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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. 5040

12 **V&P PHARMACY**
13 **4502 University Avenue, Suite 100**
San Diego, CA 92105

A C C U S A T I O N

14 **Pharmacy Permit No. PHY 50261**

15 **and**

16 **CHAU TRUNG VO**
17 **11859 Trail Crest Drive**
San Diego, CA 92131

18 **Pharmacist License No. RPH 55532**

19 Respondents.

20
21 Complainant alleges:

22 **PARTIES**

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

25 2. On or about April 21, 2010, the Board of Pharmacy issued Original Pharmacy Permit
26 Number PHY 50261 to V&P Pharmacy, Chau Trung Vo, owner (Respondents). The Pharmacy
27 Permit was cancelled on September 23, 2013, pursuant to a Discontinuance of Business and has
28 not been renewed.

1 **STATUTORY AND REGULATORY PROVISIONS**

2 7. Section 4301 of the Code states:

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

7 ...

8 (c) Gross negligence.

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

11 ...

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

14 ...

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

20

21 8. Section 4036.5 of the Code defines "Pharmacist-in-Charge" as, "...a pharmacist
22 proposed by a pharmacy and approved by the board as the supervisor or manager responsible for
23 ensuring the pharmacy's compliance with all state and federal laws and regulations pertaining to the
24 practice of pharmacy."

25 9. Section 4040.5 of the Code states, "'Reverse distributor' means every person who
26 acts as an agent for pharmacies, drug wholesalers, manufacturers, and other entities by receiving,
27 inventorying, and managing the disposition of outdated or nonsalable dangerous drugs."

28 10. Section 4043 provides in part:

 (a) "Wholesaler" means and includes a person who acts as a wholesale merchant,
 broker, jobber, customs broker, reverse distributor, agent, or a nonresident
 wholesaler, who sells for resale, or negotiates for distribution, or takes possession
 of, any drug or device included in Section 4022. Unless otherwise authorized by
 law, a wholesaler may not store, warehouse, or authorize the storage or
 warehousing of drugs with any person or at any location not licensed by the
 board....

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11. Section 4081 of the Code states:

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

(b) The owner, officer, and partner of a pharmacy, wholesaler, or veterinary food-animal drug retailer shall be jointly responsible, with the pharmacist-in-charge or designated representative-in-charge, for maintaining the records and inventory described in this section.

....

12. Section 4160, subdivision (a) of the Code states, "A person may not act as a wholesaler of any dangerous drug or dangerous device unless he or she has obtained a license from the board."

13. Title 16, California Code of Regulations, section 1714 states in part:

...

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

...

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

14. Title 16, California Code of Regulations, section 1716 states in part:

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.

1 15. Title 16, California Code of Regulations, section 1718 states:

2 "Current Inventory" as used in Sections 4081 and 4332 of the Business and
3 Professions Code shall be considered to include complete accountability for all
4 dangerous drugs handled by every licensee enumerated in Sections 4081 and 4332.

5 The controlled substances inventories required by Title 21, CFR, Section 1304 shall
6 be available for inspection upon request for at least 3 years after the date of the
7 inventory.

8 16. Section 11153 of the Healthy and Safety Code provides in part:

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

21 COST RECOVERY

22 17. 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 DRUGS

27 18. Carisoprodol, sold under the brand name Soma, is a dangerous drug pursuant to
28 Business and Professions Code section 4022. It is a muscle relaxer.

19 19. Hydrocodone with acetaminophen, sold under brand names including Lorcet, Lortab,
20 Vicodin and Norco, is a Schedule III controlled substance pursuant to Health and Safety Code
21 section 11056, subdivision (e), and a dangerous drug pursuant to Business and Professions Code
22 section 4022. It is used to alleviate pain.

23 20. Oxycodone, sold under various brand names including Oxycontin and Roxicodone, is a
24 Schedule II controlled substance pursuant to Health and Safety Code section 11055, subdivision
25

1 (b), and a dangerous drug pursuant to Business and Professions Code section 4022. It is used to
2 alleviate pain.

