

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

In The Matter of the Accusation
Against:

No. 2050

SOS INTERNATIONAL, INC.,
dba THE MEDICINE SHOPPE
2196 South Saviers Road
FAHIM SHAH, Sole Owner
Pharmacy Permit No. PHY 41178

**WITHDRAWAL OF ACCUSATION
AGAINST:**

Care Pharmacy, PHY 41544,
Roger Holbrook, RPH 25044,
Betty Chin Wong, RPH 40829,
Clinical Care Pharmacy, PHY 41242

and

PORTARO PHARMACIES, INC.,
dba CLINICAL CARE PHARMACY
2596 Mission Street
San Marino CA 91108
Pharmacy Permit No. PHY 41242

and

THOMAS SHILTON CORPORATION,
dba CARE PHARMACY
90 North Ashwood
Ventura CA 93003
Pharmacy Permit No. PHY 41544

and

MARK ALAN KAPLAN
678 Holly Avenue
Oxnard CA 93030
Pharmacist License No. RPH 29437

and

SANG SIN CHO
aka SARAH CHO
8514 Independence Avenue
Canoga Park CA 91304
Pharmacist License No. RPH 47129

and

BETTY CHIN WONG,
aka BETTY YEE CHIN
1984 Palm Avenue
Monterey Park CA 91754
Pharmacist License No. RPH 40829

and

ROGER TRUMAN HOLBROOK
211 North Brookshire
Ventura CA 93003
Pharmacist License No. RPH 25044

Respondents.

WITHDRAWAL OF ACCUSATION

Patricia F. Harris, Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, State of California, hereby withdraws the accusation in the above referenced matter.

Dated: 10/10/02



PATRICIA F. HARRIS
Executive Officer
Board of Pharmacy

1 BILL LOCKYER, Attorney General
of the State of California
2 SUSAN MELTON WILSON, (State Bar No. 106092)
Department of Justice
3 300 South Spring Street
Los Angeles, California 90013
4 Telephone: (213) 897-4942

5 Attorneys for Complainant

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

9 In the Matter of the Accusation) No. 2050
Against:)

10 SOS INTERNATIONAL, INC.,) ACCUSATION
11 dba THE MEDICINE SHOPPE)
2196 South Saviers Road)
12 Oxnard, CA 93033)
FAHIM SHAH, Sole Owner)
13 Pharmacy Permit No. PHY 41178)

14 and)

15 PORTARO PHARMACIES, INC.,)
dba CLINICAL CARE PHARMACY)
16 2596 Mission Street)
San Marino, CA 91108)
17 Pharmacy Permit No. 41242)

18 and)

19 THOMAS SHILTON CORPORATION,)
dba CARE PHARMACY)
20 90 North Ashwood)
Ventura, CA 93003)
21 Pharmacy Permit no. PHY 41544)

22 and)

23 MARK ALAN KAPLAN)
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 Monterey Park, CA 91754)
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)
5 and)
)
6 ROGER TRUMAN HOLBROOK)
 211 North Brookshire)
7 Ventura, CA 93003)
 Pharmacist License No. RPH 25044)
8)
 Respondents.)
9)

10 Complainant Patricia F. Harris for causes for
11 discipline, alleges:

12 1. Complainant Patricia F. Harris makes and files this
13 accusation in her official capacity as Executive Officer, Board
14 of Pharmacy (hereinafter the "Board"), Department of Consumer
15 Affairs, State of California.

16 2. On or about December 4, 1995, the Board issued
17 Original Permit No. PHY 41178 to respondent Fahim Shah, president
18 and sole owner of SOS International, Inc., to do business as The
19 Medicine Shoppe. The permit was in full force and effect at all
20 times pertinent herein and will expire on December 1, 1999. Mark
21 Alan Kaplan (named as a respondent herein) has been pharmacist-
22 in-charge since December 4, 1995 and at all times relevant
23 herein.

24 3. On or about December 15, 1995, the Board of
25 Pharmacy issued Original Permit No. PHY 41242 to Portaro
26 Pharmacies, Inc., to do business as Clinical Care Pharmacy.
27 Corporate officers were Denis Portaro, President and Sandra
28 Portaro, Vice President. Said officers held positions as

1 indicated from December 15, 1995 until April 21, 1997. The
2 pharmacy permit was in full force and effect until December 1,
3 1997. The pharmacy discontinued business on March 24, 1997.
4 Betty Chin Wong (named as a respondent herein) was the
5 Pharmacist-in-charge from December 15, 1995 until March 21, 1997,
6 and at all times relevant herein.

7 4. On or about December 23, 1996, the Board of
8 Pharmacy issued Original Licentiate No. RPH 41544 to Thomas
9 Shilton Corporation, to do business as Care Pharmacy in the State
10 of California. Corporate officers were Roger T. Holbrook,
11 President, and Tanny S. Holbrook, Secretary. Said officers held
12 the positions as indicated from December 23, 1996 to the present.
13 The permit was in full force at all times relevant herein and
14 will expire on December 1, 1999. Roger Holbrook (named as a
15 respondent herein) has been Pharmacist-in-charge since December
16 23, 1996 and at all times relevant herein.

17 5. On or about May 21, 1975, the Board of Pharmacy
18 issued Original Licentiate No. 29437 to Mark Alan Kaplan to
19 practice pharmacy in the State of California. Said license was,
20 at all times relevant herein, in full force and effect and will
21 expire on April 30, 2000, unless renewed.

