and	992	0.99%

	Schedule II per 21 CFR 1308 as of 10/6/14		
1			
2	SIMVASTATIN 20 MG TABLET	No	974 0.98%
3	LISINOPRIL 40 MG TABLET	No	959 0.96%
4	METFORMIN HCL 500 MG TABLET	No	938 0.94%
5	TRIAMCINOLONE 0.1% CREAM	No	932 0.93%
6	AMLODIPINE BESYLATE 10 MG TAB	No	865 0.87%
7	AMOXICILLIN 500 MG CAPSULE	No	837 0.84%
8	OXYCODONE HCL 30 MG TABLET	Yes – Schedule II per HSC 11055(b)(1)(M)	815 0.82%

9 **CORRESPONDING RESPONSIBILITY(ANALYSIS OF DISPENSING DATA-**
10 **PRESCRIBER STATISTICS AND PRESCRIPTIONS OF IRREGULARITY)**

11 32. Inspector N.R. reviewed the dispensing profiles for several prescribers at SGP. She
12 identified irregularities in the prescribing profiles of Drs. S.W., C.A., M.G., M.P., D.W., and
13 S.O..

14 33. The Board periodically publishes a newsletter, The Script, which covers topics such
15 as pharmacy laws and regulations, pharmacy practice, and Board of Pharmacy news. This
16 background information establishes the importance of a pharmacist’s and a pharmacy’s
17 corresponding responsibility to fully use available resources to actively scrutinize and evaluate
18 controlled substance prescriptions. The Script has addressed the topic of corresponding
19 responsibility 10 times in the previous 16 years.

20 34. On March 4,2013, the DEA presented a Power Point presentation entitled “DEA
21 Update & Perspectives on Prescription Drug Trafficking & Abuse Trends.” The presentation
22 covered commonly abused prescription medications. Drugs included were hydrocodone,
23 carisoprodol, oxycodone 30 mg and alprazolam. The presentation explained these medications
24 are often taken in combinations. The combination or “drug cocktail” consisting of a
25 hydrocodone-containing product, carisoprodol, and a benzodiazepine (typically alprazolam)
26 became so prevalent it was referred to as “The Trinity”. It is important to note each of these
27 drugs exhibit high potential for abuse when used alone.

1 35. The National Institute on Drug Abuse (NIDA) monitors and publishes summaries of
2 emerging trends in drugs of abuse. NIDA identified promethazine with codeine syrup as a drug
3 of abuse with risk of fatal overdose. Street slang for the drug includes Purple Drank, Sizzurp and
4 Lean.

5 36. The Spring 2014 issue of The Script as well as the Board's Corresponding
6 Responsibility Brochure listed the following, "red flags that could alert a pharmacist that a
7 prescription ordered for a controlled drug may not be appropriate."

- 8 • Irregularities on the face of the prescription itself
- 9 • Nervous patient demeanor
- 10 • Age or presentation of patient (e.g., youthful patients seeking chronic pain
11 medications)
- 12 • Multiple patients at the same address
- 13 • Cash payments
- 14 • Requests for early refills of prescriptions
- 15 • Prescriptions written for an unusually large quantity of drugs
- 16 • Prescriptions written for potentially duplicative drugs
- 17 • The same combinations of drugs prescribed for multiple patients
- 18 • Initial prescriptions written for strong opiates (e.g., OxyContin 80mg)
- 19 • Long distances traveled from the patient's home, to the prescriber's office or
20 pharmacy
- 21 • Irregularities in the prescriber's qualifications in relation to the medication(s)
22 prescribed
- 23 • Prescriptions that are written outside of the prescriber's medical specialty
- 24 • Prescriptions for medications with no logical connection to diagnosis or treatment

25 37. Pharmacists serve an important role in preventing drug diversion and limiting
26 illegitimate use of drugs. Recognition of red flags, which have been significantly publicized as
27 detailed above, is vital to a pharmacist's ability to evaluate the legitimacy of prescriptions. When
28

1 a pharmacist receives a prescription, the presence of one or more red flags could represent a level
 2 of irregularity which would warrant contacting the prescriber to validate the prescription.

3 **DISPENSING RECORD REVIEW: DR. S.W. (01/01/2012 to 02/03/2015)¹**

4	5	6	7
Medications	Number of Prescriptions	% of Dr. S.W. Total Prescriptions	
PROMETHAZINE-CODEINE SYRUP	610	32.16%	
CASH	606	31.95%	
OTHER	4	0.21%	
HYDROCODON-ACETAMINOPHEN 10-325	206	10.86%	
CASH	205	10.81%	
OTHER	1	0.05%	
OXYCODONE HCL 30 MG TABLET	176	9.28%	
CASH	176	9.28%	
ALPRAZOLAM 2 MG TABLET	128	6.75%	
CASH	128	6.75%	
AMOXICILLIN 500 MG CAPSULE	77	4.06%	
CASH	77	4.06%	
DOK 100 MG CAPSULE	69	3.64%	
CASH	69	3.64%	
CEPHALEXIN 500 MG CAPSULE	40	2.11%	
CASH	37	1.95%	
OTHER	3	0.16%	
PREVAIL WASHCLOTH 12X8	39	2.06%	
CASH	39	2.06%	
PENICILLIN VK 500 MG TABLET	26	1.37%	
CASH	25	1.32%	
OTHER	1	0.05%	
SENSI-CARE PERINEAL CLEANSER	26	1.37%	
CASH	26	1.37%	
GLUCERNA LIQUID	24	1.27%	
CASH	24	1.27%	
CALMOSEPTINE OINTMENT	21	1.11%	
CASH	21	1.11%	
CARISOPRODOL 350 MG TABLET	20	1.05%	
CASH	18	0.95%	
OTHER	2	0.11%	

1 This table does not represent Dr. S.W's total prescribing at LA's Pharmacy. It only contains the top 20 drugs.

1	PERIFRESH PERINEAL CLEANSER	18	0.95%
	CASH	18	0.95%
2	GLOVES	17	0.90%
	CASH	17	0.90%
3	GLOVES 1 BOX(INDIVIDUAL)	17	0.90%
4	CASH	17	0.90%
	AMLODIPINE BESYLATE 10 MG TAB	14	0.74%
5	CASH	14	0.74%
6	AMLODIPINE BESYLATE 5 MG TAB	12	0.63%
	CASH	12	0.63%
7	CA-REZZ CREAM	11	0.58%
8	CASH	11	0.58%
	ENSURE	11	0.58%
9	CASH	11	0.58%

10 38. 59.04% of Dr. S.W.'s prescriptions were written for one of four controlled
11 substances; promethazine/codeine syrup, hydrocodone/acetaminophen 10/325 mg tablets,
12 oxycodone 30 mg tablets and alprazolam 2 mg tablets. It was a factor of irregularity for four
13 commonly abused controlled substances to make up over half of one prescriber's prescriptions.

14 39. 98.42% of the prescriptions written by Dr. S.W. were purchased in cash, meaning
15 without the assistance of prescription insurance. Patients typically prefer to pay for prescription
16 medications with the aid of prescription insurance and 88.25% of the prescriptions filled at LA's
17 Pharmacy and Medical Equipment during the query period were billed to insurance. Therefore,
18 this payment pattern was a factor of irregularity.

19 40. The majority of the controlled substances written by Dr. S.W. were for the highest
20 available strength. Hydrocodone is available in combination products containing 5, 7.5, and 10
21 mg of hydrocodone per tablet. During the query period, Dr. S.W. wrote 207 prescriptions for
22 hydrocodone/acetaminophen 10/325 mg tablets and 13 prescriptions for the other strengths
23 combined. Alprazolam is available in 0.25, 0.5, 1, and 2 mg tablets. Dr. S.W. prescribed only
24 alprazolam 2 mg tablets during the query period. Oxycodone immediate release is available in 5,
25 10, 15, 20, and 30 mg tablets. During the query period, Dr. S.W. wrote 175 prescriptions for
26 oxycodone 30 mg tablets and two prescriptions for the other strengths combined.

1 Prescribers commonly aim to treat patients with the lowest effective dose of medications in order
2 to minimize the risk of side effects and toxicity from the medications. It is standard practice to
3 initiate therapy on a low dose of medication and increase the dose if necessary. Therefore, Dr.
4 S.W.'s frequent prescribing of the highest available dose of these medications was a factor of
5 irregularity.

6 41. In question 13 of the questionnaire, PIC Tran identified the starting dose of
7 alprazolam as 0.25 -0.5 mg three times per day and the starting dose of
8 hydrocodone/acetaminophen as 5/325 mg every 4 to 6 hours as needed. Therefore, PIC Tran had
9 the clinical knowledge necessary to recognize this red flag.

10 42. Dr. S.W.'s address listed in the majority of the entries in the dispensing record was
11 820 S. Cottontail Ln., Anaheim, California 92808. According to Google Maps, Dr. S.W.'s
12 address was 31.8 miles away from SGP. The Los Angeles metropolitan area is well served by
13 pharmacies and physicians. It was a factor of irregularity for Dr. S.W.'s patients to travel over
14 thirty miles, one way, between his office and SGP while many other physicians and pharmacies
15 would have been available.

16 43. During the query period, SGP filled 399 prescriptions for opioid agonists and only
17 three prescriptions for oral anti-inflammatories under Dr. S.W.'s prescribing authority. This
18 limited prescribing of medications to treat pain other than opioid agonists was a factor of
19 irregularity.

20 44. An accusation was filed by the Medical Board of California on October 6, 2014 in
21 an attempt to revoke Dr. S.W.'s physician and surgeon license. The accusation stated causes for
22 discipline included federal convictions of charges related to healthcare fraud and conspiracy to
23 pay and receive kickbacks. Effective 09/29/2014; "United States District Court, Central District
24 of California issued an order in case No. CR 12-00905-R, The United States of America vs. S.W.
25 who shall have his bond reinstated under the conditions previously imposed; shall not practice
26 medicine and shall be subject to home detention with electronic monitoring. Effective
27 11/06/2014; "The Superior Court of California, County of Riverside issued an order in case No.
28 RIF 1403899, The People of California vs. [S.W.]. Dr. [S.W.] shall cease and desist from the

1 practice of medicine. SGP filled 167 prescriptions under Dr. S.W.'s prescribing authority after
 2 the first court order was issued.

3 **DISPENSING RECORD REVIEW: DR. C.A. (01/01/2012 to 02/03/2015)**

4	Row Labels	Controlled Substance?	Payment Method	Number of Prescriptions	Percent of Dr. C.A.'s Total Prescriptions
5	PROMETHAZINE-CODEINE SYRUP	Yes - Schedule V	CASH	477	49.07%
6		Yes - Schedule II (Schedule III prior to 10/6/2014)	CASH	324	33.33%
7	HYDROCODON-ACETAMINOPHN 10-325		OTHER	1	0.10%
8	ALPRAZOLAM 2 MG TABLET	Yes - Schedule IV	CASH	87	8.95%
9	OXYCODONE HCL 30 MG TABLET	Yes - Schedule II	CASH	64	6.58%
10	IBUPROFEN 800 MG TABLET	Non-controlled	CASH	6	0.62%
11	CARISOPRODOL 350 MG TABLET	Yes - Schedule IV	CASH	3	0.31%
12	BISACODYL EC 5 MG TABLET	Non-controlled	CASH	3	0.31%
13		Yes - Schedule II (Schedule III prior to 10/6/2014)	CASH	2	0.21%
14	HYDROCODONE-APAP 10-325MG TAB		CASH	2	0.21%
15	HYDROCODON-ACETAMINOPH 7.5-750	Yes - Schedule III	CASH	2	0.21%
16	CLOPIDOGREL 75 MG TABLET	Non-controlled	CASH	1	0.10%
17	AMOXICILLIN 500 MG CAPSULE	Non-controlled	CASH	1	0.10%
18	DIPHENHYDRAMINE 50 MG CAPSULE	Non-controlled	CASH	1	0.10%
19			CASH Count	971	99.90%
20			OTHER Count	1	0.10%
21	Grand Total			972	100.00%

22
 23 45. SGP dispensed 972 prescriptions under Dr. C.A.'s prescribing authority during the
 24 query period. The majority of Dr. C.A.'s prescriptions dispensed at SGP were written for
 25 controlled substances. 98.77% or 960 out of 972 of Dr. C.A.'s prescriptions were controlled
 26 substances. A prescriber profile consisting almost entirely of controlled substances was a factor
 27 of irregularity.

1 46. All but one of Dr. C.A.'s prescriptions were purchased in cash, meaning not billed
 2 to prescription insurance. As previously discussed, a prescribing profile purchased almost entirely
 3 in cash was a factor of irregularity.

4 47. Dr. C.A. frequently prescribed the highest available dose of controlled substances.
 5 Examples included: his prescribing history included 87 prescriptions for alprazolam 2 mg tablets,
 6 the highest available strength of alprazolam and no prescriptions for the lower strengths.
 7 Dr. C.A.'s prescribing history included 327 prescriptions for hydrocodone/acetaminophen 10/325
 8 mg and two prescriptions for a lower strength of hydrocodone. Dr. C.A.'s prescribing history
 9 included 64 prescriptions for oxycodone 30 mg and no prescriptions for the lower strengths.

10 48. The Medical Board of California filed an accusation against Dr. C.A. on
 11 12/15/2014. The accusation alleged Dr. C.A. prescribed controlled substances for patients without
 12 establishing a legitimate medical need for the medications and without performing a medical
 13 examination.

14 **DISPENSING RECORD REVIEW: DR. M.P. (01/01/2012 to 02/03/2015)**

15 Medications	Controlled Substance?	Payment Method	Number of Prescriptions	Percent of Dr. M.P.'s Total Prescriptions
16 OXYCODONE HCL 30 MG TABLET	Yes -- Schedule II	CASH	176	34.17%
17 IBUPROFEN 800 MG TABLET	No	CASH OTHER	73 1	14.17% 0.19%
18	Yes—Schedule II (Schedule III prior to 10/6/2014)	CASH	67	13.01%
19 HYDROCODON-ACETAMINOPHN 10-325		OTHER	1	0.19%
20 MELOXICAM 7.5 MG TABLET	No	CASH OTHER	42 2	8.16% 0.39%
21 KETOCONAZOLE 2% CREAM	No	CASH	35	6.80%
22 NAPROXEN 500 MG TABLET	No	CASH	22	4.27%
23 IBUPROFEN 600 MG TABLET	No	CASH	16	3.11%
24 AMOXICILLIN 500 MG CAPSULE	No	CASH	14	2.72%
25 NAPROXEN 375 MG TABLET	No	CASH	10	1.94%
26 CLOTRIMAZOLE 1% SOLUTION	No	CASH OTHER	9 1	1.75% 0.19%
27 IBUPROFEN 400 MG TABLET	No	CASH	9	1.75%

1	MELOXICAM 15 MG TABLET	No	CASH	9	1.75%
2	METRONIDAZOLE 500 MG TABLET	No	CASH	5	0.97%
3	CEPHALEXIN 500 MG CAPSULE	No	CASH	5	0.97%
4	CLOTRIMAZOLE 1% CREAM	No	CASH	3	0.58%
			OTHER	1	0.19%
5	CARISOPRODOL 350 MG TABLET	Yes – Schedule IV	CASH	3	0.58%
6	BACITRACIN 500 UNIT/GM OINTMNT	No	CASH	2	0.39%
7	VOLTAREN 1% GEL	No	CASH	2	0.39%
8	ECONAZOLE NITRATE 1% CREAM	No	CASH	2	0.39%
9	PHENTERMINE 37.5 MG TABLET	Yes – Schedule IV	OTHER	1	0.19%
10	HYDROCODON-ACETAMINOPH 7.5-325	Yes—Schedule II (Schedule III prior to 10/6/2014)	CASH	1	0.19%
11	DOK 250 MG CAPSULE	No	CASH	1	0.19%
12	DOK 100 MG CAPSULE	No	CASH	1	0.19%
13	ALPRAZOLAM 2 MG TABLET	Yes – Schedule IV	CASH	1	0.19%
14			CASH Count	508	98.64%
			OTHER Count	7	1.36%
15	Grand Total			515	100.00%

49. SGP filled 515 prescriptions under Dr. M.P.'s prescribing authority during the query period. 34.17% of Dr. M.P.'s prescriptions were written for oxycodone 30 mg tablets. 136 patients received prescriptions from Dr. M.P. during the query period. 113 of those patients (or 83.09%) received at least one prescription for oxycodone 30 mg. The remaining 23 patients received at least one prescription for hydrocodone/acetaminophen 10/325 mg tablets. 98.64% of the prescriptions in Dr. M.P.'s prescribing history were purchased in "cash". A prescribing profile purchased almost entirely in cash and in which every patient received a narcotic pain reliever was a factor of irregularity. Majority of the Dr. M.P.'s controlled substance prescriptions were written for the highest available dose. Dr. M.P. wrote 176 prescriptions for oxycodone 30 mg tablets and no prescriptions for any lower strength of oxycodone. Dr. M.P. wrote 67 prescriptions for hydrocodone/acetaminophen 10/325 mg and one prescription for a lower dose, hydrocodone/acetaminophen 7.5/325 mg.