3 21. Promethazine with codeine, sold under brand name Phenergan with codeine, is a
4 Schedule V controlled substance pursuant to Health and Safety Code section 11058, and a
5 dangerous drug pursuant to Business and Professions Code section 4022. It is used for the
6 temporary relief of coughs and symptoms associated with allergy or the common cold.

7 **FACTS**

8 22. On January 15, 2013, inspectors from the Board of Pharmacy and the Department of
9 Health Care Services conducted an inspection of Respondent pharmacy. During the inspection,
10 multiple unlabeled bottles of random tablets were found. The medications had been taken back
11 from the community and held by Respondents until "a prescription drug take back day." The
12 bottles were not labeled and were not sequestered in an area marked for destruction, although they
13 were not among the normal drug stock. Bottles of labeled medications were discovered in a
14 different drawer. According to Respondent, the patient had returned these bottles of medication.
15 These bottles were not in a designated area marked for destruction but were not among the normal
16 drug stock.

17 23. Inspectors also observed medications that had been taken from the stock bottles and
18 prepackaged in smaller prescription vials. The vials were not labeled but were arranged in front of
19 the stock bottle. All of these prepackaged medications were for controlled substances, specifically
20 hydrocodone/apap of various strengths (10/325 mg, 5/500 mg, 7.5/750 mg), alprazolam 2mg and
21 carisoprodol 350 mg. The fact these medications were prepackaged indicated they were the most
22 frequently dispensed medications by Respondent.

23 24. A survey of the pharmacy drug stock showed that promethazine with codeine
24 manufactured by Actavis was placed on a shelf closer to the filling station of the pharmacy, while
25 promethazine with codeine by other manufacturers were located among the other syrups.
26 Respondent Vo explained that the Actavis brand of promethazine with codeine was located closer
27 to the filling station because it was used more frequently. The Actavis brand of promethazine with
28 codeine is also known to be popular among recreational drug users and diverters.

1 25. An audit revealed a shortage of 5674 tablets of hydrocodone/acetaminophen 10/325
2 mg and a shortage of 11,531 ml, or 24.37 pints, of promethazine with codeine syrup between July
3 26, 2011 and January 15, 2013. Respondents could not account for these shortages.

4 26. From January 1, 2013 to March 8, 2013, Respondent dispensed the most
5 promethazine with codeine and guaifenesin with codeine in San Diego County:

6 Pharmacy	Total RXs filled	Total Quantity (ml)	Total Quantity (pints)
7 V&P	503	129,325	273
8 Viet Pharmacy and 9 Medical Supply	289	74,861	158
10 CVS #9138	376	71,727	151
11 CVS #9177	368	68,978	145
CVS #9479	338	61,300	129
CVS #9111	312	56,221	118

12 27. In terms of milliliters, Respondent dispensed 72% more promethazine with codeine
13 and guaifenesin with codeine than the next highest dispenser of these drugs.

14 28. When the audit of promethazine with codeine and guaifenesin with codeine was
15 expanded to include the previous year, January 1, 2012 to December 31, 2012, Respondent
16 dispensed 200% more promethazine with codeine and guaifenesin with codeine (in milliliters) than
17 the next highest dispenser of these drugs.

18 29. In or about March 2013, the Drug Enforcement Agency (hereinafter "DEA") actively
19 investigated Respondent pharmacy relating to the unlawful distribution of promethazine with
20 codeine. Respondent's involvement came to light when unlawful users flaunted bottles of
21 promethazine with codeine bearing Respondent's prescription label on the Internet.

22 30. Between March 11, 2013 and April 9, 2013, Respondent sold its pharmacy files to
23 another pharmacy. On May 13, 2013, the Board was advised that Respondent discontinued
24 business on April 9, 2013. On or about April 30, 2013, Respondent Vo agreed to surrender his
25 controlled substances privileges with the DEA.

