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

11 In the Matter of the First Amended Accusation  
12 Against:

Case No. 4661

13 **ACE 4Q INC.,**  
14 **DBA WHITE FRONT DRUG AND**  
**DISCOUNT**  
15 **801 B Baker Street**  
**Costa Mesa, CA 92626**

**FIRST AMENDED**  
**ACCUSATION**

16 **Pharmacy Permit No. PHY 41461**

17 **and**

18 **ABDUL KAREEM JAWAD**  
19 **801 B Baker Street**  
**Costa Mesa, CA 92626**

20 **Pharmacist License No. RPH 45101**

21 **and**

22 **BLAKE LIEM VO**  
23 **1929 W. Red Fox Road**  
**Santa Ana, CA 92704**

24 **Pharmacist License No. RPH 51136**

25 Respondents.  
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1 Complainant alleges:

2 **PARTIES**

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

6 2. On or about April 5, 1996 the Board of Pharmacy issued Pharmacy Permit Number  
7 PHY 41461 to Respondent Abdul K. Jawad, to do business as White Front Drug and Discount  
8 and on June 25, 2010 re-issued that permit to Ace 4Q Inc., to do business as White Front Drug  
9 and Discount, with Abdul Jawad, Chief Executive Officer, President, Secretary and  
10 Treasurer/Chief Financial Officer (Respondent White Front Drug and Discount). The Pharmacy  
11 Permit was in full force and effect at all times relevant to the charges brought herein and will  
12 expire on April 1, 2016, unless renewed.

13 3. On or about March 18, 1992, the Board of Pharmacy issued Pharmacist License No.  
14 RPH 45101 to Respondent Abdul Kareem Jawad (Respondent Abdul Jawad). Respondent Abdul  
15 K. Jawad was the Pharmacist-In-Charge of Respondent White Front Drug and Discount from  
16 April 5, 1996 to February 1, 2010. The Pharmacist License was in full force and effect at all  
17 times relevant to the charges brought herein and will expire on December 31, 2015, unless  
18 renewed.

19 4. On or about September 9, 1999, the Board of Pharmacy issued Pharmacist License  
20 No. RPH 51136 to Respondent Blake Liem Vo (Respondent Blake Vo.) Respondent Blake Vo  
21 was the Pharmacist-In-Charge of Respondent White Front Drug and Discount from February 1,  
22 2010 to the present. The Pharmacist License was in full force and effect at all times relevant to  
23 the charges brought herein and will expire on January 31, 2017, unless renewed.

24 **JURISDICTION**

25 5. This First Amended Accusation is brought before the Board of Pharmacy (Board),  
26 Department of Consumer Affairs, under the authority of the following laws. All section  
27 references are to the Business and Professions Code unless otherwise indicated.  
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1       6.     Section 4011 of the Code provides that the Board shall administer and enforce both  
2 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances  
3 Act [Health & Safety Code, § 11000 et seq.].

4       7.     Section 4300(a) of the Code provides that every license issued by the Board may be  
5 suspended or revoked.

6       8.     Section 4300.1 of the Code states:

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

### 11                             **STATUTORY AND REGULATORY PROVISIONS**

12       9.     Section 4301 of the Code states:

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

17             ...

18             (c) Gross negligence.

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

21             ...

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

24             ...

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

29       10.    Section 4113(c) of the Code states:

30             The pharmacist-in-charge shall be responsible for a pharmacy's  
31 compliance with all state and federal laws and regulations pertaining to the  
32 practice of pharmacy.

11. Section 4306.5 states:

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

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

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

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

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

12. Section 4307 states:

(a) Any person who has been denied a license or whose license has been revoked or is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a manager, administrator, owner, member, officer, director, associate, or partner of any partnership, corporation, firm, or association whose application for a license has been denied or revoked, is under suspension or has been placed on probation, and while acting as the manager, administrator, owner, member, officer, director, associate, or partner had knowledge of or knowingly participated in any conduct for which the license was denied, revoked, suspended, or placed on probation, shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee as follows:

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

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

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

(c) The provisions of subdivision (a) may be alleged in any pleading filed pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code. However, no order may be issued in that

case except as to a person who is named in the caption, as to whom the pleading alleges the applicability of this section, and where the person has been given notice of the proceeding as required by Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code. The authority to proceed as provided by this subdivision shall be in addition to the board's authority to proceed under Section 4339 or any other provision of law.

13. Health and Safety Code section 11153 states in pertinent part:

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

14. Health and Safety Code section 11200(b) states in pertinent part:

...

(b) No prescription for a Schedule III or IV substance may be refilled more than five times and in an amount, for all refills of that prescription taken together, exceeding a 120-day supply.

15. Section 1707.3 of title 16, California Code of Regulations ("CCR"), states:

Prior to consultation as set forth in section 1707.2, a pharmacist shall review a patient's drug therapy and medication record before each prescription drug is delivered. The review shall include screening for severe potential drug therapy problems.

16. Section 1716 of title 16, CCR, states:

Pharmacists shall not deviate from the requirements of a prescription except upon the prior consent of the prescriber or to select the drug product in accordance with Section 4073 of the Business and Professions Code.

Nothing in this regulation is intended to prohibit a pharmacist from exercising commonly accepted pharmaceutical practice in the compounding or dispensing of a prescription.

17. Section 1761 of title 16, CCR, 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.

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

### 5 **COST RECOVERY**

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

### 10 **DRUGS**

11 19. Adderall, a brand name for amphetamine salts, is a Schedule II controlled substance  
12 pursuant to Health and Safety Code section 11055(d)(1) and is a dangerous drug pursuant to  
13 Business and Professions Code section 4022. It is used in the treatment of Attention Deficit  
14 Hyperactivity Disorder ("ADHD") and Attention Deficit Disorder ("ADD").

15 20. Alprazolam, sold under the brand name Xanax, is a Schedule IV controlled substance  
16 as designated by Health and Safety Code section 11057(d)(1) and is a dangerous drug pursuant to  
17 Business and Professions Code section 4022. Alprazolam tablets are indicated for the  
18 management of anxiety disorder or the short-term relief of symptoms of anxiety.

19 21. Clonazepam, is a Schedule IV controlled substance as designated by Health and  
20 Safety Code Section 11057(d)(7) and is a dangerous drug pursuant to Business and Professions  
21 Code section 4022. It is an anti-anxiety medication in the benzodiazepine family.

22 22. Hydrocodone/Ibuprofen, is a Schedule III controlled substance pursuant to Health and  
23 Safety Code section 11056(e)(4) and is a dangerous drug pursuant to Business and Professions  
24 Code section 4022.

25 23. Hydrocodone/APAP, also sold under the brand names Norco and Vicodin, is a  
26 Schedule III controlled substance as designated by Health and Safety Code section 11056(e)(4)  
27 and is a dangerous drug pursuant to Business and Professions Code section 4022.

28 24. Lunesta, a brand name for eszopiclone, is a Schedule IV controlled substance as  
designated by Health and Safety Code section 11057(d) and is a dangerous drug pursuant to  
Business and Professions Code section 4022.

1       25. Opana ER, a brand name for oxymorphone extended release, is a Schedule II  
2 controlled substance pursuant to Health and Safety Code section 11055(b)(1)(N) and is a  
3 dangerous drug pursuant to Business and Professions Code section 4022. It is used for pain.

4       26. Oxycontin, a brand name for oxycodone extended release, is a Schedule II controlled  
5 substance pursuant to Health and Safety Code section 11055(b)(1)(M) and is a dangerous drug  
6 pursuant to Business and Professions Code section 4022. It is used for pain.