DISPENSING RECORD REVIEW: DR. M.G. (01/01/2012 to 02/03/2015)

Medication	Controlled Substance?	Payment Method	Number of Prescriptions	Percent of Dr. M.G.'s Total Prescriptions
	Yes – Schedule IV	CASH	180	31.09%
PROMETHAZINE-CODEINE SYRUP				
CEPHALEXIN 500 MG CAPSULE	No	CASH	105	18.13%
	Yes-- Schedule II (Schedule III prior to 10/6/2014)	CASH	82	14.16%
HYDROCODON-ACETAMINOPHN 10-325				
ALPRAZOLAM 2 MG TABLET	Yes – Schedule IV	CASH	70	12.09%
AZITHROMYCIN 250 MG TABLET	No	CASH	35	6.04%
OXYCODONE HCL 30 MG TABLET	Yes – Schedule II	CASH	33	5.70%
AMOXICILLIN 500 MG CAPSULE	No	CASH	20	3.45%
VENTOLIN HFA 90 MCG INHALER	No	CASH	13	2.25%
HYDROCODON-ACETAMINOPHN 10-500	Yes – Schedule II	CASH	10	1.73%
IBUPROFEN 800 MG TABLET	No	CASH	9	1.55%
ZOLPIDEM TARTRATE 10 MG TABLET	Yes – Schedule IV	CASH	6	1.04%
NAPROXEN 500 MG TABLET	No	CASH	4	0.69%
LORATADINE 10 MG TABLET	No	CASH	4	0.69%
CIPROFLOXACIN HCL 500 MG TAB	No	CASH	3	0.52%
CARISOPRODOL 350 MG TABLET	Yes— Schedule IV	CASH	3	0.52%
PROAIR HFA 90 MCG INHALER	No	CASH	2	0.35%
		CASH Count	579	100.00%
		OTHER Count		0.00%
Grand Total			579	100.00%

50. SPG filled 579 prescriptions under Dr. M.G.'s prescribing authority during the query period. Dr. M.G.'s most commonly prescribed medication was promethazine/codeine syrup, which represented 31.09% of Dr. M.G.'s total prescribing. Given the wide variety of medications available to prescribe, it was a factor of irregularity for a commonly abused controlled substance to represent over 31% of one physician's prescribing at SGP. 75.47% of

1 Dr. M.G.'s prescribing consisted of four medications: promethazine/codeine syrup, cephalexin
2 500 mg capsules, hydrocodone/acetaminophen 10/325 mg tablets, and alprazolam 2 mg tablets.
3 As previously stated, given the multitude of medications on the market, it was a factor of
4 irregularity for the majority of one physician's prescribing at SGP to consist of only four
5 medications. All of Dr. M.G.'s prescriptions at LA's Pharmacy and Medical Equipment during
6 the query period were purchased in cash. As set forth above, a prescribing profile purchased
7 entirely in cash was another factor of irregularity.

8 51. Dr. M.G. prescribed controlled substances exclusively at the highest available
9 dose. Dr. M.G. wrote 92 prescriptions for hydrocodone combinations containing 10 mg of
10 hydrocodone and no prescriptions for lower strengths. Dr. M.G. wrote 70 prescriptions for
11 alprazolam 2 mg tablets and no prescriptions for lower strengths. Dr. M.G. wrote 33
12 prescriptions for oxycodone 30 mg tablets and no prescriptions for lower strengths. Dr. M.G.'s
13 dispensing history at SGP contained 55 instances amongst 45 patients in which a patient received
14 the following four medications on the same day; promethazine/codeine syrup, alprazolam 2 mg
15 tablets, hydrocodone/acetaminophen 10/325 mg tablets, and cephalexin 500 mg capsules.
16 Additionally, Dr. M.G.'s profile contained four instances in which patients received
17 promethazine/codeine syrup, alprazolam 2 mg tablets, hydrocodone/acetaminophen 10/325 mg
18 tablets and a different antibiotic. It would be unusual for a large number of patients to require
19 treatment for cough, anxiety, pain, and infection at the same time. Additionally, no two patients
20 are exactly alike. Because of this inter-patient variability, a prescriber would often choose
21 different medications or different doses to treat different patients with the same ailments.
22 Therefore, Dr. M.G.'s use of the same four medications at the same strengths to treat 45 different
23 patients was another factor of irregularity.

24 52. On October 13, 2015, Inspector N.R. accessed the Medical Board of California
25 database and searched for Dr. M.G.'s licensing information. Dr. M.G.'s license status was
26 "revoked" as of December 6, 2013. The underlying accusation filed against Dr. M.G. included a
27 cause for discipline for self-use of controlled substances.

28 **DISPENSING RECORD REVIEW: DR. D.W. (01/01/2012 to 02/03/2015)**

1		Controlled			Percent of Dr.
2	Medications	Substance?	Payment	Number of	D.W.'s Total
3			Method	Prescriptions	Prescriptions
3	OXYCODONE HCL 30 MG TABLET	Yes – Schedule II	CASH	149	31.24%
4			OTHER	1	0.21%
4	DOK 100 MG CAPSULE	No	CASH	115	24.11%
5			OTHER	1	0.21%
6	ALPRAZOLAM 2 MG TABLET	Yes – Schedule IV	CASH	72	15.09%
7			OTHER	1	0.21%
7	PROMETHAZINE-CODEINE SYRUP	Yes – Schedule V	CASH	69	14.47%
8	AMOXICILLIN 500 MG CAPSULE	No	CASH	23	4.82%
9	CIPROFLOXACIN HCL 500 MG TAB	No	CASH	14	2.94%
10	IBUPROFEN 600 MG TABLET	No	CASH	11	2.31%
11	SENNALAXATIVE 8.6 MG TABLET	No	CASH	6	1.26%
12	PROAIR HFA 90 MCG INHALER	No	CASH	3	0.63%
13	CARISOPRODOL 350 MG TABLET	Yes – Schedule IV	CASH	3	0.63%
14	IBUPROFEN 800 MG TABLET	No	CASH	3	0.63%
14	DOCUSATE SODIUM 100MG	No	CASH	1	0.21%
15	AMLODIPINE BESYLATE 10 MG TAB	No	CASH	1	0.21%
16	AZITHROMYCIN 250 MG TABLET	No	CASH	1	0.21%
17	LORATADINE 10 MG TABLET	No	CASH	1	0.21%
17	LISINAPRIL 20 MG TABLET	No	CASH	1	0.21%
18	HYDROCODON-ACETAMINOPH 7.5-750	Yes— Schedule III	CASH	1	0.21%
19			CASH Count	474	99.37%
19			OTHER Count	3	0.63%
20	Grand Total			477	100.00%

53. SPG filled 477 prescriptions under Dr. D.W.'s prescribing authority during the query period. Dr. D.W.'s most commonly prescribed medication was oxycodone 30 mg, which represented 31.45% of his total prescriptions. Dr. D.W.'s next most commonly prescribed medication, "DOK 100 mg", was a stool softener. Constipation is a common adverse effect of narcotic pain relievers, therefore these medications are sometimes prescribed with stool softeners. 55 patients at SPG received prescriptions from Dr. D.W. during the query period. 49 of these patients received at least one prescription for oxycodone 30 mg. Additionally, three medications,

1 oxycodone 30 mg, alprazolam 2 mg, and promethazine/codeine made up 61.22% of Dr. D.W.'s
 2 total prescribing. 99.37% of Dr. D.W.'s prescriptions were purchased in cash. Dr. D.W.'s
 3 frequent prescribing of oxycodone 30 mg and other controlled substances along with the majority
 4 of his prescriptions being purchased in cash were both factors of irregularity.

5 54. Dr. D.W.'s self-reported primary area of practice was "Cardiology", with
 6 secondary areas of practice listed as, "Internal Medicine," "Pain Medicine," and "Public Health
 7 and General Preventative Medicine." Dr. D.W.'s prescribing profile contained only two
 8 prescriptions typically used to treat cardiovascular conditions; one prescription for lisinopril and
 9 one prescription for amlodipine which are both used to treat high blood pressure. One would
 10 expect a more varied dispensing profile for internal medicine practitioners and pain medicine
 11 specialists. Dr. D.W.'s prescribing profile, in which three controlled substances used to treat
 12 pain, anxiety and cough made up 61.22% of the prescriptions, would not be typical for a
 13 prescriber in any of these areas of practice.

14 **DISPENSING RECORD REVIEW: DR. S.O. (01/01/2012 to 02/03/2015)**

15	Row Labels	Controlled Substance?	Payment Method	Number of Prescriptions	Percent of Dr. S.O.'s Total Prescriptions
16	PROMETHAZINE-CODEINE SYRUP	Yes - Schedule V	CASH	209	61.47%
17			OTHER	4	1.18%
18	ALPRAZOLAM 2 MG TABLET	Yes - Schedule IV	CASH	45	13.24%
19	LISINAPRIL 20 MG TABLET	No	CASH	22	6.47%
20	CARISOPRODOL 350 MG TABLET	Yes - Schedule IV	CASH	16	4.71%
21			AMLODIPINE BESYLATE 10 MG TAB	No	CASH
22	VENTOLIN HFA 90 MCG INHALER	No	CASH	5	1.47%
23			OTHER	1	0.29%
24	HYDROCODON-ACETAMINOPH 7.5-325	Yes-- Schedule II (Schedule III prior to 10/6/2014)	CASH	5	1.47%
25			HYDROCODON-ACETAMINOPH 10-325	Yes-- Schedule II (Schedule III prior to 10/6/2014)	CASH
26				23	

1	DIAZEPAM 10 MG TABLET	Yes – Schedule IV	CASH	3	0.88%
2	LORATADINE 10 MG TABLET	No	CASH	3	0.88%
3	HYDROCODON- ACETAMINOPH 7.5-750	Yes – Schedule III	CASH	2	0.59%
4	ACETAMINOPHEN-COD #4 TABLET	Yes – Schedule III	CASH	2	0.59%
5	TRIAMCINOLONE 0.025% CREAM	No	CASH	1	0.29%
6	CLOTRIMAZOLE 1% CREAM	No	CASH	1	0.29%
7	FLUTICASONE PROP 50 MCG SPRAY	No	CASH	1	0.29%
8	AMOXICILLIN 500 MG CAPSULE	No	CASH	1	0.29%
9	SIMVASTATIN 20 MG TABLET	No	OTHER	1	0.29%
10	FAMOTIDINE 20 MG TABLET	No	OTHER	1	0.29%
11	HYDROCHLOROTHIAZIDE 50 MG TAB	No	OTHER	1	0.29%
12	ZOLPIDEM TARTRATE 10 MG TABLET	Yes – Schedule IV	CASH	1	0.29%
13	OXYCODONE HCL 30 MG TABLET	Yes – Schedule II	CASH	1	0.29%
14	MELOXICAM 7.5 MG TABLET	No	CASH	1	0.29%
15			CASH Count	331	97.35%
			OTHER Count	9	2.65%
16	Grand Total			340	100.00%

55. SGP filled 340 prescriptions under Dr. S.O.'s prescribing authority during the query period. 85% of Dr. S.O.'s prescriptions were written for controlled substances. 97.35% of Dr. S.O.'s prescriptions were purchased in cash. A prescribing profile purchased almost entirely in cash with the majority of prescriptions written for controlled substances were both factors of irregularity.

56. Dr. S.O.'s self-reported areas of practice were "Thoracic Surgery" and "General Practice" with Board Certifications in "Surgery" and "Female Pelvic Medicine and Reconstructive Surgery." 61.47% of Dr. S.O.'s prescriptions filled at SGP were for promethazine/codeine syrup. Additionally, 98 patients received a prescription from Dr. S.O. at SGP during the query period. All but two of these patients received at least one prescription for promethazine/codeine. It would be unusual for a general practitioner or a surgeon to prescribe

1 promethazine/codeine for over half of his or her total prescriptions and to almost all of his or her
2 patients. Dr. S.O.'s frequent prescribing of promethazine/codeine was a factor of irregularity.
3 Despite prescribing a cough syrup for almost all of his patients, Dr. S.O.'s next most commonly
4 prescribed medication was alprazolam 2 mg tablets used to treat anxiety. It was a factor of
5 irregularity for many of Dr. S.O.'s patients to require treatment for both cough and anxiety.

6 57. Dr. S.O.'s license information also indicated the Medical Board of California filed
7 an accusation in attempt to revoke Dr. S.O.'s license on June 11, 2015. The accusation alleged
8 Dr. S.O. prescribed controlled substances "without medical indication.,"

9 **ANALYSIS OF DISPENSING DATA – OUT OF POCKET PAYMENTS**

10 57. The dispensing data provided by PIC TRAN contained many instances in which
11 patients paid high out of pocket costs for oxycodone 30 mg tablets. For example, the dispensing
12 data included:

- 13 • 185 instances when patients paid \$900 for 100 oxycodone 30 mg tablets
- 14 • 180 instances when patients paid \$1,000 for 100 oxycodone 30 mg tablets
- 15 • 12 instances when patients paid \$1,100 for 100 oxycodone 30 mg tablets
- 16 • 35 instances when patients paid \$810 for 90 oxycodone 30 mg tablets
- 17 • 35 instances when patients paid \$900 for 90 oxycodone 30 mg tablets

18 58. On October 13, 2015, Inspector N.R. contacted Wal-Mart Pharmacy located in South
19 Gate, CA 90280. Wal-Mart Pharmacy 10-3180 was located 0.9 miles from SGP. The inspector
20 was informed that Wal-Mart Pharmacy's dispensing software listed the price for 100 oxycodone
21 30 mg tablets as \$114.97. Inspector N.R. further called CVS Pharmacy near SGP and was
22 informed that the price for 100 oxycodone 30 mg tablets was \$158.99. There were 447 instances
23 where SGP's patients paid between nine and 11 dollars per tablet for oxycodone 30 mg tablets.
24 Wal-Mart Pharmacy and CVS Pharmacy quoted their prices for oxycodone 30 mg tablets as \$1.15
25 and \$1.59 per tablet respectively. Further, on April 9, 2015, SGP's purchase price for oxycodone
26 30 mg tablets was about 35 cents per tablet. This was a factor of irregularity for patients at SGP
27 to be able and willing to pay significantly higher prices than what would have been charged at
28 neighboring pharmacies.

1 **ANALYSIS OF PRESCRIPTION DOCUMENTS AND ASSOCIATED VERIFICATIONS**
2 **OF PRESCRIPTIONS WRITTEN BY S.W.**

3 59. After analyzing the dispensing data, Inspector N.R. reviewed the prescription
4 documents collected during the inspection and provided by PIC TRAN following the inspection.
5 She reviewed all 33 prescription documents in her possession written by Dr. S.W. and noted the
6 following trends: (1) Dr. S.W.'s patients would have travelled long distances to obtain controlled
7 substance prescriptions from his office in Anaheim, California; (2) Dr. S.W.'s patients paid high
8 out of pocket prices for controlled substance prescriptions; and (3) Many of Dr. S.W.'s
9 prescriptions, especially for promethazine/codeine, were dated months before they were filled.