26 31. A review of CURES (Controlled Substance Utilization Review and Evaluation
27 System) reports and a sampling of Respondent's prescriptions and patient profiles from the period
28 January 1, 2009 through June 7, 2013, revealed the following:

1 a. Prescription number 34088C5 for Phenergan with codeine (a brand name for
 2 promethazine with codeine) was written with the directions “i t po q 6 8,” which means “2
 3 teaspoonfuls by mouth every 6 to 8 hours” but was filled and dispensed with the erroneous
 4 directions of “take 1 to 2 teaspoonful by mouth every 6 to 8 hours as needed for pain, fever.”

5 b. Pearleen A. – This patient regularly purchased promethazine with codeine from March
 6 1, 2011 to March 23, 2013. According to the product insert, an unresponsive cough needs to be
 7 re-evaluated in 5 days or sooner. This patient was not taking long acting medications indicative of
 8 an underlying chronic respiratory tract disease, although she filled prescriptions for short acting
 9 bronchodilators intermittently. The following excerpt shows this patient’s history in obtaining
 10 promethazine with codeine from March 1, 2011 to February 9, 2011:

11	Pharmacy	RX #	Drug	Quantity	Date filled	Comments
12	V&P	13155	Promethazine with codeine 480 ml	24 day supply	3/1/2011	
13		13155	Promethazine with codeine 480 ml	24 day supply	3/18/2011	Refilled too soon.
14		15081	Promethazine with codeine 480 ml	24 day supply	4/7/2011	
15		15081	Promethazine with codeine 480 ml	24 day supply	4/22/2011	Refilled too soon. Payment method changed from insurance to cash.
16		15081	Promethazine with codeine 480 ml	24 day supply	5/9/2011	Refilled too soon.
17		19201	Promethazine with codeine 480 ml	24 day supply	7/19/2011	
18		19201	Promethazine with codeine 480 ml	24 day supply	8/6/2011	Refilled too soon. Payment method changed from insurance to cash.
19		22626	Promethazine with codeine 480 ml	24 day supply	1/24/2012	
20		32905	Promethazine with codeine 480 ml	12 day supply	2/9/12	Refilled too soon. Payment method changed from insurance to cash. Written directions by prescriber of 2 teaspoonfuls (10
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					ml) four times a day exceeded maximum recommended dosage per product insert.
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c. Jacqueline G. – Between May 9, 2011 and May 30, 2013, this patient used 16 different prescribers and six different pharmacies to obtain controlled substances. The following excerpt shows this patient’s history in obtaining early refills of promethazine with codeine, hydrocodone/acetaminophen and carisoprodol from October 15, 2010 to July 27, 2012:

Pharmacy	RX #	Drug	Quantity	Date filled	Comments
V&P	5741	Promethazine with codeine 240 ml	48 day supply	10/15/2010	
V&P	2820	Promethazine with codeine 480 ml	12 day supply	10/16/2010	Refilled too soon.
Mercy Care Pharmacy		Promethazine with codeine 480 ml	20 day supply	6/7/2011	
V&P	18530	Promethazine with codeine 240 ml	6 day supply	6/17/2011	Refilled too soon.
Viet Medical Supply		Hydrocodone/Acetaminophen 10/325 #90	30 day supply	9/19/2011	
V&P	24356	Hydrocodone/Acetaminophen 10/325 #90	30 day supply	9/27/2011	Refilled too soon. This was a telephone transfer from Viet Medical Supply.
Viet Medical Supply		Hydrocodone/Acetaminophen 10/325 #90	23 day supply	1/12/2012	
V&P	30780	Hydrocodone/Acetaminophen 10/325 #90	22 day supply	1/24/2012	Refilled too soon.
Viet Medical Supply		Hydrocodone/Acetaminophen 10/325 #90	30 day supply	1/27/2012	
V&P	33215	Hydrocodone/Acetaminophen 10/325 #90	30 day supply	2/14/2012	Refilled too soon.
CVS #9121		Hydrocodone/	30 day	3/29/2012	

