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

In The Matter of the Accusation Against: SOS INTERNATIONAL, INC., dba THE MEDICINE SHOPPE 2196 South Saviers Road FAHIM SHAH, Sole Owner Pharmacy Permit No. PHY 41178 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	)	No. 2050 **WITHDRAWAL OF ACCUSATION AGAINST:** Care Pharmacy, PHY 41544, Roger Holbrook. RPH 25044, Betty Chin Wong, RPH 40829, Clinical Care Pharmacy, PHY 41242

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

P. F. Harris

PATRICIA F. HARRIS
Executive Officer
Board of Pharmacy

BILL LOCKYER, Attorney General
of the State of California
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Attorneys for Complainant

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Respondents.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14. <u>Drug Classifications</u>

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

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

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

parenteral nutrition (TPN) solutions for THC.

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

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

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

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

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

licensees, and billing insurance companies for filled THC prescriptions - though THC had no pharmacy - by reason of the following facts:

The allegations of paragraph 15 above are incorporated herein as though fully set forth.

17. Respondents **Clinical Care** Pharmacy, **Betty Wong**, **Care** Pharmacy and **Roger Holbrook** have subjected their licenses to discipline under Business and Professions Code section 4301(o) and 4110(a) in that respondents, and each of them aided and abetted the unlicensed practice of pharmacy, and illegal use of pharmacy licenses by Cindy Chon/Theraputic Home Care (THC), by reason of the following facts:

The allegations of paragraph 15 above are incorporated herein as though fully set forth. Additionally, Respondent **Betty Wong** was the pharmacist-in-charge of Respondent **Clinical Care Pharmacy** at all times relevant herein; and **Roger Holbrook** was the pharmacist-in-charge of Respondent **Care Pharmacy** at all times relevant herein.

PRAYER

WHEREFORE, complainant requests that a hearing be held and that following said hearing, the Board of Pharmacy make its order:

1. Revoking or suspending Permit No. PHY 41178 issued to Fahim Shah, as president and sole owner of Respondent SOS International, Inc., to do business as The Medicine Shoppe;

2. Revoking or suspending Permit No. PHY 41242 issued to Respondent Portaro Pharmacies, Inc., to do business as Clinical Care Pharmacy;

3. Revoking or suspending license No. RPH 41544 to Respondent Thomas Shilton Corporation, to do business as Care Pharmacy;

4. Revoking or suspending license No. 29437 issued to Respondent Mark Alan Kaplan to practice pharmacy in the State of California;

5. Revoking or suspending license No. RPH 47129 issued to Respondent Sang Sin Cho aka Sarah Cho to practice pharmacy in the State of California;

6. Revoking or suspending license No. RPH 40829 issued to Respondent Betty Chin Wong, aka Betty Yee Chin to practice pharmacy in the State of California;

7. Revoking or suspending license No. RPH 25044 issued to Respondent Roger Truman Holbrook to practice pharmacy in the State of California;

8. Issue an order compelling respondents to reimburse the Board for the reasonable costs of its investigation and prosecution of this matter;and

9. Taking such other and further action deemed necessary and proper.

DATED: 7/22/99.

P. F. Harris

PATRICIA F. HARRIS,
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California

Complainant

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