10 60. Other irregularities identified in Dr. S.W.'s prescription documents and verifications
11 included: (1) Patient FB's address on file at other pharmacies was "homeless" however he
12 purchased promethazine/codeine syrup from SGP for \$100; (2) JW and AR both received
13 prescriptions for promethazine/codeine syrup which were written 09/04/2014 and filled on
14 01/20/2015. Pharmacy Technician "KS" verified both prescriptions with Dr. S.W. at 10:34 am on
15 01/20/2015; (3) CA, LL, and DF received prescriptions for promethazine/codeine syrup which
16 were written on 09/12/2014 and filled on 02/02/2015. "KS" verified all three prescriptions with
17 Dr. S.W. at 10:32 am on 02/02/2015; (4) NS and JS received prescriptions for
18 promethazine/codeine syrup and carisoprodol 350 mg tablets which were written on 10/02/2014
19 and filled on 12/23/2014 and 12/26/2014; (5) TP and DG received prescriptions for
20 hydrocodone/acetaminophen 10/325 mg and promethazine/codeine syrup which were written and
21 filled on 11/15/2013. "KS" verified both prescriptions with Dr. S.W. on 11/15/2013 at 2:07 pm;
22 (6) GP and GSP had the same address on file at SGP and both received prescriptions for
23 promethazine/codeine syrup from Dr. S.W.; (7) JD received a prescription for oxycodone 30 mg
24 tablets, the highest available dose, and the prescription verification sheet indicated she had not
25 received a controlled substance prescription in at least the previous three months.

26 61. SGP staff frequently checked Patient Activity Reports for Dr. S.W.'s patients and
27 frequently made copies of the patients' identification cards. However PIC TRAN's statements
28

1 indicated both of these steps were completed by pharmacy technicians KS² and EH2.
2 Additionally, the prescription verification sheets indicated a pharmacy technician, KS or EH2,
3 called Dr. S.W. to "OK" the prescriptions. However, there was no documentation of
4 conversations between Dr. S.W. and a pharmacist at SGP to attempt to resolve the irregularities
5 listed above or establish the medical legitimacy of his prescriptions. For example, a pharmacist
6 could have spoken with Dr. S.W. to ask if he was aware of previous controlled substance
7 prescriptions reflected in PARs, to question prescribing a potentially opioid naive patient the
8 highest available strength of oxycodone, and to ask if prescriptions for promethazine/codeine
9 syrup were medically necessary months after they were written. Dr. S.W.'s answers to these
10 questions could have helped the pharmacists at SGP to evaluate the medical legitimacy of these
11 prescriptions. Further, 11 of the prescriptions described above were written after 09/29/2014
12 when a court order was issued prohibiting Dr. S.W. from practicing medicine. An additional 20
13 of the prescriptions listed above were written prior to the court order but verified by Dr. S.W.
14 after the court order.

15 **ANALYSIS OF PRESCRIPTION DOCUMENTS AND ASSOCIATED VERIFICATIONS**
16 **OF PRESCRIPTIONS WRITTEN BY DR. M.G.**

17 62. Inspector N.R. reviewed all 31 prescription documents from Dr. M.G. and noticed the
18 following: (1) Dr. M.G.'s patients paid high out of pocket prices for their prescriptions; (2) Many
19 of Dr. M.G.'s patients received prescriptions for promethazine/codeine, cephalexin, alprazolam,
20 and hydrocodone/acetaminophen which are used to treat cough, infection, anxiety, and pain; (3)
21 Some of Dr. M.G.'s patients travelled long distances to obtain controlled substance prescriptions.
22 Fourteen of said prescription documents reviewed were for patients who would have travelled 40
23 miles or more from the address on file at SGP to Dr. M.G.'s office, to SGP and back home; (4)

24 _____
25 ² It should be noted, Business and Professions Code Section 4115 allows in part, (a) A pharmacy technician
26 may perform packaging, manipulative, repetitive, or other nondiscretionary tasks... and (c) This section does not
27 authorize a pharmacy technician to perform any act requiring the exercise of professional judgment by a pharmacist.
28 Therefore, a pharmacy technician is allowed to call a prescriber to confirm he or she did in fact write a prescription.
However, a pharmacy technician may not have a clinical conversation with a prescriber to evaluate the legitimacy
and/or appropriateness of a prescription. That evaluation and determination requires the professional judgment of the
pharmacist.

1 Six of the prescription documents had an associated Patient Activity Report indicating the most
2 recent controlled substance prescriptions the patient in question were prescribed by another
3 physician, not Dr. M.G.; (5) Ten of the prescription documents indicated the patients' Patient
4 Activity Report showed no previous controlled substances in the previous six months although
5 these patients received the highest available strengths of alprazolam, hydrocodone/
6 acetaminophen, and/or oxycodone.

7 63. SGP's staff took steps to verify the legitimacy of Dr. M.G.'s prescriptions including
8 copying the patients' identification cards and reviewing the Prescription Drug Monitoring
9 Program. Additionally, a pharmacy technician spoke with "Betty" to verify each of the
10 prescriptions filled. However, SGP failed to produce documentation of conversations between
11 Dr. M.G. and a pharmacist at SGP to attempt to resolve the irregularities listed above or establish
12 the medical legitimacy of her prescriptions. For example, a pharmacist could have spoken with
13 Dr. M.G. to inquire about her frequent prescribing of the combination of promethazine/codeine,
14 cephalexin, alprazolam, and hydrocodone/acetaminophen. A pharmacist could have questioned
15 the prescribing of high doses of alprazolam and oxycodone to patients who had not received a
16 similar medication in the previous six months or asked if Dr. M.G. was aware of previous
17 controlled substance prescriptions written by other prescribers. Business and Professions Code
18 Section 4115 does not allow these clinical discussions to be delegated to a pharmacy technician.
19 Further, all the documented verifications of Dr. M.G.'s prescriptions were conversations with
20 "Betty" at Dr. M.G.'s office, rather than Dr. M.G.. These conversations between "Betty" and
21 pharmacy technicians at SGP were insufficient to resolve the irregularities described above. Had
22 pharmacists at SGP had substantive discussions with Dr. Garg regarding her prescribing, they
23 could have better evaluated the medical legitimacy of the prescriptions in question.

24 64. Further, SGP filled 64 prescriptions under Dr. M.G.'s prescribing authority after
25 12/06/2013 when Dr. M.G.'s license to practice medicine was revoked. Review of the
26 prescription documents indicated 36 of these prescriptions were actually written after 12/06/2013.

27 **ANALYSIS OF PRESCRIPTION DOCUMENTS AND ASSOCIATED VERIFICATIONS**
28 **OF PRESCRIPTIONS WRITTEN BY DR. M.P.**

1 65. Investigator N.R. reviewed all six prescription documents and associated verifications
2 in her possession from Dr. M.P.. All six prescription documents included one prescription for
3 oxycodone 30 mg tablets and one prescription for a non-steroidal anti-inflammatory. One of the
4 prescription documents contained a third prescription for an antifungal solution.

5 66. For each prescription document, SGP staff faxed an image of the prescription
6 document, sometimes with an image of the patient's identification card, to Dr. M.P.'s office. Dr.
7 M.P.'s office responded with a list of ICD-9 diagnosis codes. SGP also printed a Patient Activity
8 Report for each patient. Investigator N.R. noted the following: (1) Dr. M.P. listed three or four
9 diagnoses for each patient. Examples included: 719.57 (stiffness of joint, ankle and foot), 715.97
10 (osteoarthritis, ankle and foot), 729.5 (pain in limb), 719.7 (difficulty in walking), 718.87 (other
11 joint derangement, ankle and foot), 718.47 (contracture of joint, ankle and foot). It was a factor
12 of irregularity for Dr. M.P. to prescribe oxycodone 30 mg, to take 1 or 2 tablets every four to six
13 hours for six patients each with a different combination of foot and ankle ailments.

14 67. Some of Dr. M.P.'s patients travelled long distances to obtain controlled substances
15 from SGP. Patient E.T. would have travelled 69 miles from her address in Lake Elsinore, CA to
16 SGP. Patient SR would have travelled 43 miles from her address in Canoga Park, CA to SGP. It
17 was a factor of irregularity for these patients to travel over 40 miles, one direction from home to
18 SGP to obtain controlled substances.

19 68. Dr. M.P.'s patients paid very high out of pocket costs for their prescriptions for
20 oxycodone 30 mg. Patients WH, TR, GK, and ET paid \$990 for 90 tablets. Patients SR and KB
21 paid \$1,100 for 100 tablets. It would not be typical for multiple patients to be willing and able to
22 pay approximately \$1,000 for a single prescription. This was another factor of irregularity.

23 69. The Patient Activity Report for Patient ET found she had not received a controlled
24 substance prescription in the previous six months. However, one of Patient ET's prescriptions
25 from Dr. M.P. was written for oxycodone 30 mg, the highest available strength. The Patient
26 Activity Report for Patient KB indicated he received carisoprodol 350 mg, acetaminophen/
27 codeine 300/60 mg, and alprazolam 2 mg from Dr. S.O. at Ramona Professional two days before
28 his prescription from Dr. M.P. was written and 15 days before it was filled by SGP.

1 70. SGP's records do not contain documentation of conversations between a pharmacist
2 and Dr. M.P.. A pharmacist could have spoken with Dr. M.P. to address such irregularities as his
3 frequent prescribing of the same dose of oxycodone 30 mg and his patients' frequent cash
4 payments, or questioned prescribing the highest available dose of oxycodone to a patient who had
5 not received a narcotic prescription in the previous six months, or questioned if Dr. M.P. was
6 aware of Patient KB's prescriptions written by Dr. S.O.. Dr. M.P.'s answers to these questions
7 could have helped the pharmacist make a determination regarding the medical legitimacy of these
8 prescriptions.

9 **ANALYSIS OF PRESCRIPTION DOCUMENTS AND ASSOCIATED VERIFICATIONS**
10 **OF PRESCRIPTIONS WRITTEN BY DR. S.O.**

11 71. Inspector N.R. reviewed all four prescription documents in her possession from Dr.
12 S.O.. For each prescription document, SGP staff attached the prescription document to a
13 verification sheet including a copy of the prescription document with handwritten statements
14 indicating a pharmacy staff member, either unidentified or "KS", spoke with "Kassydra" or
15 "Kassandra" to verify the prescriptions, and a printout of the patient's Patient Activity Report.

16 72. The following irregularities were noted: (1) All four of the prescription documents
17 contained prescriptions for promethazine/codeine syrup, 8 oz, to take one teaspoonful every 6
18 hours; (2) Patient DJ received a prescription for promethazine/codeine syrup from Dr. S.O. on
19 03/31/2015 and filled the prescription over a month later on 05/04/2015. There were no
20 documentations to indicate a pharmacist spoke with Dr. S.O. to discuss the legitimacy or
21 appropriateness of these prescriptions. For example, a pharmacist could have inquired if Patient
22 DJ still needed treatment for cough over a month after the prescription was written.

23 **ANALYSIS OF PRESCRIPTION DOCUMENTS AND ASSOCIATED VERIFICATIONS**
24 **OF PRESCRIPTIONS WRITTEN BY DR. D.W.**

25 73. Inspector N.R. reviewed all six prescription documents in her possession from Dr.
26 D.W. for three patients. For each prescription document, SGP staff attached the prescription
27 document to a verification sheet including a copy of the prescription document with handwritten
28

1 statements indicating KS and EH2 verified the prescriptions with Dr. D.W., and a printout of each
2 patient's Patient Activity Report.

3 74. Inspector N.R. noted the following irregularities: (1) Dr. D.W.'s patients paid out of
4 pocket costs for the prescriptions, between \$1,160 and \$1,175 for the total order; (2) Dr. D.W.'s
5 prescription document read, "Internal Medicine – Adult Cardiology;" (3) Diagnoses codes written
6 by Dr. D.W. on the prescription documents included: DL–LBP (low back pain)and anxiety/
7 insomnia, BF–ankle FX, LBP (low back pain) and anxiety/insomnia, DG–knee FX and anxiety/
8 insomnia. As with the previous prescribers discussed, there was not documentation indicating a
9 pharmacist spoke with Dr. D.W. to address the legitimacy and/or appropriateness of these
10 prescriptions.

11 **ANALYSIS OF PRESCRIPTION DOCUMENTS AND ASSOCIATED VERIFICATIONS**
12 **OF PRESCRIPTIONS WRITTEN BY DR. C.A.**

13 75. Inspector N.R. reviewed all nine prescription documents in my possession from Dr.
14 C.A.. For each prescription document, SGP Staff attached the prescription document to one or
15 more of the following; a verification sheet including a copy of the patient's identification card, a
16 copy of the prescription document, and a printout of each patient's Patient Activity Report.
17 Additionally, SGP Staff, EH, KS, EH2, documented verbal verifications with "Nora" and
18 "Shawn". The following irregularities were noted: (1) Patient AJ's California Driver License and
19 address on file at SGP indicated she lived in Fresno, California, 228 miles from SGP; (2) The
20 verification sheet for Patient AB indicated there were, "No Records Found" on his Patient
21 Activity Report. However, AB received alprazolam 2 mg tablets, the highest available dose; (3)
22 Dr. C.A.'s patients paid high out of pocket costs for their prescriptions, between \$125 and \$320
23 for the total order.

24
25 76. There was no documentation regarding conversations between a pharmacist at SGP
26 and Dr. C.A. to discuss the factors of irregularity present in these prescriptions and gather
27 information to make a decision about the medical legitimacy of the prescriptions.

28 **FIRST CAUSE FOR DISCIPLINE**

(Responsibility for Legitimacy of Prescription; Corresponding Responsibility of Pharmacist)

77. Respondent SGP is subject to disciplinary action under Health and Safety Code Section 11153(a) in conjunction with California Code of Regulations section 1761, in that from approximately January 1/2012 to approximately February 3, 2015, SGP filled 4,462 prescriptions under the prescribing authority of Drs. S.W., C.A., M.G., M.P., D.W., and S.O.. These prescriptions contained significant irregularities suggesting their medical illegitimacy including the following:

a. The majority of the prescriptions written by the listed prescribers were purchased in cash, meaning without the assistance of prescription insurance. During the query period, 98.42% of Dr. S.W.'s prescriptions, 99.90% of Dr. C.A.'s Prescriptions, 98.64% of Dr. M.P.'s prescriptions, 100% of Dr. M.G.'s prescriptions, 99.37% of Dr. D.W.'s prescriptions, and 97.35% of Dr. S.O.'s prescriptions were purchased in cash.

b. Dr. C.A.'s prescribing profile consisting almost entirely of controlled substances. 98.77% of the prescriptions filled under Dr. C.A.'s prescribing authority during the query period were controlled substances.

c. Many patients of the listed prescribers paid exceptionally high prices for oxycodone prescriptions. During the query period, 377 patients paid between \$900 and \$1,100 for 100 oxycodone 30 mg tablets.

d. The majority of the prescriptions written by the listed prescribers for oxycodone, alprazolam, and hydrocodone-containing products contained the highest available dose of each medication. For example, Dr. S.W. wrote 508 prescriptions for oxycodone 30 mg tablets, alprazolam 2 mg tablets, and hydrocodone/acetaminophen 10/325 mg tablets and wrote a total of 14 prescriptions for any other strength of these three medications.

e. The prescribing profiles of the listed prescribers were unusually limited with a small number of controlled substances accounting for a relatively large percentage of their total prescribing:

1 1. 61.47% of Dr. S.O.'s prescriptions at LA's Pharmacy and Medical Equipment
2 during the query period were for promethazine/codeine syrup.

3 2. 31.45% of Dr. D.W.'s prescriptions were for oxycodone 30 mg tablets.

4 3. 31.09% of Dr. M.G.'s prescriptions were for promethazine/codeine syrup.

5 4. 34.17% of Dr. M.P.'s prescriptions were for oxycodone 30 mg tablets.

6 5. 98.05% of Dr. C.A.'s prescriptions were for promethazine/codeine syrup,
7 hydrocodone/acetaminophen 10/325 mg, alprazolam 2 mg, or oxycodone 30 mg.

8 6 59.04% of Dr. S.W.'s prescriptions were for promethazine/codeine syrup,
9 hydrocodone/acetaminophen 10/325 mg tablets, oxycodone 30 mg tablets, and alprazolam 2 mg
10 tablets.

11 f. Dr. S.W.'s patients travelled excessive distances, 31 miles between his office and the
12 pharmacy, to obtain controlled substances from SGP.

13 g. SGP did not produce any documentations indicating that a pharmacist conferred with
14 the prescriber to address the irregularities described above.

15 78. Complainant refers to and by this reference incorporates the allegations set forth
16 above in paragraphs 20 through 76, inclusive, as though set forth fully.