1			Acetaminophen 10/325 #9	supply		
2	V&P	33215	Hydrocodone/ Acetaminophen 10/325 #90	30 day supply	4/3/2012	Refilled too soon.
3						
4	CVS #9121		Carisoprodol 350 mg #60	30 day supply	3/30/2012	
5	Viet Medical Supply		Carisoprodol 350 mg #60	30 day supply	4/9/2012	Refilled too soon.
6						
7	V&P	37149	Carisoprodol 350 mg #60	30 day supply	4/12/2012	Refilled too soon. Taken as a telephone transfer from CVS.
8						
9	Viet Medical Supply		Carisoprodol 350 mg #60	30 day supply	4/27/2012	
10						
11	V&P	38731	Carisoprodol 350 mg #60	30 day supply	5/8/2012	Refilled too soon.
12	Viet Medical Supply		Promethazine with codeine 240 ml	12 day supply	7/23/2012	
13						
14	V&P	43964	Promethazine with codeine 480 ml	12 day supply	7/27/2012	Refilled too soon.

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16 d. Marvin H. – This patient used 14 different prescribers and 16 different pharmacies to

17 obtain controlled substances. This patient regularly purchased promethazine with codeine from

18 July 16, 2012 to December 3, 2012. According to the product insert, an unresponsive cough

19 needs to be re-evaluated within 5 days. According to Respondent’s Patient Profile, this patient

20 was not taking long acting medications indicative of an underlying chronic respiratory tract

21 disease, although he filled a prescription for Chantix, a drug to help stop smoking, on or about

22 October 10, 2012. The following excerpt shows this patient’s history in obtaining promethazine

23 with codeine from July 16, 2012 to September 8, 2012:

24	Pharmacy	RX #	Drug	Quantity	Date filled	Comments
25	North Park Pharmacy		Promethazine with codeine 960 ml	20 day supply	7/16/2012	
26						
27	V&P	396631	Promethazine with codeine 720 ml	24 day supply	7/26/2012	Refilled too soon.
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1	V&P	45121	Promethazine with codeine 960 ml	32 day supply	8/13/2012	
2	V&P	45121	Promethazine with codeine 960 ml	32 day supply	9/8/2012	Refilled too soon.

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4 e. Joseph H. – This patient received duplicate therapy of hydrocodone/acetaminophen

5 from Respondent and another pharmacy. This information was available to Respondents and

6 should have alerted Respondents about the possibility that the prescriptions were not issued for a

7 legitimate medical purpose. An excerpt from this patient’s medication history follows:

8	Pharmacy	RX #	Drug	Quantity	Date filled	Comments
9	Sam’s Pharmacy		Hydrocodone/ Acetaminophen 5/500 mg, #200	25 day supply	1/25/2011	
10	V&P	11696	Hydrocodone/ Acetaminophen 7.5/750 mg, #100	16 day supply	1/28/211	Duplicate therapy. Also, if taken as directed, patient would have taken 4500 mg of acetaminophen which may lead to hepatotoxicity.
11	Sam’s Pharmacy		Hydrocodone/ Acetaminophen 5/500 mg, #200	25 day supply	2/25/2011	
12	V&P	13717	Hydrocodone/ Acetaminophen 7.5/750 mg, #100	16 day supply	3/10/2011	Duplicate therapy and hepatotoxicity risk.
13	Sam’s Pharmacy		Hydrocodone/ Acetaminophen 5/500 mg, #200	25 day supply	4/21/2011	
14	V&P	15409	Hydrocodone/ Acetaminophen 7.5/750 mg, #100	25 day supply	5/5/2011	Duplicate therapy.
15	Sam’s Pharmacy		Hydrocodone/ Acetaminophen 5/500 mg, #200	25 day supply	5/20/2011	
16	V&P	18088	Hydrocodone/ Acetaminophen 7.5/750 mg, #100	25 day supply	6/8/2011	Duplicate therapy.
17	Sam’s		Hydrocodone/	25 day	6/20/2011	