7       27. Roxicodone, a brand name for oxycodone, is a Schedule II controlled substance  
8 pursuant to Health and Safety Code section 11055(b)(1)(M) and is a dangerous drug pursuant to  
9 Business and Professions Code section 4022.

10       28. Soma, a brand name for carisoprodol, was added as a Schedule IV controlled  
11 substance pursuant to title 21 CFR 1308.14(c)(5) on January 11, 2012. Carisoprodol is a  
12 dangerous drug pursuant to Business and Professions Code section 4022.

13       29. Suboxone, containing buprenorphine and naloxone, is a Schedule III controlled  
14 substance pursuant to Health and Safety Code section 11056(e) and is a dangerous drug pursuant  
15 to Code section 4022.

16       30. Subutex, containing buprenorphine, is a Schedule III controlled substance pursuant to  
17 Health and Safety Code section 11056(e) and is a dangerous drug pursuant to Code section 4022.

18       31. Triazolam, is a Schedule IV controlled substance pursuant to Health and Safety Code  
19 section 11057(d)(30) and is a dangerous drug pursuant to Business and Professions Code section  
20 4022.

21       32. Valium, a brand name for diazepam, is a Schedule IV controlled substance pursuant  
22 to Health and Safety Code section 11057(d)(9) and is a dangerous drug pursuant to Business and  
23 Professions Code section 4022.

24       33. Vyvanse, a brand name for lisdexamphetamine, is a Schedule II controlled substance  
25 pursuant to Health and Safety Code section 11055(d)(1) and is a dangerous drug pursuant to  
26 Business and Professions Code section 4022. It is used in the treatment of ADHD/ADD  
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34. Zolpidem, sold under the brand name Ambien, is a Schedule IV controlled substance as designated by Health and Safety Code section 11057(d)(32) and is a dangerous drug pursuant to Business and Professions Code section 4022.

#### FACTUAL ALLEGATIONS

35. Respondent Abdul Jawad was the Pharmacist-in-Charge of Respondent White Front Drug and Discount from April 5, 1996 through February 1, 2010. Respondent Blake Vo was the Pharmacist-in-Charge of Respondent White Front Drug and Discount from February 1, 2010 through the present.

#### 2011 Inspections

36. On August 17, 2011, a Board inspector conducted an inspection of Respondent pharmacy after discovering that Respondent was one of three pharmacies that allegedly dispensed controlled substances written by a physician, Dr. L.T., to two patients who had subsequently died of a drug overdose.

37. From January 2007 to August 2011, the most frequent prescribers of controlled substances dispensed by Respondent included Dr. M.W., Dr. J.P. Dr. P.L. and Dr. A.Y.

38. Respondents dispensed the following "early refills" of prescriptions for controlled substances, mostly issued by Dr. M.W., resulting in patients receiving controlled substances earlier than prescribed by the providers, as shown below:

Patient	Drug	Time Period Drug Dispensed	Number of Times Furnished	Days Early
MA	Hydrocodone/APAP 10/325	1/27/10-9/26/11	76	597
TA	Hydrocodone/APAP 10/325	7/26/10-9/30/11	48	284
TA	Alprazolam 2	7/26/10-9/15/11	23	77
CB	Hydrocodone/APAP 7.5/750	11/7/07-9/26/11	93	282
WB	Clonazepam 0.5	1/19/07-9/27/11	54	37
WB	Zolpidem 5	12/22/07-9/20/11	45	27
CDD	Hydrocodone/APAP 10/325	6/5/09-9/26/11	66	293
CDD	Alprazolam 1	6/5/09-8/15/11	42	323
CD	Hydrocodone/APAP	1/8/07-9/9/11	72	328



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Patient	Drug	Time Period Drug Dispensed	Number of Times Furnished	Days Early
	7.5/750			
JE	Hydrocodone/APAP 10/325	12/3/08-9/26/11	105	734
JE	Alprazolam 2	12/3/08-9/26/11	100	812
AG	Lunesta 1	3/22/10-9/19/11	20	53
EH	Hydrocodone/APAP 10/325	1/12/09-9/28/11	117	839
JH	Hydrocodone/APAP 10/325	11/7/08-7/22/11	114	819
JH	Diazepam 10	6/18/10-6/24/11	15	198
JJ	Hydrocodone/APAP 10/325	7/9/07-9/28/11	192	853
JJ	Hydrocodone/ibuprofen 7.5/200	7/6/07-9/28/11	194	1292
JJ	Triazolam 0.25	7/6/07-9/24/11	171	1102
DJ	Hydrocodone/APAP 7.5/750	12/20/07-9/20/11	63	6
DJ	Zolpidem 10	3/9/09-8/25/11	38	5
AM	Zolpidem 10	1/12/10-1/8/11	15	73
CM	Hydrocodone/APAP 10/325	8/1/08-10/1/11	81	228
JP	Hydrocodone/APAP 10/325	3/18/08-9/23/11	99	271
CR	Hydrocodone/APAP 10/325	5/7/10-12/1/10	12	31
LR	Zolpidem 10	9/17/09-9/9/11	21	27
JS	Hydrocodone/APAP 10/325	8/6/08-9/15/11	119	699
DS	Hydrocodone/APAP 10/325	7/18/07-9/28/11	59	11
BS	Hydrocodone/APAP 7.5/750	2/22/08-9/20/11	113	509
KS	Hydrocodone/APAP 10/325	7/20/09-8/26/11	31	35
JS	Hydrocodone/APAP 10/325	2/06/09-10/22/11	30	249
JS	Valium 5	12/7/07-1/6/11	129	852
PT	Hydrocodone/APAP 10/500	1/10/07-9/2/11	147	676
SW	Hydrocodone/APAP 10/325	2/23/07-9/24/11	117	715
MB	Suboxone or Subutex	5/20/10-7/23/10	8	36
MB	Suboxone or Subutex	8/9/10-11/30/10	7	51
MB	Suboxone or Subutex	12/22/10-1/24/11	7	71
CC	Suboxone or Subutex	3/13/09-8/12/09	7	21

Patient	Drug	Time Period Drug Dispensed	Number of Times Furnished	Days Early
CC	Suboxone or Subutex	12/9/10-5/3/11	17	5
PM	Suboxone or Subutex	10/10/09-12/2/09	11	1
PM	Suboxone or Subutex	12/17/09-1/12/10	8	6
PM	Suboxone or Subutex	1/13/10-3/24/10	18	11
PM	Suboxone or Subutex	3/26/10-4/21/10	9	6
PM	Suboxone or Subutex	4/29/10-5/27/10	9	5
PM	Suboxone or Subutex	6/4/10-7/7/10	9	3
PM	Suboxone or Subutex	8/14/10-9/10/10	12	4
PM	Suboxone or Subutex	9/13/10-10/15/10	15	29
PM	Suboxone or Subutex	10/18/10- 11/12/10	11	5
PM	Suboxone or Subutex	11/15/10- 12/15/10	14	16
PM	Suboxone or Subutex	12/16/10-1/10/11	13	9
PM	Suboxone or Subutex	2/28/11-4/18/11	25	15
PM	Suboxone or Subutex	5/9/11-6/9/11	11	4
PM	Suboxone or Subutex	6/10/11-7/5/11	7	2
PM	Suboxone or Subutex	7/7/11-8/9/11	10	7
KM	Suboxone or Subutex	8/24/09-9/15/09	7	2
KM	Suboxone or Subutex	10/6/09-11/6/09	8	1
KM	Suboxone or Subutex	5/2/11-5/14/11	8	15
KM	Suboxone or Subutex	6/16/11-6/30/11	7	1
KM	Suboxone or Subutex	7/21/11-8/15/11	8	4
BP	Suboxone or Subutex	3/27/09-5/2/09	9	1
BP	Suboxone or Subutex	5/20/09-7/14/09	7	7
CS	Suboxone or Subutex	12/26/07-2/4/08	6	35
CS	Suboxone or Subutex	3/18/08-6/19/09	9	28
CS	Suboxone or Subutex	10/24/08-1/29/08	9	13
CS	Suboxone or Subutex	2/6/09-4/3/09	9	80
CS	Suboxone or Subutex	5/28/09-9/11/09	12	5
CS	Suboxone or Subutex	9/23/09-12/17/09	8	2
JW	Suboxone or Subutex	1/5/10-1/27/10	8	9
JW	Suboxone or Subutex	3/20/10-4/14/10	11	11
JW	Suboxone or Subutex	4/15/10-6/4/10	16	7
JW	Suboxone or Subutex	7/6/10-3/21/11	37	75