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19

SECOND CAUSE FOR DISCIPLINE
**(Responsibility for Legitimacy of Prescription; Corresponding Responsibility of
Pharmacist)**

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79. Respondent PIC TRAN is subject to disciplinary action under Health and Safety Code
Section 11153(a) in conjunction with California Code of Regulations section 1761, in that
approximately January 1, 2012 to approximately February 3, 2015, PIC TRAN while acting as
Pharmacist-in-Charge of SGP, where 4,462 prescriptions were filled under the prescribing
authority of Drs. S.W., C.A., M.G., M.P., D.W., and S.O.. These prescriptions contained
significant irregularities suggesting their medical illegitimacy including the following:

26

27

28

a. The majority of the prescriptions written by the listed prescribers were purchased in
cash, meaning without the assistance of prescription insurance. During the query period, 98.42%

1 of Dr. S.W.'s prescriptions, 99.90% of Dr.C.A.'s Prescriptions, 98.64% of Dr. M.P.'s
2 prescriptions, 100% of Dr. M.G.'s prescriptions, 99.37% of Dr. D.W.'s prescriptions, and 97.35%
3 of Dr. S.O.'s prescriptions were purchased in cash.

4 b. Dr. C.A.'s prescribing profile consisting almost entirely of controlled substances.
5 98.77% of the prescriptions filled under Dr. C.A.'s prescribing authority during the query period
6 were controlled substances.

7 c. Many patients of the listed prescribers paid exceptionally high prices for oxycodone
8 prescriptions. During the query period, 377 patients paid between \$900 and \$1,100 for 100
9 oxycodone 30 mg tablets.

10 d. The majority of the prescriptions written by the listed prescribers for oxycodone,
11 alprazolam, and hydrocodone-containing products contained the highest available dose of each
12 medication. For example, Dr. S.W. wrote 508 prescriptions for oxycodone 30 mg tablets,
13 alprazolam 2 mg tablets, and hydrocodone/acetaminophen 10/325 mg tablets and wrote a total of
14 14 prescriptions for any other strength of these three medications.

15 e. The prescribing profiles of the listed prescribers were unusually limited with a small
16 number of controlled substances accounting for a relatively large percentage of their total
17 prescribing.

18 1. 61.47% of Dr. S.O.'s prescriptions at LA's Pharmacy and Medical Equipment
19 during the query period were for promethazine/codeine syrup.

20 2. 31.45% of Dr. D.W.'s prescriptions were for oxycodone 30 mg tablets.

21 3. 31.09% of Dr. M.G.'s prescriptions were for promethazine/codeine syrup.

22 4. 34.17% of Dr. M.P.'s prescriptions were for oxycodone 30 mg tablets.

23 5. 98.05% of Dr. C.A.'s prescriptions were for promethazine/codeine syrup,
24 hydrocodone/acetaminophen 10/325 mg, alprazolam 2 mg, or oxycodone 30 mg.

25 6. 59.04% of Dr. S.W.'s prescriptions were for promethazine/codeine syrup,
26 hydrocodone/acetaminophen 10/325 mg tablets, oxycodone 30 mg tablets, and alprazolam 2 mg
27 tablets.

28

1 f. Dr. S.W.'s patients travelled excessive distances, 31 miles between his office and the
2 pharmacy, to obtain controlled substances from LA's Pharmacy and Medical Equipment.

3 g. SGP did not have any documentations indicating that a pharmacist conferred with the
4 prescriber to address the irregularities described above.

5 80. Complainant refers to and by this reference incorporates the allegations set forth
6 above in paragraphs 20 through 76, inclusive, as though set forth fully.

7 **THIRD CAUSE FOR DISCIPLINE**

8 81. Respondent PIC TRAN is subject to disciplinary action under sections 4081³, 4113,
9 subdivision (c) and 4036.5 of the Code, in that PIC TRAN is strictly liable as a Pharmacist in
10 charge for SGP, for filled 4,462 prescriptions under the prescribing authority of Drs. S.W., C.A.,
11 M.G., M.P., D.W., and S.O.. These prescriptions contained significant irregularities suggesting
12 their medical illegitimacy including the following:

13 a. The majority of the prescriptions written by the listed prescribers were purchased in
14 cash, meaning without the assistance of prescription insurance. During the query period, 98.42%
15 of Dr. S.W.'s prescriptions, 99.90% of Dr.C.A.'s Prescriptions, 98.64% of Dr. M.P.'s
16 prescriptions, 100% of Dr. M.G.'s prescriptions, 99.37% of Dr. D.W.'s prescriptions, and 97.35%
17 of Dr. S.O.'s prescriptions were purchased in cash.

18 b. Dr. C.A.'s prescribing profile consisting almost entirely of controlled substances.
19 98.77% of the prescriptions filled under Dr. C.A.'s prescribing authority during the query period
20 were controlled substances.

21 c. Many patients of the listed prescribers paid exceptionally high prices for oxycodone
22 prescriptions. During the query period, 377 patients paid between \$900 and \$1,100 for 100
23 oxycodone 30 mg tablets.

24 d. The majority of the prescriptions written by the listed prescribers for oxycodone,
25 alprazolam, and hydrocodone-containing products contained the highest available dose of each
26 medication. For example, Dr. S.W. wrote 508 prescriptions for oxycodone 30 mg tablets,

27
28 ³ *Sternberg v. California Board of Pharmacy* (2015) 239 Cal.App.4th 1159.

1 alprazolam 2 mg tablets, and hydrocodone/acetaminophen 10/325 mg tablets and wrote a total of
2 14 prescriptions for any other strength of these three medications.

3 e. The prescribing profiles of the listed prescribers were unusually limited with a small
4 number of controlled substances accounting for a relatively large percentage of their total
5 prescribing.

6 1. 61.47% of Dr. S.O.'s prescriptions at LA's Pharmacy and Medical Equipment
7 during the query period were for promethazine/codeine syrup.

8 2. 31.45% of Dr. D.W.'s prescriptions were for oxycodone 30 mg tablets.

9 3. 31.09% of Dr. M.G.'s prescriptions were for promethazine/codeine syrup.

10 4. 34.17% of Dr. M.P.'s prescriptions were for oxycodone 30 mg tablets.

11 5. 98.05% of Dr. C.A.'s prescriptions were for promethazine/codeine syrup,
12 hydrocodone/acetaminophen 10/325 mg, alprazolam 2 mg, or oxycodone 30 mg.

13 6. 59.04% of Dr. S.W.'s prescriptions were for promethazine/codeine syrup,
14 hydrocodone/acetaminophen 10/325 mg tablets, oxycodone 30 mg tablets, and alprazolam 2 mg
15 tablets.

16 f. Dr. S.W.'s patients travelled excessive distances, 31 miles between his office and the
17 pharmacy, to obtain controlled substances from LA's Pharmacy and Medical Equipment.

18 g. SGP did not have any documentations indicating that a pharmacist conferred with the
19 prescriber to address the irregularities described above.

20 82. As the pharmacist-in-charge, PIC TRAN was responsible for a pharmacy's
21 compliance with all state and federal laws and regulations pertaining to the practice of pharmacy.
22 A Pharmacist-in-charge as the supervisor or manager of a pharmacy is responsible for ensuring
23 the pharmacy's compliance with all state and federal laws and regulations pertaining to the
24 practice of pharmacy. The pharmacist-in-charge is responsible for acts of the owner, officer,
25 partner, or employee that violate this section and of which the pharmacist-in-charge, responsible
26 manager, or designated representative-in-charge had no knowledge, or in which he or she did not
27 knowingly participate. Complainant refers to, and by this reference incorporates, the allegations
28 set forth above in paragraphs 123 through 165, 210 through 215, as though set forth fully.

1 83. Complainant refers to and by this reference incorporates the allegations set forth
2 above in paragraphs 20 through 76, inclusive, as though set forth fully.

3 PRAYER

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

- 6 1. Revoking or suspending Pharmacy Permit License Number PHY 49169, issued to
7 SGP Inc dba LA's Pharmacy & Medical Equipment.
- 8 2. Revoking or suspending Pharmacist License Number 44467 to Roger Tran, PIC.
- 9 3. Ordering SGP to pay the Board of Pharmacy the reasonable costs of the investigation
10 and enforcement of this case, pursuant to Business and Professions Code section 125.3;
- 11 4. Taking such other and further action as deemed necessary and proper.

12
13 DATED: _____

1/16/17



14 VIRGINIA HEROLD
15 Executive Officer
16 Board of Pharmacy
17 Department of Consumer Affairs
18 State of California
19 Complainant

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7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:
11 **SGP INC DBA LA'S PHARMACY &**
12 **MEDICAL EQUIPMENT**
13 **7903 S. Atlantic Ave., Ste. E**
Cudahy, CA 90201
14 **Pharmacy Permit License No. PHY 49169**
15 **ROGER TRAN**
16 **31 Bell Pasture**
Ladera Ranch, Orange CA 92694
17 **Pharmacist License No. RPH 44467**
18 Respondents.

Case No. 5768
ACCUSATION

19
20 Complainant alleges:

21 **PARTIES**

- 22 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
23 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
24 2. On or about September 8, 2008, the Board of Pharmacy issued Pharmacy Permit
25 License Number PHY 49169 to SGP Inc dba LA's Pharmacy & Medical Equipment (SGP). The
26 Pharmacy Permit License was in full force and effect at all times relevant to the charges brought
27 herein and will expire on September 1, 2017, unless renewed.

1

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

4 8. **Health and Safety Code section (HSC) 11153(a)** states:

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

15 **REGULATORY PROVISIONS**

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

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

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

24 **CONTROLLED SUBSTANCES AND/OR DANGEROUS DRUGS**

25 10. “**Controlled substance**” means any substance listed in Chapter 2 (commencing
26 with Section 11053) of Division 10 of the Health and Safety Code.

27 11. **Phenergan with Codeine Syrup** is a Schedule V controlled substance as
28 designated by Health and Safety Code section 11058(c)(1) and a dangerous drug as designated by

1 Business and Professions Code section 4022. The generic name is promethazine with codeine
2 syrup.

3 12. **Norco** is a Schedule III controlled substance as designated by Health and Safety
4 Code section 11056(e)(4), a dangerous drug as designated by Business and Professions Code
5 section 4022, and Schedule II per 21 CFR 1308 as of October 6, 2014. The generic name is
6 hydrocodone/acetaminophen.

7 13. **Roxicodone** is a Schedule II controlled substance as designated by Health and
8 Safety Code section 11055(b)(1)(M) and a dangerous drug as designated by Business and
9 Professions Code section 4022. The generic name is oxycodone.

10 14. **Xanax** is a Schedule IV controlled substance as designated by Health and Safety
11 Code section 11057(d)(1) and a dangerous drug as designated by Business and Professions Code
12 section 4022. The generic name is alprazolam.

13 15. **Kelfex** is a dangerous drug as designated by Business and Professions Code
14 section 4022. The generic name is cephalexin.

15 16. **DOK** is a dangerous drug as designated by Business and Professions Code section
16 4022. The generic name is docusate.

17 17. **Motrin** is a dangerous drug as designated by Business and Professions Code
18 section 4022. The generic name is Ibuprofen.

19 18. **Mobic** is a dangerous drug as designated by Business and Professions Code
20 section 4022. The generic name is Meloxicam.

21 COST RECOVERY

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

26 ARREST OF DR. M.G. FOR SELLING ILLEGAL PRESCRIPTIONS

27 20. The Board of Pharmacy became aware of the arrest and federal indictment of Dr.
28 M.G. as described by the United States Attorney's Office. The federal authorities arrested five

1 defendants, including Dr. M.G., linked to a narcotics trafficking ring, “that sold illegal
 2 prescriptions for cash and obtained drugs that were shipped to Texas for sale on the black
 3 market.” The operation was based in the Southfork Medical Clinic and alleged the clinic was a
 4 “pill mill” where Dr. M.G. wrote prescriptions “without a legitimate medical purpose.” Dr. M.G.
 5 issued more than 10,000 prescriptions over a 15 month period and nearly 80 percent of the
 6 prescriptions were for hydrocodone or alprazolam. The undercover operations conducted at
 7 Southfork Medical Clinic in which Dr. M.G. gave undercover cooperators prescriptions for
 8 oxycodone and promethazine/codeine syrup, “in exchange for the person returning to the clinic
 9 with the bottles of the prescribed cough syrup.”

10 21. The Board reviewed the California Controlled Substance Utilization and Review and
 11 Evaluation System (CURES) database which contains information about controlled substance
 12 prescriptions filled in California, as reported by pharmacies. Review of CURES data indicated
 13 SGP filled a portion of Dr. M.G.’s controlled substances prescriptions. The Board initiated an
 14 investigation at SGP based on this information.

15 **REVIEW OF CURES DATA FOR SGP**

16 22. Board’s Inspector N.R. reviewed CURES data for SGP showing controlled substance
 17 prescriptions dispensed at SGP from 01/01/2012 to 02/03/2015. In addition to Dr. M.G.,
 18 Inspector N.R. noted the following prescribers with seemingly irregular controlled substance
 19 dispensing profiles:

20 Prescriber	Number of Prescriptions Dispensed	Payment Method	Summary of Prescribing at LA’s Pharmacy & Medical Equipment
21 Dr. S. W.	550	99.45% Cash	22 88.18% of controlled substance 23 prescriptions reported to CURES 24 during the query period were 25 oxycodone 30 mg, 26 hydrocodone/acetaminophen 10/325 27 mg, or alprazolam 2 mg.
28 Dr. C.A.	457	99.78% Cash	98.91% of controlled substance prescriptions reported to CURES were hydrocodone/acetaminophen 10/325 mg, alprazolam 2 mg, or oxycodone 30 mg.
Dr. M.P.	222	100% Cash	55.65% of the controlled substance prescriptions reported to CURES were for oxycodone 30 mg.

1	Dr. D.W.	210	99.05% Cash	66.67% of the controlled substance prescriptions reported to CURES were for oxycodone 30 mg.
2	Dr. S.O.	78	100% Cash	56.41% of the controlled substance prescriptions reported to CURES were for alprazolam 2 mg.

3

4

5 **BOARD'S INSPECTION**

6 23. On May 5, 2015, Inspectors A.N. and N.R. conducted an inspection at SGP.

7 Pharmacist-in-charge (PIC) Roger Tran was not present, however, staff pharmacist R.N. was

8 present and assisted in the inspection. RPH Nguyen explained that SGP filled about 100-150

9 prescriptions per day. The inspectors requested to review prescription documents for filled

10 prescriptions which are usually filed sequentially in "books" by prescription number. Pharmacy

11 Technician K.S. provided several "books" of completed prescription documents. The books

12 contained prescription documents for schedule II controlled substances, schedules III-V

13 controlled substances, and non-controlled substances, comingled.

14 24. The board inspectors reviewed the completed prescription documents, however, they

15 were unable to find any prescription documents from the prescribers identified in the above chart.

16 RPH Nguyen spoke with Pharmacy Technician K.S. who informed the inspectors that a portion of

17 the pharmacy's prescription documents were filed separately in the back of the pharmacy.

18 Technician Sanchez produced one rubber-banded stack of prescription for Drs. S.W., M.P., D.W.

19 and S.O., and M.G.

20 25. Inspector A.N. inquired about the procedure for filing and retaining prescription

21 documents at SGP.. It is common practice for pharmacies to assign prescription numbers to the

22 prescription documents and file them numerically by prescription number. However, the

23 inspectors had not seen a pharmacy organize prescription documents by prescriber. Further, it

24 seemed unusual that prescriptions written by the prescribers the inspectors identified as having

25 potentially irregular dispensing profiles were separated from the majority of the pharmacy's

26 prescription documents. Technician Sanchez and RPH Nguyen were not able to explain why the

27 pharmacy filed prescription documents from these prescribers separately.

1 26. The board inspectors reviewed and collected a sample of prescription documents.
2 The majority of the prescription documents were stapled to a sheet of paper containing one or
3 more of the following elements: a photocopy of the prescription itself, a photocopy of the
4 patient's identification card, and/or a printout of a Patient Activity Report from the California
5 Prescription Drug Monitoring Program which showed a patient's recent controlled substance
6 dispensing history from pharmacies in California. The inspectors collected prescription
7 documents and associated verifications from Drs. S.W., M.P., D.W., S.O., and M.G..