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Pharmacy		Acetaminophen 5/500 mg, #200	supply		
V&P	19257	Hydrocodone/ Acetaminophen 7.5/750 mg, #150	25 day supply	7/1/2011	Duplicate therapy and hepatotoxicity risk
Sam's Pharmacy		Hydrocodone/ Acetaminophen 5/500 mg, #200	25 day supply	7/22/2011	
V&P	21065	Hydrocodone/ Acetaminophen 7.5/750 mg, #150	25 day supply	8/1/2011	Duplicate therapy and hepatotoxicity risk.
Sam's Pharmacy		Hydrocodone/ Acetaminophen 5/500 mg, #200	25 day supply	8/15/2011	
V&P	22739	Hydrocodone/ Acetaminophen 7.5/750 mg, #150	25 day supply	9/1/2011	Duplicate therapy and hepatotoxicity risk.
Sam's Pharmacy		Hydrocodone/ Acetaminophen 5/500 mg, #200	25 day supply	9/19/2011	
V&P	24607	Hydrocodone/ Acetaminophen 7.5/750 mg, #150	36 day supply	9/30/2011	Duplicate therapy.
Sam's Pharmacy		Hydrocodone/ Acetaminophen 5/500 mg, #200	25 day supply	11/12/2011	
V&P	28335	Hydrocodone/ Acetaminophen 7.5/750 mg, #100	25 day supply	11/29/2011	Duplicate therapy.
Sam's Pharmacy		Hydrocodone/ Acetaminophen 5/500 mg, #200	25 day supply	12/19/2011	
V&P	28335	Hydrocodone/ Acetaminophen 7.5/750 mg, #100	25 day supply	12/23/2011	Duplicate therapy.
Sam's Pharmacy		Hydrocodone/ Acetaminophen 5/500 mg, #200	25 day supply	1/11/2012	
V&P	31261	Hydrocodone/ Acetaminophen 7.5/750 mg, #100	25 day supply	1/14/2012	Duplicate therapy.
Sam's Pharmacy		Hydrocodone/ Acetaminophen 5/500 mg, #200	25 day supply	2/1/2012	

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V&P	31261	Hydrocodone/ Acetaminophen 7.5/750 mg, #100	25 day supply	2/6/2012	Duplicate therapy
Sam's Pharmacy		Hydrocodone/ Acetaminophen 5/500 mg, #200	25 day supply	3/1/2012	
V&P	34220	Hydrocodone/ Acetaminophen 7.5/750 mg, #150	37 day supply	3/1/2012	Duplicate therapy
Sam's Pharmacy		Hydrocodone/ Acetaminophen 5/500 mg, #200	25 day supply	3/28/2012	
V&P	34220	Hydrocodone/ Acetaminophen 7.5/750 mg, #150	37 day supply	4/4/2012	Duplicate therapy.
Sam's Pharmacy		Hydrocodone/ Acetaminophen 5/500 mg, #200	25 day supply	4/25/2012	
V&P	38161	Hydrocodone/ Acetaminophen 7.5/750 mg, #150	37 day supply	5/3/2012	Duplicate therapy.
Sam's Pharmacy		Hydrocodone/ Acetaminophen 5/500 mg, #200	25 day supply	5/22/2012	
V&P	38161	Hydrocodone/ Acetaminophen 7.5/750 mg, #150	37 day supply	6/4/2012	Duplicate therapy.
Sam's Pharmacy		Hydrocodone/ Acetaminophen 5/500 mg, #200	25 day supply	6/19/2012	
V&P	42284	Hydrocodone/ Acetaminophen 7.5/750 mg, #150	37 day supply	7/3/2012	Duplicate therapy.
Sam's Pharmacy		Hydrocodone/ Acetaminophen 5/500 mg, #200	25 day supply	7/18/2012	
V&P	42284	Hydrocodone/ Acetaminophen 7.5/750 mg, #150	37 day supply	8/2/2012	Duplicate therapy.
Sam's Pharmacy		Hydrocodone/ Acetaminophen 5/500 mg, #200	37 day supply	8/13/2012	
V&P	46202	Hydrocodone/ Acetaminophen 7.5/750 mg, #150	37 day supply	8/31/2012	Duplicate therapy, too soon.