39. Respondents dispensed early partial refills of prescriptions for Suboxone or Subutex:

Patient	Prescription Number	Time Period Drug Dispensed	Number of Times Drug Dispensed	Days Early (Total)
MB	888547	5/20/10-7/23/10	8	36
MB	895686	8/9/10-11/30/10	7	51

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MB	908022	12/22/10-1/24/11	7	71
CC	853957	3/13/09-8/12/09	7	21
CC	906645	12/9/10-5/3/11	17	5
PM	869300, 939976	10/10/09-12/2/09	11	1
PM	874856, 939989	12/17/09-1/12/10	8	6
PM	876993, 940069, 879326	1/13/10-3/24/10	18	11
PM	883640	3/26/10-4/21/10	9	6
PM	886628	4/29/10-5/27/10	9	5
PM	889989	6/4/10-7/7/10	9	3
PM	896212	8/14/10-9/10/10	12	4
PM	898625	9/13/10-10/15/10	15	29
PM	901957	10/18/10-11/12/10	11	5
PM	904436	11/15/10-12/15/10	14	16
PM	907371	12/16/10-1/10/11	13	9
PM	914518, 918168	2/18/11-4/18/11	25	15
PM	924084	5/9/11-6/9/11	11	4
PM	928019	6/10/11-7/5/11	7	2
PM	931000	7/7/11-8/9/11	10	7
KM	865469	8/24/09-9/15/09	7	2
KM	868941, 939966	10/6/09-11/6/09	8	1
KM	923223	5/2/11-5/14/11	8	15
KM	928741	6/16/11-6/30/11	7	1
KM	932254, 939684	7/21/11-8/15/11	8	4
BP	855131, 939956	3/27/09-5/2/09	9	1
BP	859099, 939957	5/20/09-7/14/09	7	7
CS	822678	12/26/07-2/4/08	6	35
CS	828721, 940254	3/18/08-6/19/08	9	28
CS	843936, 939869	10/24/08-1/29/09	9	13
CS	851236, 939955	2/6/09-4/3/09	9	80
CS	859668, 939958	5/28/09-9/11/09	12	5
CS	868023, 939962	9/23/09-12/17/09	8	2
JW	876000, 940024	1/5/10-1/27/10	8	9
JW	883048	3/20/10-4/14/10	11	11
JW	885503	4/15/10-6/4/10	16	7
JW	892721, 940220, 896007, 940161, 900070, 940207, 903863, 940209	7/6/10-3/21/11	37	75

### **FIRST CAUSE FOR DISCIPLINE**

#### **(Dispensing Controlled Substances with Variations from Prescriptions)**

40. Respondents are subject to disciplinary action under Code section 4301(o) for violating title 16, California Code of Regulations, section 1716, in that they dispensed controlled substances which deviated from the requirements of the prescriptions without the prior consent of

1 the prescribers, as set forth in paragraphs 34 – 38, and incorporated by this reference as though set  
2 forth in full herein.

### 3 **SECOND CAUSE FOR DISCIPLINE**

#### 4 **(Failure to Review Patients' Medication Record Before Prescription Drugs Delivered)**

5 41. Respondents are subject to disciplinary action under Code section 4301(o) for  
6 violating title 16, California Code of Regulations, section 1707.3, in that they dispensed  
7 prescriptions for controlled substances, without review of patients' medication records before  
8 each prescription drug was delivered. Such a review would have revealed that the patients  
9 requested early refills of prescriptions for controlled substances, as set forth in paragraphs 34 –  
10 38, and incorporated by this reference as though set forth in full herein.

### 11 **THIRD CAUSE FOR DISCIPLINE**

#### 12 **(Dispensing Early Refills in Excess of Restrictions)**

13 42. Respondents are subject to disciplinary action under Code section 4301(j) for  
14 violating Health and Safety Code section 11200(b), in that they dispensed refills of prescriptions  
15 for controlled substances in excess of the restrictions for refills, as set forth in paragraphs 37 – 38,  
16 and incorporated by this reference as though set forth in full herein.

### 17 **FOURTH CAUSE FOR DISCIPLINE**

#### 18 **(Unprofessional Conduct)**

19 43. Respondents are subject to disciplinary action under Code section 4301 for  
20 unprofessional conduct in that they engaged in the activities described in paragraphs 34 – 38, and  
21 incorporated by this reference as though set forth in full herein.

### 22 **2014 Inspection**

23 44. On or about July 10, 2014, the Board discovered that two of Respondent's frequent  
24 prescribers, Dr. P.L., and Dr. J.P., were disciplined by the Medical Board of California related to  
25 their prescribing practices. The Board discovered that an Accusation before the Medical Board of  
26 California is pending against another one of Respondent's frequent prescribers, Dr. A.Y., related  
27 to his prescribing practices.  
28

45. Inspections were conducted on July 16, 2014 and July 23, 2014 during which time pharmacy records were obtained and reviewed.

46. During the period January 1, 2010 to July 8, 2014, the top four medications dispensed by Respondent were oxycodone HCL 30 mg tablets, alprazolam 2 mg tablets, hydrocodone/APAP 10-325 mg tablets and carisoprodol 350 mg tablets. Oxycodone products, oxymorphone products, hydrocodone products, alprazolam and carisoprodol are commonly abused controlled substances. A drug cocktail given the name "The Trinity" is made from a combination of hydrocodone products, alprazolam and carisoprodol. When an oxycodone product (Oxycontin is the extended release version of oxycodone) is used in place of hydrocodone, the drug cocktail was called "The Holy Trinity."

47. Respondent dispensed over 100,000 tablets more of these four drugs than its neighboring pharmacies:

a. Quantity dispensed by prescription:

Pharmacy	Alprazolam 2mg (Rx)	Carisoprodol 350 mg (Rx)	Hydrocodone/ APAP 10/325 (Rx)	Oxycodone 30 mg (Rx)	Oxycontin 80 mg (Rx)
Respondent	4,221	4,652	8,146	4,334	1,955
CVS	729	943	3,989	33	48
Rite Aid	598	1,145	5,043	220	131
Target	360	680	2,108	12	7
Steven's	472	61	1,979	623	187

b. Quantity dispensed by tablet:

Pharmacy	Alprazolam 2mg (tablets)	Carisoprodol 350 mg (tablets)	Hydrocodone/ APAP 10/325 (tablets)	Oxycodone 30 mg (tablets)	Oxycontin 80 mg (tablets)
Respondent	252,464	299,083	676,724	586,635	150,182
CVS	46,002	55,582	330,205	4,272	3,160
Rite Aid	37,806	70,493	455,320	27,751	11,038
Target	18,926	40,055	140,453	1,286	470
Steven's	30,708	4,790	217,066	85,905	14,725

48. The unbalanced proportion in which Respondent dispensed these five drugs compared with the other pharmacies was unusual because the pharmacies selected for comparison were

1 located less than three miles from Respondent. For example, when considering oxycodone alone,  
2 Respondent dispensed over 500,000 tablets more than the next highest dispensing pharmacy of  
3 this drug.