8 27. Inspector N.R. asked RPH Nguyen if he was familiar with the prescribers listed
9 above. RPH Nguyen stated he believed Dr. S.W. had restrictions placed on his license by the
10 Board of Medicine or the Drug Enforcement Administration (DEA) and he explained that SGP
11 had stopped filling Dr. S.W.'s prescriptions. The inspectors reviewed and collected a sample of
12 invoices for sales of medications from Cardinal Health to SGP. At the conclusion of the
13 inspection, Inspector N.R. (1) left a questionnaire regarding corresponding responsibility and
14 requested PIC Tran complete the questionnaire and provide it to her; and (2) asked SGP to
15 provide their complete dispensing data for controlled and non-controlled substances in an excel
16 file. She issued a correction for non-compliance with the Code of Federal Regulations Section
17 1304.04(f)(1) which states in part, Inventories and records of controlled substances listed in
18 Schedules I and II shall be maintained separately from all of the records of the registrant. She
19 explained to RPH Tran that the prescription documents for Schedule II controlled substances
20 should be filed separately from prescription documents for Schedules III-V and non-controlled
21 substances.

COMMUNICATIONS WITH PIC TRAN

22
23 28. On May 15, 2015, Inspector N.R. received a fax from PIC TRAN which included PIC
24 Tran's responses to the questions she left during the inspection on May 5, 2015. Inspector N.R.'s
25 questions and PIC TRAN's responses were as follows:

26 1. Is your computer software the primary method of record keeping and
27 maintenance in the pharmacy? If not, what is? "Yes".
28

1 2. Is the following statement true or false: The electronic computer record of
2 dispensed prescriptions stored in the pharmacy software system is a true and accurate
3 representation of the hard copy (paper) prescription record? "Yes".

4 3. Describe the sequential steps this pharmacy takes to satisfy its corresponding
5 responsibility to dispense only medically legitimate controlled substance prescriptions. In other
6 words, what criteria/criterion must a controlled substance prescription satisfy before this
7 pharmacy decides to fill and dispense the medication? "Controlled prescriptions must be written
8 on secure prescription form, Copy patient id and check patient address, DOB, Phone number,
9 Verify MD with Physician Board, Patient is checked on PDMP/CURES to verify if the
10 prescription was filled recently usually within 30 days, Profile on PDMP/CURES is checked for
11 last 3 months. If the profile looks okay the doctor's office is called to verify that the prescription
12 is okay, then the prescription is filled and dispensed."

13 4. Does this pharmacy have to capability to access information provided by the
14 Prescription Drug Monitoring Program (PDMP) (sometimes referred to as CURES data) which is
15 provided freely to pharmacists? If yes, provide a sample. "Yes. See sample."

16 5. If yes, explain the instances in which this pharmacy checks the PDMP. "Every
17 controlled substance medications"

18 6. When the pharmacy does check the PDMP, how does the review of information
19 affect the outcome of dispensing the controlled substance prescription? "Last fill date; how often
20 controlled medications are filled, doctors that prescribe the medication; If there are discrepancies
21 for any of the above mention; the prescription will be return to patient."

22 7. What is your and/or your pharmacy's policy on filling a controlled substance
23 prescription early? In your opinion. How many days are too soon to fill a controlled substance
24 prescription early? "Controlled substances are rarely filled early unless otherwise requested by
25 the doctor with valid reason. Controlled substances are filled on or after the day supply of the last
26 time the medication was received by the patient."

27 8. Are you familiar with the term "doctor shopper?" If you are, explain what this
28 means and explain how you and/or this pharmacy identify and handle doctor shoppers. "Yes.

1 Patients that received controlled medications from different doctors. These patients are identified
2 via PDMP/CURES program. We reserve the right to refuse service.”

3 9. If you took special notes on a patient or prescription, where do you store the
4 notes (i.e. on the computer patient profile, documented on the prescription hard copy, other
5 documentation?) “Documented on hard copy and patients profiles.”

6 10. Does this pharmacy have policy on dispensing controlled substance
7 prescriptions from out of the area doctors? According to the practice of this pharmacy, what is an
8 acceptable distance from the doctor’s office to the pharmacy to allow dispensing of controlled
9 substance prescriptions? “This pharmacy follows the legal limitations when dispensing
10 controlled substances from out of the area doctors.”

11 11. Does this pharmacy have policy on dispensing controlled substance
12 prescriptions to out of the area patients? According to the practice of this pharmacy, what is an
13 acceptable distance from the patient’s home to the pharmacy to allow dispensing of controlled
14 substance prescriptions? “This pharmacy follows the legal limitations when dispensing
15 controlled substances from out of the area patients.”

16 12. List and describe any training, continuing education, certification or the like
17 you or your pharmacy has in the field of pain management. Include any and all documentation to
18 support this training, continuing education credit, certificate or the like. “We are retail pharmacy
19 only.”

20 13. Based on your education and professional experience, what is the appropriate
21 starting dose for the following medications:

- | | | |
|----|--------------------------------|--|
| 22 | a. Alprazolam | “Alprazolam 0.25-0.5 mg tid” |
| 23 | b. Hydrocodone/acetaminophen | “Hydrocodone/apap 5/325 mg q4-6h prn” |
| 24 | c. Oxycodone immediate release | “Oxycodone ir 10-20 mg q 4 h prn” |
| 25 | d. Oxycodone extended release | “Oxycodone ext. release 10 mg bid prn” |

26 14. How does this pharmacy determine if a patient is naïve to benzodiazepine and
27 opiate therapy? How is this information documented? “According to patient and physician. This
28 information is recorded in the hard copy of RX.”

- 1 15. Are you familiar with the nature of the practice of the following prescribers?
2 a. Dr. S.W.? Internal medicine. Cease from practice
3 b. Dr. C.A.? General practitioner
4 c. Dr. M.P.? Podiatrist
5 d. Dr. D.W.? Internal medicine cardiology
6 e. Dr. M.G.? General Practice.

7 16. Have you called and spoken to anyone at the above prescribers offices? If so,
8 who did you speak with and why?

9 “Yes. Drs. S.W., C.A., M.P., D.W., and M.G., to verify prescriptions”

10 29. On September 2, 2015, after an initial review of the prescription documents collected
11 during the inspection, Inspector N.R. sent PIC TRAN a second questionnaire and a request for
12 additional prescription documents. On September 19, 2015, Inspector N.R. received a response
13 from PIC Tran along with the requested prescription documents from Dr. S.W. and M.G.
14 Inspector N.R.’s questions and PIC Tran’s responses included the following:

- 15 1. Many of the prescription documents collected during the inspection on
16 05/05/2015 have verifications initialed by “KS”. Who is “KS”? “[Technician] K.S.”
17 2. Many of the prescription documents have a notation reading “C-Verified”.
18 What does that statement indicate? “We checked patients with cures program make sure patients
19 not filled control substance somewhere else.”
20 3. During the inspection on 05/05/2015, the prescription documents (hard copies)
21 for Drs. M.G., S.O., C.A., and D.W. were filed separately from other prescriptions, by prescriber.
22 Why does LA’s Pharmacy use this filing convention? “The owner wanted to keep them separately
23 for checking cash patients and keeping track of cash payments”

24 30. On December 1, 2015, Inspector N.R. sent PIC TRAN and the owner of SGP, Mr.
25 Long, another email. She asked if there were additional documentations of verifications or
26 prescriber conversations regarding the prescriptions in her possession. On December 2, 2015,
27 PIC TRAN replied via email and stated, “We do not have any additional records of verification.”

28

REVIEW OF THE ELECTRONIC DISPENSING DATA

31. After Inspector N.R. reviewed the electronic dispensing data provided by PIC TRAN and Mr. Long, the majority of the prescriptions filled at SGP during the query period were purchased using drug insurance. 88.25% of the prescriptions in the dispensing data showed prescription insurance as the payment method while 11.72% of the prescriptions showed "cash" as the payment method. Typically, patients do not desire to pay high out-of-pocket costs for medications; therefore, using the financial aid of insurance is normally desired. As a baseline measure, the percentage of payment methods seemed standard. Further, the top 20 drugs dispensed by the pharmacy consisted of a mixture of drugs treating a variety of conditions. Inspector N.R. prepared the below chart:

Medication	Controlled Substance?	Number of Prescriptions Dispensed	Percent of Total Prescriptions Dispensed
OMEPRAZOLE DR 20 MG CAPSULE	No	2274	2.28%
PROMETHAZINE-CODEINE SYRUP	Yes – Schedule V per HSC 11058(c)(1)	2165	2.17%
IBUPROFEN 600 MG TABLET	No	1687	1.69%
ASPIRIN EC 81 MG TABLET	No	1681	1.68%
PROMETHAZINE-DM SYRUP	No	1535	1.54%
METFORMIN HCL 1,000 MG TABLET	No	1426	1.43%
PROAIR HFA 90 MCG INHALER	No	1425	1.43%
LORATADINE 10 MG TABLET	No	1421	1.42%
FLUTICASONE PROP 50 MCG SPRAY	No	1305	1.31%
ASPIR-LOW EC 81 MG TABLET	No	1256	1.26%
FERROUS SULFATE 325 MG TABLET	No	1154	1.16%
TRAMADOL HCL 50 MG TABLET	Yes – Schedule IV per 21 CFR 1308 as of 08/18/2014	1025	1.03%
HYDROCODON-ACETAMINOPHN 10-325	Yes – Schedule III per H&SC 11056(e)(4) and Schedule II per 21 CFR 1308 as of 10/6/14	992	0.99%
SIMVASTATIN 20 MG TABLET	No	974	0.98%
LISINOPRIL 40 MG TABLET	No	959	0.96%
METFORMIN HCL 500 MG TABLET	No	938	0.94%
TRIAMCINOLONE 0.1%-CREAM	No	932	0.93%
AMLODIPINE BESYLATE 10 MG TAB	No	865	0.87%

1	AMOXICILLIN 500 MG CAPSULE	No	837	0.84%
2	OXYCODONE HCL 30 MG TABLET	Yes – Schedule II per HSC 11055(b)(1)(M)	815	0.82%

3 **CORRESPONDING RESPONSIBILITY(ANALYSIS OF DISPENSING DATA-**
4 **PRESCRIBER STATISTICS AND PRESCRIPTIONS OF IRREGULARITY)**

5 32. Inspector N.R. reviewed the dispensing profiles for several prescribers at SGP. She
6 identified irregularities in the prescribing profiles of Drs. S.W., C.A., M.G., M.P., D.W., and
7 S.O..

8 33. The Board periodically publishes a newsletter, The Script, which covers topics such
9 as pharmacy laws and regulations, pharmacy practice, and Board of Pharmacy news. This
10 background information establishes the importance of a pharmacist’s and a pharmacy’s
11 corresponding responsibility to fully use available resources to actively scrutinize and evaluate
12 controlled substance prescriptions. The Script has addressed the topic of corresponding
13 responsibility 10 times in the previous 16 years.

14 34. On March 4, 2013, the DEA presented a Power Point presentation entitled “DEA
15 Update & Perspectives on Prescription Drug Trafficking & Abuse Trends.” The presentation
16 covered commonly abused prescription medications. Drugs included were hydrocodone,
17 carisoprodol, oxycodone 30 mg and alprazolam. The presentation explained these medications
18 are often taken in combinations. The combination or “drug cocktail” consisting of a
19 hydrocodone-containing product, carisoprodol, and a benzodiazepine (typically alprazolam)
20 became so prevalent it was referred to as “The Trinity”. It is important to note each of these
21 drugs exhibit high potential for abuse when used alone.

22 35. The National Institute on Drug Abuse (NIDA) monitors and publishes summaries of
23 emerging trends in drugs of abuse. NIDA identified promethazine with codeine syrup as a drug
24 of abuse with risk of fatal overdose. Street slang for the drug includes Purple Drank, Sizzurp and
25 Lean.

26 36. The Spring 2014 issue of The Script as well as the Board’s Corresponding
27 Responsibility Brochure listed the following, “**red flags** that could alert a pharmacist that a
28 prescription ordered for a controlled drug may not be appropriate.”

- 1 • Irregularities on the face of the prescription itself
- 2 • Nervous patient demeanor
- 3 • Age or presentation of patient (e.g., youthful patients seeking chronic pain
- 4 medications)
- 5 • Multiple patients at the same address
- 6 • Cash payments
- 7 • Requests for early refills of prescriptions
- 8 • Prescriptions written for an unusually large quantity of drugs
- 9 • Prescriptions written for potentially duplicative drugs
- 10 • The same combinations of drugs prescribed for multiple patients
- 11 • Initial prescriptions written for strong opiates (e.g., OxyContin 80mg)
- 12 • Long distances traveled from the patient's home, to the prescriber's office or
- 13 pharmacy
- 14 • Irregularities in the prescriber's qualifications in relation to the medication(s)
- 15 prescribed
- 16 • Prescriptions that are written outside of the prescriber's medical specialty
- 17 • Prescriptions for medications with no logical connection to diagnosis or treatment

18 37. Pharmacists serve an important role in preventing drug diversion and limiting
19 illegitimate use of drugs. Recognition of red flags, which have been significantly publicized as
20 detailed above, is vital to a pharmacist's ability to evaluate the legitimacy of prescriptions. When
21 a pharmacist receives a prescription, the presence of one or more red flags could represent a level
22 of irregularity which would warrant contacting the prescriber to validate the prescription.

23 ///
24 ///
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27 ///

DISPENSING RECORD REVIEW: DR. S.W. (01/01/2012 to 02/03/2015)¹

Medications	Number of Prescriptions	% of Dr. S.W. Total Prescriptions
PROMETHAZINE-CODEINE SYRUP	610	32.16%
CASH	606	31.95%
OTHER	4	0.21%
HYDROCODON-ACETAMINOPHN 10-325	206	10.86%
CASH	205	10.81%
OTHER	1	0.05%
OXYCODONE HCL 30 MG TABLET	176	9.28%
CASH	176	9.28%
ALPRAZOLAM 2 MG TABLET	128	6.75%
CASH	128	6.75%
AMOXICILLIN 500 MG CAPSULE	77	4.06%
CASH	77	4.06%
DOK 100 MG CAPSULE	69	3.64%
CASH	69	3.64%
CEPHALEXIN 500 MG CAPSULE	40	2.11%
CASH	37	1.95%
OTHER	3	0.16%
PREVAIL WASHCLOTH 12X8	39	2.06%
CASH	39	2.06%
PENICILLIN VK 500 MG TABLET	26	1.37%
CASH	25	1.32%
OTHER	1	0.05%
SENSI-CARE PERINEAL CLEANSER	26	1.37%
CASH	26	1.37%
GLUCERNA LIQUID	24	1.27%
CASH	24	1.27%
CALMOSEPTINE OINTMENT	21	1.11%
CASH	21	1.11%
CARISOPRODOL 350 MG TABLET	20	1.05%
CASH	18	0.95%
OTHER	2	0.11%
PERIFRESH PERINEAL CLEANSER	18	0.95%
CASH	18	0.95%
GLOVES	17	0.90%
CASH	17	0.90%

¹ This table does not represent Dr. S.W's total prescribing at LA's Pharmacy. It only contains the top 20 drugs.

1	GLOVES 1 BOX(INDIVIDUAL)	17	0.90%
	CASH	17	0.90%
2	AMLODIPINE BESYLATE 10 MG TAB	14	0.74%
	CASH	14	0.74%
3	AMLODIPINE BESYLATE 5 MG TAB	12	0.63%
4	CASH	12	0.63%
5	CA-REZZ CREAM	11	0.58%
	CASH	11	0.58%
6	ENSURE	11	0.58%
	CASH	11	0.58%

7
8 38. 59.04% of Dr. S.W.'s prescriptions were written for one of four controlled
9 substances; promethazine/codeine syrup, hydrocodone/acetaminophen 10/325 mg tablets,
10 oxycodone 30 mg tablets and alprazolam 2 mg tablets. It was a factor of irregularity for four
11 commonly abused controlled substances to make up over half of one prescriber's prescriptions.

12 39. 98.42% of the prescriptions written by Dr. S.W. were purchased in cash, meaning
13 without the assistance of prescription insurance. Patients typically prefer to pay for prescription
14 medications with the aid of prescription insurance and 88.25% of the prescriptions filled at LA's
15 Pharmacy and Medical Equipment during the query period were billed to insurance. Therefore,
16 this payment pattern was a factor of irregularity.