22 6. On or about June 2, 1994, the Board of Pharmacy
23 issued Original Licentiate No. RPH 47129 to Sang Sin Cho aka
24 Sarah Cho to practice pharmacy in the State of California. Said
25 license was in full force and effect at all times relevant herein
26 and will expire on January 31, 2000, unless renewed.

27 7. On or about March 20, 1987, the Board of Pharmacy
28 issued Original Licentiate No. RPH 40829 to Betty Chin Wong, aka

1 Betty Yee Chin to practice pharmacy in the State of California.
2 Said license was in full force and effect at all times relevant
3 herein and will expire on October 31, 2000.

4 8. On or about August 1, 1967, the Board of Pharmacy
5 issued Original Licentiate No. RPH 25044 to Roger Truman Holbrook
6 to practice pharmacy in the State of California. Said license
7 was in full force at all times relevant herein and will expire on
8 May 31, 2001.

9 9. On or about December 21, 1995, the Board of
10 Pharmacy issued Original Medical Device Retailer Permit Number
11 MDR 1545 to Cindy Chon (named as a respondent in the matter of
12 the accusation against Cindy Hyunshin Chon, case no. 2049-A) as
13 sole owner of SOS International, Inc., to do business as
14 Therapeutic Home Care. On that date, the Board of Pharmacy also
15 issued to Chon Exemption Certificate No. EXM 12989 permitting her
16 to oversee the operations of a medical devise retailer. The
17 permit and exemption were both in full force and effect at all
18 times pertinent herein.

19 10. Business and Professions Code section 4110(a)
20 provides that no person shall conduct a pharmacy in the State of
21 California without a current, valid pharmacy license.

22 11. Under Business and Professions Code section 4300
23 the Board of Pharmacy may revoke or suspend any license issued by
24 the Board for violation of provisions of the laws governing
25 pharmacy.

26 12. Under Business and Professions Code section 4301
27 the Board of Pharmacy shall take action against any holder of a
28 license who is guilty of "unprofessional conduct". The term

1 unprofessional conduct is expressly defined in subsection "o" to
2 include violating or attempting to violate, directly or
3 indirectly, or assisting or abetting the violation of or
4 conspiring to violate any state or federal laws or regulations
5 governing pharmacy.

6 13. Under Business and Professions Code section 125.3,
7 the Board may request the administrative law judge to direct a
8 licentiate found to have committed a violation of the licensing
9 act to pay a sum not to exceed the reasonable costs of the
10 investigation and prosecution of the case.

11 **14. Drug Classifications**

12 Total parenteral nutrition (TPN) solutions, comprised
13 of Dextrose in Water, 10% to 40%, and Aminosyn with Lytes 8.5%
14 (Amino Acids and electrolytes for intravenous administration) are
15 legend, non-controlled drugs as defined in Business and
16 Professions Code section 4022(a).

17 15. Respondents **Medicine Shoppe** and **Mark Alan Kaplan**
18 have subjected their licenses to discipline under Business and
19 Professions Code section 4301(o) and 4110(a) in that they
20 transferred **Medicine Shoppe's** license by allowing Chon to use the
21 pharmacy to compound and dispense TPN solution prescriptions for
22 THC's patients, and otherwise aided and abetted the unlicensed
23 practice of pharmacy by Cindy Chon/Therapeutic Home Care, by
24 reason of the following facts:

25 Between December 1995, and April 1996, Cindy Chon, sole
26 owner of and doing business as Therapeutic Home Care ("THC"),
27 established a business relationship with Respondent **Medicine**
28 **Shoppe** (hereinafter "**Shoppe**") by which **Shoppe** dispensed total

1 parenteral nutrition (TPN) solutions for THC.

2 Starting in April 1996, THC was allowed to actually mix
3 and dispense THC prescriptions from the **Shoppe** paying monthly
4 rental for facilities on the premises. THC patients were billed
5 for prescriptions filled in this manner. Respondent **Sang Sin Cho**,
6 an employee of THC, worked two or three days a week at **Shoppe**,
7 mixing and dispensing TPN solutions, accepting drug
8 prescriptions, placing drug orders in the name of **Shoppe** or other
9 licensees, and billing insurance companies for filled THC
10 prescriptions. These practices continued until about August 13,
11 1996, at which time **Shoppe** terminated its relationship with THC.

12 On August 16, 1996, Chon placed a drug order with
13 Abbott Labs totalling \$666, then directed Chon's husband to pick
14 up the order at Abbott's Santa Fe Springs warehouse. Chon's
15 husband then delivered the Abbott drugs to Respondent **Clinical**
16 **Care Pharmacy**, which used these drugs to compound THC's TPN
17 prescriptions. Chon further arranged in mid-August 1996, to have
18 Respondent **Care Pharmacy** compound THC's TPN prescriptions. This
19 activity continued until November 22, 1996.

20 At least fifteen (15) Abbott Labs invoices dated 1996
21 show legend drug orders for Respondent **Medicine Shoppe** placed by
22 employees of THC, including Respondent **Cho**.

23 At all times relevant herein, Respondent **Mark Allen**
24 **Kaplan** was pharmacist-in-charge of Respondent **Shoppe**.

25 16. Respondent **Sang Sin Cho** has subjected her license
26 to discipline under Business and Professions Code section 4301(o)
27 and 4110(a) for mixing and dispensing TPN solutions, accepting
28 drug prescriptions, placing drug orders in the name of other