4 49. A review of distances between the prescriber's office and the home addresses of 28  
5 patients and the distances between these patients' home addresses and Respondent pharmacy  
6 revealed that almost all of the 28 patients lived outside Respondent's local trade area. A majority  
7 of these patients had home addresses in excess of 20 miles from Respondent pharmacy and  
8 almost all of these patients had home addresses in excess of 20 miles from their physician's  
9 offices. The distance between Respondent and a patient's home address was a red flag that  
10 should have alerted Respondents to question the legitimacy of the patient's prescription.

11 50. Cash (including debit and credit card), instead of insurance, was the most common  
12 form of payment for the four controlled substances most often dispensed by Respondent. For  
13 example, the most prevalent quantity of oxycodone 30 mg dispensed was 180 tablets at a cost of  
14 \$144.00, which was paid in cash. The most prevalent quantity of Oxycontin 80 mg was 60 tablets  
15 at a cost of \$840.00, which was paid in cash. However, for non-controlled substances, the most  
16 common form of payment was insurance. Cash payments for controlled substances was another  
17 red flag that should have alerted Respondents to question the legitimacy of the patient's  
18 prescription.

19 51. A review of prescriptions written by Drs. J.P., P.L., A.Y. and D.C. for the period  
20 January 1, 2010 to July 8, 2014 revealed an irregular prescribing pattern in that 90% or more of  
21 the prescriptions written by these prescribers were for controlled substances, versus non-  
22 controlled substances. In addition, the highest percentage of drugs dispensed by these prescribers  
23 are drugs known for their high abuse potential. Only Dr. J.P. represented that pain management  
24 was one of his specialties (second to anesthesiology). Dr. P.L.'s areas of specialty were internal  
25 medicine and pediatrics. None of these top four prescribing physicians were Board certified in  
26 pain management.

27 52. The prescribing patterns of Drs. J.P., P.L., A.Y. and D.C. revealed red flags that  
28 should have alerted Respondents to question the legitimacy of the patients' prescriptions.

53. The prescribing patterns of Drs. J.P., P.L., A.Y. and D.C. revealed a lack of diversity in treating different types of pain. Because of different types of pain, the prescribing pattern for pain specialists typically includes medication for neuropathic pain and anti-inflammatories, in addition to muscle relaxants, such as carisoprodol, and opioid agonists, such as hydrocodone, oxycodone, oxymorphone and morphine. However, prescriptions written by these prescribers, and dispensed by Respondent, were mostly for muscle relaxants and opioid agonists with very few or no prescriptions to address neuropathic pain or inflammation. For example, Dr. J.P. had the most diversity in pain medication prescriptions with a paltry three percent of his prescriptions for neuropathic pain and 2.6% for anti-inflammatories.

54. In addition, Respondent frequently dispensed "The Trinity" or "The Holy Trinity" controlled substance combinations to patients:

Prescriber	No. of Instances "Trinity" or "Holy Trinity" drugs dispensed
Dr. J.P.	133
Dr. P.L.	69
Dr. A.L.	43

55. Respondent filled prescriptions for the highest strengths of controlled substances such as alprazolam, hydrocodone products, Opana, and oxycodone, when the patients' histories did not indicate a recent history of taking the drug. Considering patient variability and the availability of varying lower doses, this prescribing pattern is a factor of irregularity.

56. Respondent filled prescriptions for duplicate therapies prescribed by Dr. J.P. For example, G.B., R.F., T.G., T.P., and M.R. were dispensed hydrocodone/APAP and oxycodone simultaneously. Both drugs contain immediate release opioid agonists. They were also dispensed Oxycontin 80 mg ER for round-the-clock pain treatment. M.L. was dispensed alprazolam and lorazepam simultaneously. Both drugs are benzodiazepines. This prescribing pattern is a factor of irregularity.

57. Another factor of irregularity is Dr. J.P.'s prescriptions for controlled substances to treat ADD and ADHD. If it is accepted that Dr. J.P. is a pain management specialist, prescriptions for ADD and ADHD drugs are outside his scope of practice.

1        58. In addition, Respondent repeatedly dispensed controlled substances early as indicated  
2 below. These “early refills” are in addition to those listed in paragraphs 37 and 38 above and  
3 were red flags that should have alerted Respondents to question the legitimacy of the patient’s  
4 prescriptions:

5        a. P.A. – 15 early refills of alprazolam 0.5 mg. Patient alternated between 4 different  
6 doctors to obtain early refills.

7        b. S.A. – 17 early refills of alprazolam 2 mg. On some occasions, early refills were  
8 consecutive and compounded.

9        c. K.S. – 3 early refills of hydrocodone/APAP 10/325 mg or oxycodone 30 mg.

10       d. M.B. – 11 early refills of diazepam 10 mg, hydrocodone/APAP 10/325 mg or  
11 oxycodone 30 mg.

12       e. J.S. – 20 early refills of alprazolam 2 mg.

13       f. T.M. – 19 early refills of diazepam 10 mg, hydrocodone/APAP 10/325 mg. On some  
14 occasions, early refills were consecutive and compounded.

15       g. W.F. – 6 early refills of hydrocodone/APAP 10/325 mg or oxycodone 30 mg.

16       h. M.P. – 46 early refills of carisoprodol 350 mg and hydrocodone/APAP 10/325 mg.  
17 In some instances, drug supplies that should have lasted one month were refilled in 2 weeks or  
18 less.

19       i. K.A. – 161 early refills of Ativan 1 mg, hydrocodone/APAP 7.5/750 mg and  
20 zolpidem 12.5 mg ER. On some occasions, early refills were consecutive and compounded; each  
21 refill made earlier and earlier. Respondent repeatedly and consistently dispensed drugs to this  
22 patient months early on 76 different occasions. Respondent dispensed 6,767 tablets of zolpidem  
23 ER 12.5 mg to this patient from January 8, 2010 to March 12, 2014. Based on the directions on  
24 the prescription, 6,767 tablets should have lasted 6,767 days. This patient received 6,767 tablets  
25 in approximately 1,550 days, therefore the patient would have had to consume or lose 4 tablets  
26 every day.

27       59. Pain management agreements were provided to the Board’s inspectors between Dr.  
28 D.C. and his patients. Dr. D.C. indicated his primary area of practice is general medicine. As



1 such, the existence of pain management agreements was irregular. In addition, many of the  
2 assessments were the same, that is, each of the 16 agreements included a diagnosis of arthritis and  
3 anxiety. All of the patients with pain management agreements with Dr. D.C. received oxycodone  
4 products, hydrocodone products and alprazolam from Dr. D.C. Multiple patients who all have a  
5 similar diagnosis is a factor of irregularity for a physician whose practice is in general medicine.  
6 Many patients receiving the same drug therapy is also a factor of irregularity. In addition,  
7 alprazolam is indicated to treat anxiety. It is also a factor of irregularity for all patients with pain  
8 management contracts with Dr. D.C. to also be assessed with anxiety during a pain evaluation.  
9 These irregularities were red flags that should have alerted Respondents to question the  
10 legitimacy of the patients' prescriptions.