17 40. The majority of the controlled substances written by Dr. S.W. were for the highest
18 available strength. Hydrocodone is available in combination products containing 5, 7.5, and 10
19 mg of hydrocodone per tablet. During the query period, Dr. S.W. wrote 207 prescriptions for
20 hydrocodone/acetaminophen 10/325 mg tablets and 13 prescriptions for the other strengths
21 combined. Alprazolam is available in 0.25, 0.5, 1, and 2 mg tablets. Dr. S.W. prescribed only
22 alprazolam 2 mg tablets during the query period. Oxycodone immediate release is available in 5,
23 10, 15, 20, and 30 mg tablets. During the query period, Dr. S.W. wrote 175 prescriptions for
24 oxycodone 30 mg tablets and two prescriptions for the other strengths combined.
25 Prescribers commonly aim to treat patients with the lowest effective dose of medications in order
26 to minimize the risk of side effects and toxicity from the medications. It is standard practice to
27 initiate therapy on a low dose of medication and increase the dose if necessary. Therefore, Dr.
28

1 S.W.'s frequent prescribing of the highest available dose of these medications was a factor of
2 irregularity.

3 41. In question 13 of the questionnaire, PIC Tran identified the starting dose of
4 alprazolam as 0.25 -0.5 mg three times per day and the starting dose of
5 hydrocodone/acetaminophen as 5/325 mg every 4 to 6 hours as needed. Therefore, PIC Tran had
6 the clinical knowledge necessary to recognize this red flag.

7 42. Dr. S.W.'s address listed in the majority of the entries in the dispensing record was
8 820 S. Cottontail Ln., Anaheim, California 92808. According to Google Maps, Dr. S.W.'s
9 address was 31.8 miles away from SGP. The Los Angeles metropolitan area is well served by
10 pharmacies and physicians. It was a factor of irregularity for Dr. S.W.'s patients to travel over
11 thirty miles, one way, between his office and SGP while many other physicians and pharmacies
12 would have been available.

13 43. During the query period, SGP filled 399 prescriptions for opioid agonists and only
14 three prescriptions for oral anti-inflammatories under Dr. S.W.'s prescribing authority. This
15 limited prescribing of medications to treat pain other than opioid agonists was a factor of
16 irregularity.

17 44. An accusation was filed by the Medical Board of California on October 6, 2014 in
18 an attempt to revoke Dr. S.W.'s physician and surgeon license. The accusation stated causes for
19 discipline included federal convictions of charges related to healthcare fraud and conspiracy to
20 pay and receive kickbacks. Effective 09/29/2014; "United States District Court, Central District
21 of California issued an order in case No. CR 12-00905-R, The United States of America vs. S.W.
22 who shall have his bond reinstated under the conditions previously imposed; shall not practice
23 medicine and shall be subject to home detention with electronic monitoring. Effective
24 11/06/2014; "The Superior Court of California, County of Riverside issued an order in case No.
25 RIF 1403899, The People of California vs. [S.W.]. Dr. [S.W.] shall cease and desist from the
26 practice of medicine. SGP filled 167 prescriptions under Dr. S.W.'s prescribing authority after
27 the first court order was issued.

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DISPENSING RECORD REVIEW: DR. C.A. (01/01/2012 to 02/03/2015)

Row Labels	Controlled Substance?	Payment Method	Number of Prescriptions	Percent of Dr. C.A.'s Total Prescriptions
PROMETHAZINE-CODEINE SYRUP	Yes – Schedule V	CASH	477	49.07%
HYDROCODON-ACETAMINOPHN 10-325	Yes—Schedule II (Schedule III prior to 10/6/2014)	CASH	324	33.33%
		OTHER	1	0.10%
ALPRAZOLAM 2 MG TABLET	Yes – Schedule IV	CASH	87	8.95%
OXYCODONE HCL 30 MG TABLET	Yes – Schedule II	CASH	64	6.58%
IBUPROFEN 800 MG TABLET	Non-controlled	CASH	6	0.62%
CARISOPRODOL 350 MG TABLET	Yes – Schedule IV	CASH	3	0.31%
BISACODYL EC 5 MG TABLET	Non-controlled	CASH	3	0.31%
HYDROCODONE-APAP 10-325MG TAB	Yes—Schedule II (Schedule III prior to 10/6/2014)	CASH	2	0.21%
HYDROCODON-ACETAMINOPH 7.5-750	Yes—Schedule III	CASH	2	0.21%
CLOPIDOGREL 75 MG TABLET	Non-controlled	CASH	1	0.10%
AMOXICILLIN 500 MG CAPSULE	Non-controlled	CASH	1	0.10%
DIPHENHYDRAMINE 50 MG CAPSULE	Non-controlled	CASH	1	0.10%
		CASH Count	971	99.90%
		OTHER Count	1	0.10%
Grand Total			972	100.00%

45. SGP dispensed 972 prescriptions under Dr. C.A.'s prescribing authority during the query period. The majority of Dr. C.A.'s prescriptions dispensed at SGP were written for controlled substances. 98.77% or 960 out of 972 of Dr. C.A.'s prescriptions were controlled substances. A prescriber profile consisting almost entirely of controlled substances was a factor of irregularity.

46. All but one of Dr. C.A.'s prescriptions were purchased in cash, meaning not billed to prescription insurance. As previously discussed, a prescribing profile purchased almost entirely in cash was a factor of irregularity.

1 47. Dr. C.A. frequently prescribed the highest available dose of controlled substances.
 2 Examples included: his prescribing history included 87 prescriptions for alprazolam 2 mg tablets,
 3 the highest available strength of alprazolam and no prescriptions for the lower strengths.

4 Dr. C.A.'s prescribing history included 327 prescriptions for hydrocodone/acetaminophen 10/325
 5 mg and two prescriptions for a lower strength of hydrocodone. Dr. C.A.'s prescribing history
 6 included 64 prescriptions for oxycodone 30 mg and no prescriptions for the lower strengths.

7 48. The Medical Board of California filed an accusation against Dr. C.A. on
 8 12/15/2014. The accusation alleged Dr. C.A. prescribed controlled substances for patients without
 9 establishing a legitimate medical need for the medications and without performing a medical
 10 examination.

11 **DISPENSING RECORD REVIEW: DR. M.P. (01/01/2012 to 02/03/2015)**

12	Medications	Controlled Substance?	Payment Method	Number of Prescriptions	Percent of Dr. M.P.'s Total Prescriptions
13	OXYCODONE HCL 30 MG	Yes -- Schedule			
14	TABLET	II	CASH	176	34.17%
15	IBUPROFEN 800 MG TABLET	No	CASH	73	14.17%
			OTHER	1	0.19%
16		Yes—Schedule II (Schedule III prior to 10/6/2014)			
17	HYDROCODON- ACETAMINOPHN 10-325		CASH	67	13.01%
18			OTHER	1	0.19%
19	MELOXICAM 7.5 MG TABLET	No	CASH	42	8.16%
			OTHER	2	0.39%
20	KETOCONAZOLE 2% CREAM	No	CASH	35	6.80%
21	NAPROXEN 500 MG TABLET	No	CASH	22	4.27%
22	IBUPROFEN 600 MG TABLET	No	CASH	16	3.11%
23	AMOXICILLIN 500 MG CAPSULE	No	CASH	14	2.72%
24	NAPROXEN 375 MG TABLET	No	CASH	10	1.94%
25	CLOTRIMAZOLE 1% SOLUTION	No	CASH	9	1.75%
			OTHER	1	0.19%
26	IBUPROFEN 400 MG TABLET	No	CASH	9	1.75%
27	MELOXICAM 15 MG TABLET	No	CASH	9	1.75%
28	METRONIDAZOLE 500 MG TABLET	No	CASH	5	0.97%
	CEPHALEXIN 500 MG CAPSULE	No	CASH	5	0.97%

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CLOTRIMAZOLE 1% CREAM	No	CASH	3	0.58%
		OTHER	1	0.19%
CARISOPRODOL 350 MG TABLET	Yes – Schedule IV	CASH	3	0.58%
BACITRACIN 500 UNIT/GM OINTMNT	No	CASH	2	0.39%
VOLTAREN 1% GEL	No	CASH	2	0.39%
ECONAZOLE NITRATE 1% CREAM	No	CASH	2	0.39%
PHENTERMINE 37.5 MG TABLET	Yes – Schedule IV	OTHER	1	0.19%
	Yes—Schedule II (Schedule III prior to 10/6/2014)	CASH	1	0.19%
HYDROCODON-ACETAMINOPH 7.5-325	No	CASH	1	0.19%
DOK 250 MG CAPSULE	No	CASH	1	0.19%
DOK 100 MG CAPSULE	No	CASH	1	0.19%
ALPRAZOLAM 2 MG TABLET	Yes – Schedule IV	CASH	1	0.19%
		CASH Count	508	98.64%
		OTHER Count	7	1.36%
Grand Total			515	100.00%

49. SGP filled 515 prescriptions under Dr. M.P.'s prescribing authority during the query period. 34.17% of Dr. M.P.'s prescriptions were written for oxycodone 30 mg tablets. 136 patients received prescriptions from Dr. M.P. during the query period. 113 of those patients (or 83.09%) received at least one prescription for oxycodone 30 mg. The remaining 23 patients received at least one prescription for hydrocodone/acetaminophen 10/325 mg tablets. 98.64% of the prescriptions in Dr. M.P.'s prescribing history were purchased in "cash". A prescribing profile purchased almost entirely in cash and in which every patient received a narcotic pain reliever was a factor of irregularity. Majority of the Dr. M.P.'s controlled substance prescriptions were written for the highest available dose. Dr. M.P. wrote 176 prescriptions for oxycodone 30 mg tablets and no prescriptions for any lower strength of oxycodone. Dr. M.P. wrote 67 prescriptions for hydrocodone/acetaminophen 10/325 mg and one prescription for a lower dose, hydrocodone/acetaminophen 7.5/325 mg.

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DISPENSING RECORD REVIEW: DR. M.G. (01/01/2012 to 02/03/2015)

Medication	Controlled Substance?	Payment Method	Number of Prescriptions	Percent of Dr. M.G.'s Total Prescriptions
PROMETHAZINE-CODEINE SYRUP	Yes – Schedule IV	CASH	180	31.09%
CEPHALEXIN 500 MG CAPSULE	No	CASH	105	18.13%
HYDROCODON-ACETAMINOPHN 10-325	Yes-- Schedule II (Schedule III prior to 10/6/2014)	CASH	82	14.16%
ALPRAZOLAM 2 MG TABLET	Yes – Schedule IV	CASH	70	12.09%
AZITHROMYCIN 250 MG TABLET	No	CASH	35	6.04%
OXYCODONE HCL 30 MG TABLET	Yes – Schedule II	CASH	33	5.70%
AMOXICILLIN 500 MG CAPSULE	No	CASH	20	3.45%
VENTOLIN HFA 90 MCG INHALER	No	CASH	13	2.25%
HYDROCODON-ACETAMINOPHN 10-500	Yes – Schedule II	CASH	10	1.73%
IBUPROFEN 800 MG TABLET	No	CASH	9	1.55%
ZOLPIDEM TARTRATE 10 MG TABLET	Yes – Schedule IV	CASH	6	1.04%
NAPROXEN 500 MG TABLET	No	CASH	4	0.69%
LORATADINE 10 MG TABLET	No	CASH	4	0.69%
CIPROFLOXACIN HCL 500 MG TAB	No	CASH	3	0.52%
CARISOPRODOL 350 MG TABLET	Yes— Schedule IV	CASH	3	0.52%
PROAIR HFA 90 MCG INHALER	No	CASH	2	0.35%
		CASH		
		Count	579	100.00%
		OTHER		
		Count		0.00%
Grand Total			579	100.00%

50. SPG filled 579 prescriptions under Dr. M.G.'s prescribing authority during the query period. Dr. M.G.'s most commonly prescribed medication was promethazine/codeine syrup, which represented 31.09% of Dr. M.G.'s total prescribing. Given the wide variety of medications available to prescribe, it was a factor of irregularity for a commonly abused controlled substance to represent over 31% of one physician's prescribing at SGP. 75.47% of

1 Dr. M.G.'s prescribing consisted of four medications: promethazine/codeine syrup, cephalexin
2 500 mg capsules, hydrocodone/acetaminophen 10/325 mg tablets, and alprazolam 2 mg tablets.
3 As previously stated, given the multitude of medications on the market, it was a factor of
4 irregularity for the majority of one physician's prescribing at SGP to consist of only four
5 medications. All of Dr. M.G.'s prescriptions at LA's Pharmacy and Medical Equipment during
6 the query period were purchased in cash. As set forth above, a prescribing profile purchased
7 entirely in cash was another factor of irregularity.

8 51. Dr. M.G. prescribed controlled substances exclusively at the highest available
9 dose. Dr. M.G. wrote 92 prescriptions for hydrocodone combinations containing 10 mg of
10 hydrocodone and no prescriptions for lower strengths. Dr. M.G. wrote 70 prescriptions for
11 alprazolam 2 mg tablets and no prescriptions for lower strengths. Dr. M.G. wrote 33
12 prescriptions for oxycodone 30 mg tablets and no prescriptions for lower strengths. Dr. M.G.'s
13 dispensing history at SGP contained 55 instances amongst 45 patients in which a patient received
14 the following four medications on the same day; promethazine/codeine syrup, alprazolam 2 mg
15 tablets, hydrocodone/acetaminophen 10/325 mg tablets, and cephalexin 500 mg capsules.
16 Additionally, Dr. M.G.'s profile contained four instances in which patients received
17 promethazine/codeine syrup, alprazolam 2 mg tablets, hydrocodone/acetaminophen 10/325 mg
18 tablets and a different antibiotic. It would be unusual for a large number of patients to require
19 treatment for cough, anxiety, pain, and infection at the same time. Additionally, no two patients
20 are exactly alike. Because of this inter-patient variability, a prescriber would often choose
21 different medications or different doses to treat different patients with the same ailments.
22 Therefore, Dr. M.G.'s use of the same four medications at the same strengths to treat 45 different
23 patients was another factor of irregularity.

24 52. On October 13, 2015, Inspector N.R. accessed the Medical Board of California
25 database and searched for Dr. M.G.'s licensing information. Dr. M.G.'s license status was
26 "revoked" as of December 6, 2013. The underlying accusation filed against Dr. M.G. included a
27 cause for discipline for self-use of controlled substances.

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DISPENSING RECORD REVIEW: DR. D.W. (01/01/2012 to 02/03/2015)

Medications	Controlled Substance?	Payment Method	Number of Prescriptions	Percent of Dr. D.W.'s Total Prescriptions
OXYCODONE HCL 30 MG TABLET	Yes – Schedule II	CASH	149	31.24%
		OTHER	1	0.21%
DOK 100 MG CAPSULE	No	CASH	115	24.11%
		OTHER	1	0.21%
ALPRAZOLAM 2 MG TABLET	Yes – Schedule IV	CASH	72	15.09%
		OTHER	1	0.21%
PROMETHAZINE-CODEINE SYRUP	Yes – Schedule V	CASH	69	14.47%
AMOXICILLIN 500 MG CAPSULE	No	CASH	23	4.82%
CIPROFLOXACIN HCL 500 MG TAB	No	CASH	14	2.94%
IBUPROFEN 600 MG TABLET	No	CASH	11	2.31%
SENNALAXATIVE 8.6 MG TABLET	No	CASH	6	1.26%
PROAIR HFA 90 MCG INHALER	No	CASH	3	0.63%
CARISOPRODOL 350 MG TABLET	Yes – Schedule IV	CASH	3	0.63%
IBUPROFEN 800 MG TABLET	No	CASH	3	0.63%
DOCUSATE SODIUM 100MG	No	CASH	1	0.21%
AMLODIPINE BESYLATE 10 MG TAB	No	CASH	1	0.21%
AZITHROMYCIN 250 MG TABLET	No	CASH	1	0.21%
LORATADINE 10 MG TABLET	No	CASH	1	0.21%
LISINAPRIL 20 MG TABLET	No	CASH	1	0.21%
HYDROCODON-ACETAMINOPH 7.5-750	Yes— Schedule III	CASH	1	0.21%
		CASH Count	474	99.37%
		OTHER Count	3	0.63%
Grand Total			477	100.00%

53. SPG filled 477 prescriptions under Dr. D.W.'s prescribing authority during the query period. Dr. D.W.'s most commonly prescribed medication was oxycodone 30 mg, which represented 31.45% of his total prescriptions. Dr. D.W.'s next most commonly prescribed medication, "DOK 100 mg", was a stool softener. Constipation is a common adverse effect of narcotic pain relievers, therefore these medications are sometimes prescribed with stool softeners.