#### 11 **FIFTH CAUSE FOR DISCIPLINE**

##### 12 **(Failure to Comply with Corresponding Responsibility** 13 **for Legitimate Controlled Substance Prescriptions)**

14 60. Respondents are subject to discipline pursuant to Code section 4301, subdivision (j),  
15 in conjunction with Health and Safety Code section 11153(a) for unprofessional conduct in that  
16 Respondents failed to comply with their corresponding responsibility to ensure that controlled  
17 substances are dispensed for a legitimate medical purpose when Respondents failed to evaluate  
18 the totality of the circumstances (information from the patient, physician and other sources) to  
19 determine the prescription's legitimate medical purpose in light of information showing that  
20 prescriptions for controlled substances were filled early, there was duplication of therapy, the  
21 same drug combinations were repeatedly prescribed for multiple patients by the same prescriber,  
22 numerous patients had addresses outside of White Front's normal trade area, and certain  
23 prescribers wrote a disproportionate number of prescriptions for controlled substances, including  
24 the combination of drugs known as "The Trinity" and/or "The Holy Trinity" among other  
25 irregularities, as more fully set forth in paragraphs 35 – 38 and 43 – 58 above, and incorporated  
26 by this reference as though set forth in full herein.

27 ///

28 ///

1 **SIXTH CAUSE FOR DISCIPLINE**

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

3 61. Respondents are subject to discipline pursuant to Code section 4301, subdivision (d),  
4 for unprofessional conduct in that Respondents clearly excessively furnished controlled  
5 substances during the period January 8, 2007 to July 8, 2014, as more fully set forth in paragraphs  
6 34 – 38 and 43 – 58 above, and incorporated by this reference as though set forth in full herein.

7 **SEVENTH CAUSE FOR DISCIPLINE**

8 **AS TO BLAKE LIEM VO and ABDUL JAWAD**

9 **(Unprofessional Conduct – Gross Negligence)**

10 62. Respondents Blake Vo and Abdul Jawad are subject to discipline pursuant to Code  
11 section 4301, subdivision (c), for unprofessional conduct in that Respondent was grossly  
12 negligent in dispensing controlled substances with a high potential for abuse during the period  
13 January 1, 2010 to July 8, 2014, in that Respondents knew or should have known that the  
14 controlled substances prescribed by Drs. J.P., J.L., A.Y. and D.C. were likely to be diverted or  
15 used for other than a legitimate medical purpose and that Respondents failed to take appropriate  
16 steps upon being presented with numerous irregularities in the prescriptions and/or prescribing  
17 patterns of Drs. J.P., J.L., A.Y. and D.C. as more fully set forth in paragraphs 43 – 58 above to  
18 determine whether the prescriptions were issued for a legitimate medical purpose.

19 **EIGHTH CAUSE FOR DISCIPLINE**

20 **AS TO BLAKE LIEM VO ONLY and ABDUL JAWAD**

21 **(Unprofessional Conduct - Negligence)**

22 63. Respondents Blake Vo and Abdul Jawad are subject to discipline pursuant to Code  
23 section 4306.5 for unprofessional conduct in that Respondents inappropriately exercised, and/or  
24 failed to exercise, their education, training, experience and/or their best professional judgment or  
25 corresponding responsibility in dispensing controlled substances during the period January 8,  
26 2007 to July 8, 2014 as more fully set forth in paragraphs 34 – 38 and 43 – 58 above and  
27 incorporated by this reference as though set forth herein.

28 ///

**NINTH CAUSE FOR DISCIPLINE**

**AS TO BLAKE LIEM VO and ABDUL JAWAD**

**(Unprofessional Conduct)**

64. Respondents Blake Vo and Abdul Jawad are subject to discipline pursuant to Code section 4301 for unprofessional conduct in that Respondents engaged in the activity described in paragraphs 43 - 58 above, and incorporated by this reference as though set forth in full herein.

**OTHER MATTERS**

65. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number PHY 41461 issued to Ace 4Q Inc., doing business as White Front Drug and Discount, it shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 41461 is placed on probation, or until Pharmacy Permit Number 41461 is reinstated if it is revoked.

66. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number PHY 41461 issued to Ace 4Q Inc., doing business as White Front Drug and Discount, while Abdul Kareem Jawad was a manager, administrator, owner, member, officer, director, associate, or partner and had knowledge of or knowingly participated in any conduct for which the licensee was disciplined, Abdul Kareem Jawad shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 41461 is placed on probation, or until Pharmacy Permit Number PHY 41461 is reinstated if it is revoked.

67. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number PHY 41461 issued to Ace 4Q Inc., doing business as White Front Drug and Discount, while Blake Liem Vo was a manager, administrator, owner, member, officer, director, associate, or partner and had knowledge of or knowingly participated in any conduct for which the licensee was disciplined, Blake Liem Vo shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 41461 is placed on probation, or until Pharmacy Permit Number PHY 41461 is reinstated if it is revoked.

68. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License Number RPH 45101 issued to Abdul Kareem Jawad, Abdul Kareem Jawad shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacist License Number RPH 45101 is placed on probation, or until Pharmacist License Number RPH 45101 is reinstated if it is revoked.

69. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License Number RPH 51136 issued to Blake Liem Vo, Blake Liem Vo shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacist License Number RPH 51136 is placed on probation, or until Pharmacist License Number RPH 51136 is reinstated if it is revoked.

## DISCIPLINARY CONSIDERATIONS

70. To determine the degree of discipline, if any, to be imposed on Respondents, Complainant alleges:

a. On December 19, 2006, the Board issued Citation number CI 2005 31780 against Respondent White Front for violating title 16, California Code of Regulations, section 1716. No compliance was required because the Board did not issue a fine or order of abatement.

b. On August 21, 2002, the Board issued Citation number CI 2001 21875 against Respondent Blake Vo for violating Business and Professions Code sections 4076 and 4077 and title 16, California Code of Regulations, section 1716. The Board issued a fine which Respondent paid on September 17, 2002.

c. On December 19, 2006, the Board issued Citation number CI 2006 32535 against Respondent Blake Vo for violating title 16, California Code of Regulations, section 1716. The Board issued a fine which Respondent paid on January 4, 2007.

d. On May 11, 2012, the Board issued Modified Citation number CI 2010 48334 against Respondent White Front Drug and Discount, for violations of Business and Professions Code sections 4059(b) and 4169(a)(1); title 16, California Code of Regulations, section 1761(a) and title 21, Code of Federal Regulations, sections 1306.04(b), 1301.13, 1301.28(b)(1), (d)(1) and (3) and 1306.7(d). A fine was assessed in the amount of \$20,000.00. The citation was resolved

1 through a Stipulated Settlement and Order and Respondent White Front Drug and Discount  
2 complied.

3 e. On May 11, 2012, the Board issued Modified Citation Number CI 2011 51194  
4 against Respondent Abdul Jawad, for violations of Business and Professions Code sections  
5 4059(b) and 4169(a)(1); title 16, California Code of Regulations, section 1761(a) and title 21,  
6 Code of Federal Regulations, sections 1306.04(b), 1301.13, 1301.28(b)(1), (d)(1) and (3) and  
7 1306.7(d). A fine was assessed in the amount of \$10,000.00. The citation was resolved through a  
8 Stipulated Settlement and Order and Respondent Abdul Jawad complied.