1 55 patients at SPG received prescriptions from Dr. D.W. during the query period. 49 of these
 2 patients received at least one prescription for oxycodone 30 mg. Additionally, three medications,
 3 oxycodone 30 mg, alprazolam 2 mg, and promethazine/codeine made up 61.22% of Dr. D.W.'s
 4 total prescribing. 99.37% of Dr. D.W.'s prescriptions were purchased in cash. Dr. D.W.'s
 5 frequent prescribing of oxycodone 30 mg and other controlled substances along with the majority
 6 of his prescriptions being purchased in cash were both factors of irregularity.

7 54. Dr. D.W.'s self-reported primary area of practice was "Cardiology", with
 8 secondary areas of practice listed as, "Internal Medicine," "Pain Medicine," and "Public Health
 9 and General Preventative Medicine." Dr. D.W.'s prescribing profile contained only two
 10 prescriptions typically used to treat cardiovascular conditions; one prescription for lisinopril and
 11 one prescription for amlodipine which are both used to treat high blood pressure. One would
 12 expect a more varied dispensing profile for internal medicine practitioners and pain medicine
 13 specialists. Dr. D.W.'s prescribing profile, in which three controlled substances used to treat
 14 pain, anxiety and cough made up 61.22% of the prescriptions, would not be typical for a
 15 prescriber in any of these areas of practice.

16 **DISPENSING RECORD REVIEW: DR. S.O. (01/01/2012 to 02/03/2015)**

Row Labels	Controlled Substance?	Payment Method	Number of Prescriptions	Percent of Dr. S.O.'s Total Prescriptions
PROMETHAZINE-CODEINE SYRUP	Yes - Schedule V	CASH	209	61.47%
		OTHER	4	1.18%
ALPRAZOLAM 2 MG TABLET	Yes - Schedule IV	CASH	45	13.24%
LISINAPRIL 20 MG TABLET	No	CASH	22	6.47%
CARISOPRODOL 350 MG TABLET	Yes - Schedule IV	CASH	16	4.71%
		CASH	9	2.65%
AMLODIPINE BESYLATE 10 MG TAB	No	CASH	9	2.65%
		OTHER	1	0.29%
VENTOLIN HFA 90 MCG INHALER	No	CASH	5	1.47%
		OTHER	1	0.29%
HYDROCODON-ACETAMINOPH 7.5-325	Yes - Schedule II (Schedule-III prior to 10/6/2014)	CASH	5	1.47%
			23	

1		Yes-- Schedule II (Schedule III prior to 10/6/2014)	CASH	3	0.88%
2	HYDROCODON-ACETAMINOPHEN 10-325				
3	DIAZEPAM 10 MG TABLET	Yes -- Schedule IV	CASH	3	0.88%
4	LORATADINE 10 MG TABLET	No	CASH	3	0.88%
5	HYDROCODON-ACETAMINOPH 7.5-750	Yes -- Schedule III	CASH	2	0.59%
6	ACETAMINOPHEN-COD #4 TABLET	Yes -- Schedule III	CASH	2	0.59%
7	TRIAMCINOLONE 0.025% CREAM	No	CASH	1	0.29%
8	CLOTRIMAZOLE 1% CREAM	No	CASH	1	0.29%
9	FLUTICASONE PROP 50 MCG SPRAY	No	CASH	1	0.29%
10	AMOXICILLIN 500 MG CAPSULE	No	CASH	1	0.29%
11	SIMVASTATIN 20 MG TABLET	No	OTHER	1	0.29%
12	FAMOTIDINE 20 MG TABLET	No	OTHER	1	0.29%
13	HYDROCHLOROTHIAZIDE 50 MG TAB	No	OTHER	1	0.29%
14	ZOLPIDEM TARTRATE 10 MG TABLET	Yes -- Schedule IV	CASH	1	0.29%
15	OXYCODONE HCL 30 MG TABLET	Yes -- Schedule II	CASH	1	0.29%
16	MELOXICAM 7.5 MG TABLET	No	CASH	1	0.29%
17			CASH Count	331	97.35%
18			OTHER Count	9	2.65%
19	Grand Total			340	100.00%

55. SGP filled 340 prescriptions under Dr. S.O.'s prescribing authority during the query period. 85% of Dr. S.O.'s prescriptions were written for controlled substances. 97.35% of Dr. S.O.'s prescriptions were purchased in cash. A prescribing profile purchased almost entirely in cash with the majority of prescriptions written for controlled substances were both factors of irregularity.

56. Dr. S.O.'s self-reported areas of practice were "Thoracic Surgery" and "General Practice" with Board Certifications in "Surgery" and "Female Pelvic Medicine and Reconstructive Surgery." 61.47% of Dr. S.O.'s prescriptions filled at SGP were for promethazine/codeine syrup. Additionally, 98 patients received a prescription from Dr. S.O. at

1 SGP during the query period. All but two of these patients received at least one prescription for
2 promethazine/codeine. It would be unusual for a general practitioner or a surgeon to prescribe
3 promethazine/codeine for over half of his or her total prescriptions and to almost all of his or her
4 patients. Dr. S.O.'s frequent prescribing of promethazine/codeine was a factor of irregularity.
5 Despite prescribing a cough syrup for almost all of his patients, Dr. S.O.'s next most commonly
6 prescribed medication was alprazolam 2 mg tablets used to treat anxiety. It was a factor of
7 irregularity for many of Dr. S.O.'s patients to require treatment for both cough and anxiety.

8 57. Dr. S.O.'s license information also indicated the Medical Board of California filed
9 an accusation in attempt to revoke Dr. S.O.'s license on June 11, 2015. The accusation alleged
10 Dr. S.O. prescribed controlled substances "without medical indication.,"

11 **ANALYSIS OF DISPENSING DATA – OUT OF POCKET PAYMENTS**

12 57. The dispensing data provided by PIC TRAN contained many instances in which
13 patients paid high out of pocket costs for oxycodone 30 mg tablets. For example, the dispensing
14 data included:

- 15 • 185 instances when patients paid \$900 for 100 oxycodone 30 mg tablets
- 16 • 180 instances when patients paid \$1,000 for 100 oxycodone 30 mg tablets
- 17 • 12 instances when patients paid \$1,100 for 100 oxycodone 30 mg tablets
- 18 • 35 instances when patients paid \$810 for 90 oxycodone 30 mg tablets
- 19 • 35 instances when patients paid \$900 for 90 oxycodone 30 mg tablets

20 58. On October 13, 2015, Inspector N.R. contacted Wal-Mart Pharmacy located in South
21 Gate, CA 90280. Wal-Mart Pharmacy 10-3180 was located 0.9 miles from SGP. The inspector
22 was informed that Wal-Mart Pharmacy's dispensing software listed the price for 100 oxycodone
23 30 mg tablets as \$114.97. Inspector N.R. further called CVS Pharmacy near SGP and was
24 informed that the price for 100 oxycodone 30 mg tablets was \$158.99. There were 447 instances
25 where SGP's patients paid between nine and 11 dollars per tablet for oxycodone 30 mg tablets.
26 Wal-Mart Pharmacy and CVS Pharmacy quoted their prices for oxycodone 30 mg tablets as \$1.15
27 and \$1.59 per tablet respectively. Further, on April 9, 2015, SGP's purchase price for oxycodone
28 30 mg tablets was about 35 cents per tablet. This was a factor of irregularity for patients at SGP

1 to be able and willing to pay significantly higher prices than what would have been charged at
2 neighboring pharmacies.

3 **ANALYSIS OF PRESCRIPTION DOCUMENTS AND ASSOCIATED VERIFICATIONS**
4 **OF PRESCRIPTIONS WRITTEN BY S.W.**

5 59. After analyzing the dispensing data, Inspector N.R. reviewed the prescription
6 documents collected during the inspection and provided by PIC TRAN following the inspection.
7 She reviewed all 33 prescription documents in her possession written by Dr. S.W. and noted the
8 following trends: (1) Dr. S.W.'s patients would have travelled long distances to obtain controlled
9 substance prescriptions from his office in Anaheim, California; (2) Dr. S.W.'s patients paid high
10 out of pocket prices for controlled substance prescriptions; and (3) Many of Dr. S.W.'s
11 prescriptions, especially for promethazine/codeine, were dated months before they were filled.

12 60. Other irregularities identified in Dr. S.W.'s prescription documents and verifications
13 included: (1) Patient FB's address on file at other pharmacies was "homeless" however he
14 purchased promethazine/codeine syrup from SGP for \$100; (2) JW and AR both received
15 prescriptions for promethazine/codeine syrup which were written 09/04/2014 and filled on
16 01/20/2015. Pharmacy Technician "KS" verified both prescriptions with Dr. S.W. at 10:34 am on
17 01/20/2015; (3) CA, LL, and DF received prescriptions for promethazine/codeine syrup which
18 were written on 09/12/2014 and filled on 02/02/2015. "KS" verified all three prescriptions with
19 Dr. S.W. at 10:32 am on 02/02/2015; (4) NS and JS received prescriptions for
20 promethazine/codeine syrup and carisoprodol 350 mg tablets which were written on 10/02/2014
21 and filled on 12/23/2014 and 12/26/2014; (5) TP and DG received prescriptions for
22 hydrocodone/acetaminophen 10/325 mg and promethazine/codeine syrup which were written and
23 filled on 11/15/2013. "KS" verified both prescriptions with Dr. S.W. on 11/15/2013 at 2:07 pm;
24 (6) GP and GSP had the same address on file at SGP and both received prescriptions for
25 promethazine/codeine syrup from Dr. S.W.; (7) JD received a prescription for oxycodone 30 mg
26 tablets, the highest available dose, and the prescription verification sheet indicated she had not
27 received a controlled substance prescription in at least the previous three months.

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1 61. SGP staff frequently checked Patient Activity Reports for Dr. S.W.'s patients and
2 frequently made copies of the patients' identification cards. However PIC TRAN's statements
3 indicated both of these steps were completed by pharmacy technicians KS² and EH2.
4 Additionally, the prescription verification sheets indicated a pharmacy technician, KS or EH2,
5 called Dr. S.W. to "OK" the prescriptions. However, there was no documentation of
6 conversations between Dr. S.W. and a pharmacist at SGP to attempt to resolve the irregularities
7 listed above or establish the medical legitimacy of his prescriptions. For example, a pharmacist
8 could have spoken with Dr. S.W. to ask if he was aware of previous controlled substance
9 prescriptions reflected in PARs, to question prescribing a potentially opioid naive patient the
10 highest available strength of oxycodone, and to ask if prescriptions for promethazine/codeine
11 syrup were medically necessary months after they were written. Dr. S.W.'s answers to these
12 questions could have helped the pharmacists at SGP to evaluate the medical legitimacy of these
13 prescriptions. Further, 11 of the prescriptions described above were written after 09/29/2014
14 when a court order was issued prohibiting Dr. S.W. from practicing medicine. An additional 20
15 of the prescriptions listed above were written prior to the court order but verified by Dr. S.W.
16 after the court order.

17 **ANALYSIS OF PRESCRIPTION DOCUMENTS AND ASSOCIATED VERIFICATIONS**
18 **OF PRESCRIPTIONS WRITTEN BY DR. M.G.**

19 62. Inspector N.R. reviewed all 31 prescription documents from Dr. M.G. and noticed the
20 following: (1) Dr. M.G.'s patients paid high out of pocket prices for their prescriptions; (2) Many
21 of Dr. M.G.'s patients received prescriptions for promethazine/codeine, cephalexin, alprazolam,
22 and hydrocodone/acetaminophen which are used to treat cough, infection, anxiety, and pain; (3)
23 Some of Dr. M.G.'s patients travelled long distances to obtain controlled substance prescriptions.

24
25 ² It should be noted, Business and Professions Code Section 4115 allows in part, (a) A pharmacy technician
26 may perform packaging, manipulative, repetitive, or other nondiscretionary tasks... and (c) This section does not
27 authorize a pharmacy technician to perform any act requiring the exercise of professional judgment by a pharmacist.
28 However, a pharmacy technician may not have a clinical conversation with a prescriber to evaluate the legitimacy
and/or appropriateness of a prescription. That evaluation and determination requires the professional judgment of the
pharmacist.

1 Fourteen of said prescription documents reviewed were for patients who would have travelled 40
2 miles or more from the address on file at SGP to Dr. M.G.'s office, to SGP and back home; (4)
3 Six of the prescription documents had an associated Patient Activity Report indicating the most
4 recent controlled substance prescriptions the patient in question were prescribed by another
5 physician, not Dr. M.G.; (5) Ten of the prescription documents indicated the patients' Patient
6 Activity Report showed no previous controlled substances in the previous six months although
7 these patients received the highest available strengths of alprazolam, hydrocodone/
8 acetaminophen, and/or oxycodone.

9 63. SGP's staff took steps to verify the legitimacy of Dr. M.G.'s prescriptions including
10 copying the patients' identification cards and reviewing the Prescription Drug Monitoring
11 Program. Additionally, a pharmacy technician spoke with "Betty" to verify each of the
12 prescriptions filled. However, SGP failed to produce documentation of conversations between
13 Dr. M.G. and a pharmacist at SGP to attempt to resolve the irregularities listed above or establish
14 the medical legitimacy of her prescriptions. For example, a pharmacist could have spoken with
15 Dr. M.G. to inquire about her frequent prescribing of the combination of promethazine/codeine,
16 cephalexin, alprazolam, and hydrocodone/acetaminophen. A pharmacist could have questioned
17 the prescribing of high doses of alprazolam and oxycodone to patients who had not received a
18 similar medication in the previous six months or asked if Dr. M.G. was aware of previous
19 controlled substance prescriptions written by other prescribers. Business and Professions Code
20 Section 4115 does not allow these clinical discussions to be delegated to a pharmacy technician.
21 Further, all the documented verifications of Dr. M.G.'s prescriptions were conversations with
22 "Betty" at Dr. M.G.'s office, rather than Dr. M.G.. These conversations between "Betty" and
23 pharmacy technicians at SGP were insufficient to resolve the irregularities described above. Had
24 pharmacists at SGP had substantive discussions with Dr. Garg regarding her prescribing, they
25 could have better evaluated the medical legitimacy of the prescriptions in question.

26 64. Further, SGP filled 64 prescriptions under Dr. M.G.'s prescribing authority after
27 12/06/2013 when Dr. M.G.'s license to practice medicine was revoked. Review of the
28 prescription documents indicated 36 of these prescriptions were actually written after 12/06/2013.

1 **ANALYSIS OF PRESCRIPTION DOCUMENTS AND ASSOCIATED VERIFICATIONS**
2 **OF PRESCRIPTIONS WRITTEN BY DR. M.P.**

3 65. Investigator N.R. reviewed all six prescription documents and associated verifications
4 in her possession from Dr. M.P.. All six prescription documents included one prescription for
5 oxycodone 30 mg tablets and one prescription for a non-steroidal anti-inflammatory. One of the
6 prescription documents contained a third prescription for an antifungal solution.

7 66. For each prescription document, SGP staff faxed an image of the prescription
8 document, sometimes with an image of the patient's identification card, to Dr. M.P.'s office. Dr.
9 M.P.'s office responded with a list of ICD-9 diagnosis codes. SGP also printed a Patient Activity
10 Report for each patient. Investigator N.R. noted the following: (1) Dr. M.P. listed three or four
11 diagnoses for each patient. Examples included: 719.57 (stiffness of joint, ankle and foot), 715.97
12 (osteoarthritis, ankle and foot), 729.5 (pain in limb), 719.7 (difficulty in walking), 718.87 (other
13 joint derangement, ankle and foot), 718.47 (contracture of joint, ankle and foot). It was a factor
14 of irregularity for Dr. M.P. to prescribe oxycodone 30 mg, to take 1 or 2 tablets every four to six
15 hours for six patients each with a different combination of foot and ankle ailments.

16 67. Some of Dr. M.P.'s patients travelled long distances to obtain controlled substances
17 from SGP. Patient E.T. would have travelled 69 miles from her address in Lake Elsinore, CA to
18 SGP. Patient SR would have travelled 43 miles from her address in Canoga Park, CA to SGP. It
19 was a factor of irregularity for these patients to travel over 40 miles, one direction from home to
20 SGP to obtain controlled substances.

21 68. Dr. M.P.'s patients paid very high out of pocket costs for their prescriptions for
22 oxycodone 30 mg. Patients WH, TR, GK, and ET paid \$990 for 90 tablets. Patients SR and KB
23 paid \$1,100 for 100 tablets. It would not be typical for multiple patients to be willing and able to
24 pay approximately \$1,000 for a single prescription. This was another factor of irregularity.

25 69. The Patient Activity Report for Patient ET found she had not received a controlled
26 substance prescription in the previous six months. However, one of Patient ET's prescriptions
27 from Dr. M.P. was written for oxycodone 30 mg, the highest available strength. The Patient
28 Activity Report for Patient KB indicated he received carisoprodol 350 mg, acetaminophen/

1 codeine 300/60 mg, and alprazolam 2 mg from Dr. S.O. at Ramona Professional two days before
2 his prescription from Dr. M.P. was written and 15 days before it was filled by SGP.

3 70. SGP's records do not contain documentation of conversations between a pharmacist
4 and Dr. M.P.. A pharmacist could have spoken with Dr. M.P. to address such irregularities as his
5 frequent prescribing of the same dose of oxycodone 30 mg and his patients' frequent cash
6 payments, or questioned prescribing the highest available dose of oxycodone to a patient who had
7 not received a narcotic prescription in the previous six months, or questioned if Dr. M.P. was
8 aware of Patient KB's prescriptions written by Dr. S.O.. Dr. M.P.'s answers to these questions
9 could have helped the pharmacist make a determination regarding the medical legitimacy of these
10 prescriptions.

11 **ANALYSIS OF PRESCRIPTION DOCUMENTS AND ASSOCIATED VERIFICATIONS**
12 **OF PRESCRIPTIONS WRITTEN BY DR. S.O.**

13 71. Inspector N.R. reviewed all four prescription documents in her possession from Dr.
14 S.O.. For each prescription document, SGP staff attached the prescription document to a
15 verification sheet including a copy of the prescription document with handwritten statements
16 indicating a pharmacy staff member, either unidentified or "KS", spoke with "Kassydra" or
17 "Kassandra" to verify the prescriptions, and a printout of the patient's Patient Activity Report.

18 72. The following irregularities were noted: (1) All four of the prescription documents
19 contained prescriptions for promethazine/codeine syrup, 8 oz, to take one teaspoonful every 6
20 hours; (2) Patient DJ received a prescription for promethazine/codeine syrup from Dr. S.O. on
21 03/31/2015 and filled the prescription over a month later on 05/04/2015. There were no
22 documentations to indicate a pharmacist spoke with Dr. S.O. to discuss the legitimacy or
23 appropriateness of these prescriptions. For example, a pharmacist could have inquired if Patient
24 DJ still needed treatment for cough over a month after the prescription was written.

25 **ANALYSIS OF PRESCRIPTION DOCUMENTS AND ASSOCIATED VERIFICATIONS**
26 **OF PRESCRIPTIONS WRITTEN BY DR. D.W.**

27 73. Inspector N.R. reviewed all six prescription documents in her possession from Dr.
28 D.W. for three patients. For each prescription document, SGP staff attached the prescription

1 document to a verification sheet including a copy of the prescription document with handwritten
2 statements indicating KS and EH2 verified the prescriptions with Dr. D.W., and a printout of each
3 patient's Patient Activity Report.

4 74. Inspector N.R. noted the following irregularities: (1) Dr. D.W.'s patients paid out of
5 pocket costs for the prescriptions, between \$1,160 and \$1,175 for the total order; (2) Dr. D.W.'s
6 prescription document read, "Internal Medicine – Adult Cardiology;" (3) Diagnoses codes written
7 by Dr. D.W. on the prescription documents included: DL–LBP (low back pain)and anxiety/
8 insomnia, BF–ankle FX, LBP (low back pain) and anxiety/insomnia, DG–knee FX and anxiety/
9 insomnia. As with the previous prescribers discussed, there was not documentation indicating a
10 pharmacist spoke with Dr. D.W. to address the legitimacy and/or appropriateness of these
11 prescriptions.

12 **ANALYSIS OF PRESCRIPTION DOCUMENTS AND ASSOCIATED VERIFICATIONS**
13 **OF PRESCRIPTIONS WRITTEN BY DR. C.A.**

14 75. Inspector N.R. reviewed all nine prescription documents in my possession from Dr.
15 C.A.. For each prescription document, SGP Staff attached the prescription document to one or
16 more of the following; a verification sheet including a copy of the patient's identification card, a
17 copy of the prescription document, and a printout of each patient's Patient Activity Report.
18 Additionally, SGP Staff, EH, KS, EH2, documented verbal verifications with "Nora" and
19 "Shawn". The following irregularities were noted: (1) Patient AJ's California Driver License and
20 address on file at SGP indicated she lived in Fresno, California, 228 miles from SGP; (2) The
21 verification sheet for Patient AB indicated there were, "No Records Found" on his Patient
22 Activity Report. However, AB received alprazolam 2 mg tablets, the highest available dose; (3)
23 Dr. C.A.'s patients paid high out of pocket costs for their prescriptions, between \$125 and \$320
24 for the total order.

25 76. There was no documentation regarding conversations between a pharmacist at SGP
26 and Dr. C.A. to discuss the factors of irregularity present in these prescriptions and gather
27 information to make a decision about the medical legitimacy of the prescriptions.

28 ///

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Responsibility for Legitimacy of Prescription; Corresponding Responsibility of**
3 **Pharmacist)**

4 77. Respondent SGP is subject to disciplinary action under Health and Safety Code
5 Section 11153(a) in conjunction with California Code of Regulations section 1761, in that from
6 approximately January 1, 2012 to approximately February 3, 2015, SGP filled 4,462 prescriptions
7 under the prescribing authority of Drs. S.W., C.A., M.G., M.P., D.W., and S.O.. These
8 prescriptions contained significant irregularities suggesting their medical illegitimacy including
9 the following:

10 a. The majority of the prescriptions written by the listed prescribers were purchased in
11 cash, meaning without the assistance of prescription insurance. During the query period, 98.42%
12 of Dr. S.W.'s prescriptions, 99.90% of Dr. C.A.'s Prescriptions, 98.64% of Dr. M.P.'s
13 prescriptions, 100% of Dr. M.G.'s prescriptions, 99.37% of Dr. D.W.'s prescriptions, and 97.35%
14 of Dr. S.O.'s prescriptions were purchased in cash.

15 b. Dr. C.A.'s prescribing profile consisting almost entirely of controlled substances.
16 98.77% of the prescriptions filled under Dr. C.A.'s prescribing authority during the query period
17 were controlled substances.

18 c. Many patients of the listed prescribers paid exceptionally high prices for oxycodone
19 prescriptions. During the query period, 377 patients paid between \$900 and \$1,100 for 100
20 oxycodone 30 mg tablets.

21 d. The majority of the prescriptions written by the listed prescribers for oxycodone,
22 alprazolam, and hydrocodone-containing products contained the highest available dose of each
23 medication. For example, Dr. S.W. wrote 508 prescriptions for oxycodone 30 mg tablets,
24 alprazolam 2 mg tablets, and hydrocodone/acetaminophen 10/325 mg tablets and wrote a total of
25 14 prescriptions for any other strength of these three medications.

26 e. The prescribing profiles of the listed prescribers were unusually limited with a small
27 number of controlled substances accounting for a relatively large percentage of their total
28 prescribing:

1 1. 61.47% of Dr. S.O.'s prescriptions at LA's Pharmacy and Medical Equipment
2 during the query period were for promethazine/codeine syrup.

3 2. 31.45% of Dr. D.W.'s prescriptions were for oxycodone 30 mg tablets.

4 3. 31.09% of Dr. M.G.'s prescriptions were for promethazine/codeine syrup.

5 4. 34.17% of Dr. M.P.'s prescriptions were for oxycodone 30 mg tablets.

6 5. 98.05% of Dr. C.A.'s prescriptions were for promethazine/codeine syrup,
7 hydrocodone/acetaminophen 10/325 mg, alprazolam 2 mg, or oxycodone 30 mg.

8 6 59.04% of Dr. S.W.'s prescriptions were for promethazine/codeine syrup,
9 hydrocodone/acetaminophen 10/325 mg tablets, oxycodone 30 mg tablets, and alprazolam 2 mg
10 tablets.

11 f. Dr. S.W.'s patients travelled excessive distances, 31 miles between his office and the
12 pharmacy, to obtain controlled substances from SGP.

13 g. SGP did not produce any documentations indicating that a pharmacist conferred with
14 the prescriber to address the irregularities described above.

15 78. Complainant refers to and by this reference incorporates the allegations set forth
16 above in paragraphs 20 through 76, inclusive, as though set forth fully.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Responsibility for Legitimacy of Prescription; Corresponding Responsibility of
19 Pharmacist)**

20 79. Respondent PIC TRAN is subject to disciplinary action under Health and Safety Code
21 Section 11153(a) in conjunction with California Code of Regulations section 1761, in that
22 approximately January 1, 2012 to approximately February 3, 2015, PIC TRAN while acting as
23 Pharmacist-in-Charge of SGP, where 4,462 prescriptions were filled under the prescribing
24 authority of Drs. S.W., C.A., M.G., M.P., D.W., and S.O.. These prescriptions contained
25 significant irregularities suggesting their medical illegitimacy including the following:

26 a. The majority of the prescriptions written by the listed prescribers were purchased in
27 cash, meaning without the assistance of prescription insurance. During the query period, 98.42%
28 of Dr. S.W.'s prescriptions, 99.90% of Dr.C.A.'s Prescriptions, 98.64% of Dr. M.P.'s

1 prescriptions, 100% of Dr. M.G.'s prescriptions, 99.37% of Dr. D.W.'s prescriptions, and 97.35%
2 of Dr. S.O.'s prescriptions were purchased in cash.

3 b. Dr. C.A.'s prescribing profile consisting almost entirely of controlled substances.
4 98.77% of the prescriptions filled under Dr. C.A.'s prescribing authority during the query period
5 were controlled substances.

6 c. Many patients of the listed prescribers paid exceptionally high prices for oxycodone
7 prescriptions. During the query period, 377 patients paid between \$900 and \$1,100 for 100
8 oxycodone 30 mg tablets.

9 d. The majority of the prescriptions written by the listed prescribers for oxycodone,
10 alprazolam, and hydrocodone-containing products contained the highest available dose of each
11 medication. For example, Dr. S.W. wrote 508 prescriptions for oxycodone 30 mg tablets,
12 alprazolam 2 mg tablets, and hydrocodone/acetaminophen 10/325 mg tablets and wrote a total of
13 14 prescriptions for any other strength of these three medications.

14 e. The prescribing profiles of the listed prescribers were unusually limited with a small
15 number of controlled substances accounting for a relatively large percentage of their total
16 prescribing.

17 1. 61.47% of Dr. S.O.'s prescriptions at LA's Pharmacy and Medical Equipment
18 during the query period were for promethazine/codeine syrup.

19 2. 31.45% of Dr. D.W.'s prescriptions were for oxycodone 30 mg tablets.

20 3. 31.09% of Dr. M.G.'s prescriptions were for promethazine/codeine syrup.

21 4. 34.17% of Dr. M.P.'s prescriptions were for oxycodone 30 mg tablets.

22 5. 98.05% of Dr. C.A.'s prescriptions were for promethazine/codeine syrup,
23 hydrocodone/acetaminophen 10/325 mg, alprazolam 2 mg, or oxycodone 30 mg.

24 6. 59.04% of Dr. S.W.'s prescriptions were for promethazine/codeine syrup,
25 hydrocodone/acetaminophen 10/325 mg tablets, oxycodone 30 mg tablets, and alprazolam 2 mg
26 tablets.

27 f. Dr. S.W.'s patients travelled excessive distances, 31 miles between his office and the
28 pharmacy, to obtain controlled substances from LA's Pharmacy and Medical Equipment.

1 g. SGP did not have any documentations indicating that a pharmacist conferred with the
2 prescriber to address the irregularities described above.

3 80. Complainant refers to and by this reference incorporates the allegations set forth
4 above in paragraphs 20 through 76, inclusive, as though set forth fully.

5 **THIRD CAUSE FOR DISCIPLINE**

6 81. Respondent PIC TRAN is subject to disciplinary action under sections 4081³, 4113,
7 subdivision (c) and 4036.5 of the Code, in that PIC TRAN is strictly liable as a Pharmacist in
8 charge for SGP, for filled 4,462 prescriptions under the prescribing authority of Drs. S.W., C.A.,
9 M.G., M.P., D.W., and S.O.. These prescriptions contained significant irregularities suggesting
10 their medical illegitimacy including the following:

11 a. The majority of the prescriptions written by the listed prescribers were purchased in
12 cash, meaning without the assistance of prescription insurance. During the query period, 98.42%
13 of Dr. S.W.'s prescriptions, 99.90% of Dr.C.A.'s Prescriptions, 98.64% of Dr. M.P.'s
14 prescriptions, 100% of Dr. M.G.'s prescriptions, 99.37% of Dr. D.W.'s prescriptions, and 97.35%
15 of Dr. S.O.'s prescriptions were purchased in cash.

16 b. Dr. C.A.'s prescribing profile consisting almost entirely of controlled substances.
17 98.77% of the prescriptions filled under Dr. C.A.'s prescribing authority during the query period
18 were controlled substances.

19 c. Many patients of the listed prescribers paid exceptionally high prices for oxycodone
20 prescriptions. During the query period, 377 patients paid between \$900 and \$1,100 for 100
21 oxycodone 30 mg tablets.

22 d. The majority of the prescriptions written by the listed prescribers for oxycodone,
23 alprazolam, and hydrocodone-containing products contained the highest available dose of each
24 medication. For example, Dr. S.W. wrote 508 prescriptions for oxycodone 30 mg tablets,
25 alprazolam 2 mg tablets, and hydrocodone/acetaminophen 10/325 mg tablets and wrote a total of
26 14 prescriptions for any other strength of these three medications.

27 _____
28 ³ *Sternberg v. California Board of Pharmacy* (2015) 239 Cal.App.4th 1159.

1 e. The prescribing profiles of the listed prescribers were unusually limited with a small
2 number of controlled substances accounting for a relatively large percentage of their total
3 prescribing.

4 1. 61.47% of Dr. S.O.'s prescriptions at LA's Pharmacy and Medical Equipment
5 during the query period were for promethazine/codeine syrup.

6 2. 31.45% of Dr. D.W.'s prescriptions were for oxycodone 30 mg tablets.

7 3. 31.09% of Dr. M.G.'s prescriptions were for promethazine/codeine syrup.

8 4. 34.17% of Dr. M.P.'s prescriptions were for oxycodone 30 mg tablets.

9 5. 98.05% of Dr. C.A.'s prescriptions were for promethazine/codeine syrup,
10 hydrocodone/acetaminophen 10/325 mg, alprazolam 2 mg, or oxycodone 30 mg.

11 6. 59.04% of Dr. S.W.'s prescriptions were for promethazine/codeine syrup,
12 hydrocodone/acetaminophen 10/325 mg tablets, oxycodone 30 mg tablets, and alprazolam 2 mg
13 tablets.

14 f. Dr. S.W.'s patients travelled excessive distances, 31 miles between his office and the
15 pharmacy, to obtain controlled substances from LA's Pharmacy and Medical Equipment.

16 g. SGP did not have any documentations indicating that a pharmacist conferred with the
17 prescriber to address the irregularities described above.

18 82. As the pharmacist-in-charge, PIC TRAN was responsible for a pharmacy's
19 compliance with all state and federal laws and regulations pertaining to the practice of pharmacy.
20 A Pharmacist-in-charge as the supervisor or manager of a pharmacy is responsible for ensuring
21 the pharmacy's compliance with all state and federal laws and regulations pertaining to the
22 practice of pharmacy. The pharmacist-in-charge is responsible for acts of the owner, officer,
23 partner, or employee that violate this section and of which the pharmacist-in-charge, responsible
24 manager, or designated representative-in-charge had no knowledge, or in which he or she did not
25 knowingly participate. Complainant refers to, and by this reference incorporates, the allegations
26 set forth above in paragraphs 123 through 165, 210 through 215, as though set forth fully.

27 83. Complainant refers to and by this reference incorporates the allegations set forth
28 above in paragraphs 20 through 76, inclusive, as though set forth fully.

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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 License Number PHY 49169, issued to SGP Inc dba LA's Pharmacy & Medical Equipment, Roger Tran, PIC.
2. Ordering SGP 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;
3. 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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