9 f. On May 11, 2012, the Board issued Modified Citation Number CI 2011 51193  
10 against the Respondent Blake Vo, for violations of Business and Professions Code sections  
11 4059(b) and 4169(a)(1); title 16, California Code of Regulations, section 1761(a) and title 21,  
12 Code of Federal Regulations, sections 1306.04(b), 1301.13, 1301.28(b)(1), (d)(1) and (3) and  
13 1306.7(d). A fine was assessed in the amount of \$8,000.00. The citation was resolved through a  
14 Stipulated Settlement and Order and Respondent Blake Vo complied.

### 15 PRAYER

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

18 1. Revoking or suspending Pharmacy Permit Number PHY 41461, issued to Ace 4Q  
19 Inc., doing business as White Front Drug and Discount;

20 2. Revoking or suspending Pharmacist License Number RPH 45101, issued to Abdul  
21 Kareem Jawad;

22 3. Revoking or suspending Pharmacist License Number RPH 51136, issued to Blake  
23 Liem Vo;

24 4. Prohibiting Ace 4Q Inc., doing business as White Front Drug and Discount, from  
25 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a  
26 licensee for five years if Pharmacy Permit Number PHY 41461 is placed on probation, or until  
27 Pharmacy Permit Number PHY 41461 is reinstated if it is revoked;

5. Prohibiting Abdul Kareem Jawad, from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 41461 is placed on probation, or until Pharmacy Permit Number PHY 41461 is reinstated if it is revoked;

6. Prohibiting Blake Liem Vo from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 41461 is placed on probation, or until Pharmacy Permit Number PHY 41461 is reinstated if it is revoked.

7. Prohibiting Abdul Kareem Jawad from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacist License Number RPH 45101 is placed on probation, or until Pharmacist License Number RPH 45101 is reinstated if it is revoked.

8. Prohibiting Blake Liem Vo from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacist License Number RPH 51136 is placed on probation, or until Pharmacist License Number RPH 51136 is reinstated if it is revoked.

9. Ordering White Front Drug and Discount, Abdul Kareem Jawad and Blake Liem Vo, jointly and severally, to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED: May 8, 2015

*M. Tahim* for  
 VIRGINIA HEROLD  
 Executive Officer  
 Board of Pharmacy  
 Department of Consumer Affairs  
 State of California  
 Complainant

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

11 In the Matter of the Accusation Against:

Case No. 4661

12 **ACE 4Q INC.,**  
13 **DBA WHITE FRONT DRUG AND**  
14 **DISCOUNT**  
15 **801 B Baker Street**  
**Costa Mesa, CA 92626**

**ACCUSATION**

16 **Pharmacy Permit No. 41461**

17 **and**

18 **ABDUL KAREEM JAWAD**  
19 **801 B Baker Street**  
**Costa Mesa, CA 92626**

20 **Pharmacist License No. RPH 45101**

21 **and**

22 **BLAKE LIEM VO**  
23 **1929 W. Red Fox Road**  
**Santa Ana, CA 92704**

24 **Pharmacist License No. RPH 51136**

25 **Respondents.**

1 Complainant alleges:

2 **PARTIES**

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

5 2. On or about April 5, 1996 the Board of Pharmacy issued Pharmacy Permit Number  
6 PHY 41461 to Respondent Abdul K. Jawad, to do business as White Front Drug and Discount  
7 and on June 25, 2010 re-issued that permit to Ace 4Q Inc., to do business as White Front Drug  
8 and Discount, with Abdul Jawad, Chief Executive Officer, President, Secretary and  
9 Treasurer/Chief Financial Officer (Respondent White Front Drug and Discount). The Pharmacy  
10 Permit was in full force and effect at all times relevant to the charges brought herein and will  
11 expire on April 1, 2014, unless renewed.

12 3. On or about March 18, 1992, the Board of Pharmacy issued Pharmacist License No.  
13 RPH 45101 to Respondent Abdul Kareem Jawad (Respondent Abdul Jawad.) The Pharmacist  
14 License was in full force and effect at all times relevant to the charges brought herein and will  
15 expire on December 31, 2015, unless renewed.

16 4. On or about September 9, 1999, the Board of Pharmacy issued Pharmacist License  
17 No. RPH 51136 to Respondent Blake Liem Vo (Respondent Blake Vo.) The Pharmacist License  
18 was in full force and effect at all times relevant to the charges brought herein and will expire on  
19 January 31, 2015, unless renewed.

20 **JURISDICTION**

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

24 6. Section 4011 of the Code provides that the Board shall administer and enforce both  
25 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances  
26 Act [Health & Safety Code, § 11000 et seq.].

27 7. Section 4300(a) of the Code provides that every license issued by the Board may be  
28 suspended or revoked.



1 8. Section 4300.1 of the Code states:

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

#### 8 STATUTORY AND REGULATORY PROVISIONS

9 9. Section 4301 of the Code states:

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

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

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

23 10. Section 4113(c) of the Code states that:

24 The pharmacist-in-charge shall be responsible for a pharmacy's compliance  
25 with all state and federal laws and regulations pertaining to the practice of pharmacy.

26 11. Health and Safety Code section 11200(b) states in pertinent part:

27 ...  
28 (b) No prescription for a Schedule III or IV substance may be refilled more  
than five times and in an amount, for all refills of that prescription taken together,  
exceeding a 120-day supply.

12. Section 1707.3 of title 16, California Code of Regulations states:

Prior to consultation as set forth in section 1707.2, a pharmacist shall review a  
patient's drug therapy and medication record before each prescription drug is  
delivered. The review shall include screening for severe potential drug therapy  
problems.

13. Section 1716 of title 16, California Code of Regulations states:

Pharmacists shall not deviate from the requirements of a prescription except

1 upon the prior consent of the prescriber or to select the drug product in accordance  
2 with Section 4073 of the Business and Professions Code.

3 Nothing in this regulation is intended to prohibit a pharmacist from exercising  
4 commonly accepted pharmaceutical practice in the compounding or dispensing of a  
5 prescription.

### 6 COST RECOVERY

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

### 11 DRUGS

12 15. Alprazolam, sold under the brand name Xanax, is a Schedule IV controlled substance  
13 as designated by Health and Safety Code section 11057(d)(1) and is a dangerous drug pursuant to  
14 Business and Professions Code section 4022. Alprazolam tablets are indicated for the  
15 management of anxiety disorder or the short-term relief of symptoms of anxiety.

16 16. Clonazepam, is a Schedule IV controlled substance as designated by Health and  
17 Safety Code Section 11057(d)(7) and is a dangerous drug pursuant to Business and Professions  
18 Code section 4022. It is an anti-anxiety medication in the benzodiazepine family.

19 17. Hydrocodone/Ibuprofen, is a Schedule III controlled substance pursuant to Health and  
20 Safety Code section 11056(e)(4) and is a dangerous drug pursuant to Business and Professions  
21 Code section 4022.

22 18. Hydrocodone/APAP, also sold under the brand name Vicodin, is a Schedule III  
23 controlled substance as designated by Health and Safety Code section 11056(e)(4) and is a  
24 dangerous drug pursuant to Business and Professions Code section 4022.

25 19. Lunesta, a brand name for eszopiclone, is a Schedule IV controlled substance as  
26 designated by Health and Safety Code section 11057(d) and is a dangerous drug pursuant to  
27 Business and Professions Code section 4022.  
28

20. Suboxone, containing buprenorphine and naloxone, is a Schedule III controlled substance pursuant to Health and Safety Code section 11056(e) and is a dangerous drug pursuant to Code section 4022.

21. Subutex, containing buprenorphine, is a Schedule III controlled substance pursuant to Health and Safety Code section 11056(e) and is a dangerous drug pursuant to Code section 4022.

22. Triazolam, is a Schedule IV controlled substance pursuant to Health and Safety Code section 11057(d)(30) and is a dangerous drug pursuant to Business and Professions Code section 4022.

23. Valium, a brand name for diazepam, is a Schedule IV controlled substance pursuant to Health and Safety Code section 11057(d)(9) and is a dangerous drug pursuant to Business and Professions Code section 4022.

24. Zolpidem, is a Schedule IV controlled substance as designated by Health and Safety Code section 11057(d)(32) and is a dangerous drug pursuant to Business and Professions Code section 4022.

#### FACTUAL ALLEGATIONS

25. Respondent Abdul Jawad was the Pharmacist-in-Charge of Respondent White Front Drug and Discount from April 5, 2006 through February 1, 2010. Respondent Blake Vo was the Pharmacist-in-Charge of Respondent White Front Drug and Discount from February 1, 2010 through the present.

26. Respondents dispensed the following "early refills" of prescriptions for controlled substances, resulting in patients receiving controlled substances earlier than prescribed by the providers, as shown below:

Patient	Drug	Time Period Drug Dispensed	Number of Times Furnished	Days Early
MA	Hydrocodone/APAP 10/325	1/27/10-9/26/11	76	597
TA	Hydrocodone/APAP 10/325	7/26/10-9/30/11	48	284
TA	Alprazolam 2	7/26/10-9/15/11	23	77

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Patient	Drug	Time Period Drug Dispensed	Number of Times Furnished	Days Early
CB	Hydrocodone/APAP 7.5/750	11/7/07-9/26/11	93	282
WB	Clonazepam 0.5	1/19/07-9/27/11	54	37
WB	Zolpidem 5	12/22/07-9/20/11	45	27
CDD	Hydrocodone/APAP 10/325	6/5/09-9/26/11	66	293
CDD	Alprazolam 1	6/5/09-8/15/11	42	323
CD	Hydrocodone/APAP 7.5/750	1/8/07-9/9/11	72	328
JE	Hydrocodone/APAP 10/325	12/3/08-9/26/11	105	734
JE	Alprazolam 2	12/3/08-9/26/11	100	812
AG	Lunesta 1	3/22/10-9/19/11	20	53
EH	Hydrocodone/APAP 10/325	1/12/09-9/28/11	117	839
JH	Hydrocodone/APAP 10/325	11/7/08-7/22/11	114	819
JH	Diazepam 10	6/18/10-6/24/11	15	198
JJ	Hydrocodone/APAP 10/325	7/9/07-9/28/11	192	853
JJ	Hydrocodone/ibuprofen 7.5/200	7/6/07-9/28/11	194	1292
JJ	Triazolam 0.25	7/6/07-9/24/11	171	1102
DJ	Hydrocodone/APAP 7.5/750	12/20/07-9/20/11	63	6
DJ	Zolpidem 10	3/9/09-8/25/11	38	5
AM	Zolpidem 10	1/12/10-1/8/11	15	73
CM	Hydrocodone/APAP 10/325	8/1/08-10/1/11	81	228
JP	Hydrocodone/APAP 10/325	3/18/08-9/23/11	99	271
CR	Hydrocodone/APAP 10/325	5/7/10-12/1/10	12	31
LR	Zolpidem 10	9/17/09-9/9/11	21	27
JS	Hydrocodone/APAP 10/325	8/6/08-9/15/11	119	699
DS	Hydrocodone/APAP 10/325	7/18/07-9/28/11	59	11
BS	Hydrocodone/APAP 7.5/750	2/22/08-9/20/11	113	509
KS	Hydrocodone/APAP 10/325	7/20/09-8/26/11	31	35
JS	Hydrocodone/APAP 10/325	2/06/09-10/22/11	30	249
JS	Valium 5	12/7/07-1/6/11	129	852

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Patient	Drug	Time Period Drug Dispensed	Number of Times Furnished	Days Early
PT	Hydrocodone/APAP 10/500	1/10/07-9/2/11	147	676
SW	Hydrocodone/APAP 10/325	2/23/07-9/24/11	117	715
MB	Suboxone or Subutex	5/20/10-7/23/10	8	36
MB	Suboxone or Subutex	8/9/10-11/30/10	7	51
MB	Suboxone or Subutex	12/22/10-1/24/11	7	71
CC	Suboxone or Subutex	3/13/09-8/12/09	7	21
CC	Suboxone or Subutex	12/9/10-5/3/11	17	5
PM	Suboxone or Subutex	10/10/09-12/2/09	11	1
PM	Suboxone or Subutex	12/17/09-1/12/10	8	6
PM	Suboxone or Subutex	1/13/10-3/24/10	18	11
PM	Suboxone or Subutex	3/26/10-4/21/10	9	6
PM	Suboxone or Subutex	4/29/10-5/27/10	9	5
PM	Suboxone or Subutex	6/4/10-7/7/10	9	3
PM	Suboxone or Subutex	8/14/10-9/10/10	12	4
PM	Suboxone or Subutex	9/13/10-10/15/10	15	29
PM	Suboxone or Subutex	10/18/10- 11/12/10	11	5
PM	Suboxone or Subutex	11/15/10- 12/15/10	14	16
PM	Suboxone or Subutex	12/16/10-1/10/11	13	9
PM	Suboxone or Subutex	2/28/11-4/18/11	25	15
PM	Suboxone or Subutex	5/9/11-6/9/11	11	4
PM	Suboxone or Subutex	6/10/11-7/5/11	7	2
PM	Suboxone or Subutex	7/7/11-8/9/11	10	7
KM	Suboxone or Subutex	8/24/09-9/15/09	7	2
KM	Suboxone or Subutex	10/6/09-11/6/09	8	1
KM	Suboxone or Subutex	5/2/11-5/14/11	8	15
KM	Suboxone or Subutex	6/16/11-6/30/11	7	1
KM	Suboxone or Subutex	7/21/11-8/15/11	8	4
BP	Suboxone or Subutex	3/27/09-5/2/09	9	1
BP	Suboxone or Subutex	5/20/09-7/14/09	7	7
CS	Suboxone or Subutex	12/26/07-2/4/08	6	35
CS	Suboxone or Subutex	3/18/08-6/19/09	9	28
CS	Suboxone or Subutex	10/24/08-1/29/08	9	13
CS	Suboxone or Subutex	2/6/09-4/3/09	9	80
CS	Suboxone or Subutex	5/28/09-9/11/09	12	5
CS	Suboxone or Subutex	9/23/09-12/17/09	8	2
JW	Suboxone or Subutex	1/5/10-1/27/10	8	9
JW	Suboxone or Subutex	3/20/10-4/14/10	11	11
JW	Suboxone or Subutex	4/15/10-6/4/10	16	7
JW	Suboxone or Subutex	7/6/10-3/21/11	37	75

27. Respondents dispensed "partial refills" of prescriptions for Suboxone or Subutex, without permission of the prescribers, thereby exceeding the number of refills allowed for controlled substances in Health & Safety Code section 11200(b), as shown below:

Patient	Prescription Number	Time Period Drug Dispensed	Number of Times Drug Dispensed
MB	888547	5/20/10-7/23/10	8
MB	895686	8/9/10-11/30/10	7
MB	908022	12/22/10-1/24/11	7
CC	853957	3/13/09-8/12/09	7
CC	906645	12/9/10-5/3/11	17
PM	869300, 939976	10/10/09-12/2/09	11
PM	874856, 939989	12/17/09-1/12/10	8
PM	876993, 940069, 879326	1/13/10-3/24/10	18
PM	883640	3/26/10-4/21/10	9
PM	886628	4/29/10-5/27/10	9
PM	889989	6/4/10-7/7/10	9
PM	896212	8/14/10-9/10/10	12
PM	898625	9/13/10-10/15/10	15
PM	901957	10/18/10-11/12/10	11
PM	904436	11/15/10-12/15/10	14
PM	907371	12/16/10-1/10/11	13
PM	914518, 918168	2/18/11-4/18/11	25
PM	924084	5/9/11-6/9/11	11
PM	928019	6/10/11-7/5/11	7
PM	931000	7/7/11-8/9/11	10
KM	865469	8/24/09-9/15/09	7
KM	868941, 939966	10/6/09-11/6/09	8
KM	923223	5/2/11-5/14/11	8
KM	928741	6/16/11-6/30/11	7
KM	932254, 939684	7/21/11-8/15/11	8
BP	855131, 939956	3/27/09-5/2/09	9
BP	859099, 939957	5/20/09-7/14/09	7
CS	822678	12/26/07-2/4/08	6
CS	828721, 940254	3/18/08-6/19/08	9
CS	843936, 939869	10/24/08-1/29/09	9
CS	851236, 939955	2/6/09-4/3/09	9
CS	859668, 939958	5/28/09-9/11/09	12
CS	868023, 939962	9/23/09-12/17/09	8
JW	876000, 940024	1/5/10-1/27/10	8
JW	883048	3/20/10-4/14/10	11
JW	885503	4/15/10-6/4/10	16
JW	892721, 940220, 896007, 940161, 900070, 940207, 903863, 940209	7/6/10-3/21/11	37

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Dispensing Controlled Substances with Variations from Prescriptions)**

3 28. Respondents are subject to disciplinary action under Code section 4301(o) for  
4 violating title 16, California Code of Regulations, section 1716, in that they dispensed controlled  
5 substances which deviated from the requirements of the prescriptions without the prior consent of  
6 the prescribers, as set forth in paragraphs 25 through 27, which are incorporated herein by  
7 reference.

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Failure to Review Patients' Medication Record Before Prescription Drugs Delivered)**

10 29. Respondents are subject to disciplinary action under Code section 4301(o) for  
11 violating title 16, California Code of Regulations, section 1707.3, in that they dispensed  
12 prescriptions for controlled substances, without review of patients' medication records before  
13 each prescription drug was delivered. Such a review would have revealed that the patients  
14 requested early refills of prescriptions for controlled substances or refills in excess of restrictions  
15 for refills, as set forth in paragraphs 25 through 27, which are incorporated herein by reference.

16 **THIRD CAUSE FOR DISCIPLINE**

17 **(Dispensing Early Refills in Excess of Restrictions)**

18 30. Respondents are subject to disciplinary action under Code section 4301(j) for  
19 violating Health and Safety Code section 11200(b), in that they dispensed refills of prescriptions  
20 for controlled substances in excess of the restrictions for refills, as set forth in paragraphs 25  
21 through 27, which are incorporated herein by reference.

22 **FOURTH CAUSE FOR DISCIPLINE**

23 **(Unprofessional Conduct)**

24 31. Respondents are subject to disciplinary action under Code section 4301 for  
25 unprofessional conduct in that they engaged in the activities described in paragraphs 25 through  
26 27, which are incorporate herein by reference.

## DISCIPLINARY CONSIDERATIONS

32. To determine the degree of discipline, if any, to be imposed on Respondents, Complainant alleges:

a. On December 19, 2006, the Board issued Citation number CI 2005 31780 against Respondent White Front for violating title 16, California Code of Regulations, section 1716. No compliance was required because the Board did not issue a fine or order of abatement.

b. On August 21, 2002, the Board issued Citation number CI 2001 21875 against Respondent Blake Vo for violating Business and Professions Code sections 4076 and 4077 and title 16, California Code of Regulations, section 1716. The Board issued a fine which Respondent paid on September 17, 2002.

c. On December 19, 2006, the Board issued Citation number CI 2006 32535 against Respondent Blake Vo for violating title 16, California Code of Regulations, section 1716. The Board issued a fine which Respondent paid on January 4, 2007.

d. On May 11, 2012, the Board issued Modified Citation number CI 2010 48334 against Respondent White Front Drug and Discount, for violations of Business and Professions Code sections 4059(b) and 4169(a)(1); title 16, California Code of Regulations, section 1761(a) and title 21, Code of Federal Regulations, sections 1306.04(b), 1301.13, 1301.28(b)(1), (d)(1) and (3) and 1306.7(d). A fine was assessed in the amount of \$20,000.00. The citation was resolved through a Stipulated Settlement and Order and Respondent White Front Drug and Discount complied.

e. On May 11, 2012, the Board issued Modified Citation Number CI 2011 51194 against Respondent Abdul Jawad, for violations of Business and Professions Code sections 4059(b) and 4169(a)(1); title 16, California Code of Regulations, section 1761(a) and title 21, Code of Federal Regulations, sections 1306.04(b), 1301.13, 1301.28(b)(1), (d)(1) and (3) and 1306.7(d). A fine was assessed in the amount of \$10,000.00. The citation was resolved through a Stipulated Settlement and Order and Respondent Abdul Jawad complied.

f. On May 11, 2012, the Board issued Modified Citation Number CI 2011 51193 against the Respondent Blake Vo, for violations of Business and Professions Code sections



1 4059(b) and 4169(a)(1); title 16, California Code of Regulations, section 1761(a) and title 21,  
2 Code of Federal Regulations, sections 1306.04(b), 1301.13, 1301.28(b)(1), (d)(1) and (3) and  
3 1306.7(d). A fine was assessed in the amount of \$8,000.00. The citation was resolved through a  
4 Stipulated Settlement and Order and Respondent Blake Vo complied.

5 **PRAYER**

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

8 1. Revoking or suspending Pharmacy Permit Number 41461, issued to Ace 4Q Inc.,  
9 doing business as White Front Drug and Discount;

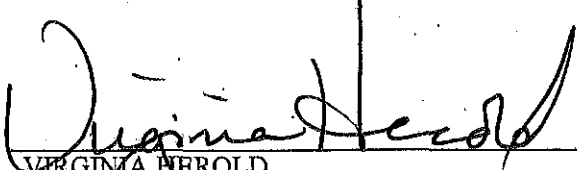
10 2. Revoking or suspending Pharmacist License Number RPH 45101, issued to Abdul  
11 Kareem Jawad;

12 3. Revoking or suspending Pharmacist License Number RPH 51136, issued to Blake  
13 Liem Vo;

14 4. Ordering White Front Drug and Discount, Abdul Kareem Jawad and Blake Liem Vo,  
15 jointly and severally, to pay the Board of Pharmacy the reasonable costs of the investigation and  
16 enforcement of this case, pursuant to Business and Professions Code section 125.3;

17 5. Taking such other and further action as deemed necessary and proper.

18  
19 DATED: 3/11/14

  
20 VIRGINIA HEROLD  
21 Executive Officer  
22 Board of Pharmacy  
23 Department of Consumer Affairs  
24 State of California  
25 Complainant

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