1	Sam's Pharmacy		Hydrocodone/ Acetaminophen 5/500 mg, #200	25 day supply	9/26/2012	
2	V&P	46202	Hydrocodone/ Acetaminophen 7.5/750 mg, #150	37 day supply	10/1/2012	Duplicate therapy.
3						
4	Sam's Pharmacy		Hydrocodone/ Acetaminophen 5/500 mg, #200	25 day supply	10/25/2012	
5						
6	V&P	50855	Hydrocodone/ Acetaminophen 7.5/750 mg, #150	37 day supply	11/1/2012	Duplicate therapy.
7						
8	V&P	50855	Hydrocodone/ Acetaminophen 7.5/750 mg, #150	37 day supply	11/30/2012	Too soon.
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10	V&P	55073	Hydrocodone/ Acetaminophen 7.5/750 mg, #150	37 day supply	12/29/2012	Too soon.
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12 f. Lonnell L. – This patient regularly purchased promethazine with codeine from June
13 12, 2010 to March 4, 2013, a period of almost three years. According to the product insert, an
14 unresponsive cough needs to be re-evaluated within 5 days. According to Respondent's Patient
15 Profile, this patient was not taking long acting medications indicative of an underlying chronic
16 respiratory tract disease nor any short-acting bronchodilators. There were 20 instances when
17 Respondent filled 480 ml of promethazine with codeine for an 8-day supply (60 ml per day), which
18 is double the recommended maximum daily dose. These were prescription numbers 1977, 2189,
19 3134 (twice under this number), 4135, 7270, 7919, 8415, 8643, 9445, 10013, 10630, 11794
20 (twice under this number), 12728 (twice under this number), 13472 (twice under this number),
21 16231 and 27158. This information was available to Respondents and should have alerted
22 Respondents about the possibility that the prescriptions were not issued for a legitimate medical
23 purpose.

24 g. Regina L. - This patient regularly purchased promethazine with codeine for over two
25 years (November 30, 2010 to January 29, 2013). According to the product insert, an unresponsive
26 cough needs to be re-evaluated within 5 days. According to Respondent's Patient Profile, this
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1 patient was not taking long acting medications indicative of an underlying chronic respiratory tract
 2 disease nor any short-acting bronchodilators.

3 h. Donald P. – This patient had early refills of controlled substances. In some cases, the
 4 directions on the prescriptions exceeded the recommended maximum dosage of the medication.
 5 This information was available to Respondents and should have alerted Respondents about the
 6 possibility that the prescriptions were not issued for a legitimate medical purpose. An excerpt
 7 from this patient’s medication history follows:

8	Pharmacy	RX #	Drug	Quantity	Date filled	Comments
9	V&P	11852	Hydrocodone/ Acetaminophen	25 day supply	4/20/2011	
10			5/500 mg, #100			
11	V&P	16050	Hydrocodone/ Acetaminophen	25 day supply	4/28/2011	Too soon.
12			5/500 mg, #100			
13	CVS #9121		Promethazine with codeine 480 ml	24 day supply	7/5/2011	
14	V&P	20252	Promethazine with codeine 750 ml	18 day supply	7/18/2011	Too soon. Written directions of 2 teaspoonfuls (10 ml) every 6 hours as needed exceeds maximum recommended daily dosage.
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20	CVS #9121		Promethazine with codeine 480 ml	24 day supply	8/4/2011	
21	V&P	20252	Promethazine with codeine 750 ml	18 day supply	8/5/2011	Too soon and exceeds maximum recommended dosage.
22						
23	CVS #9121		Promethazine with codeine 480 ml	24 day supply	10/15/2011	
24	V&P	26074	Promethazine with codeine 750 ml	18 day supply	10/26/2011	Too soon and exceeds maximum recommended dosage.
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28	CVS #9121		Promethazine with	24 day	11/4/2011	

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		codeine 480 ml	supply		
V&P	27417	Promethazine with codeine 750 ml	37 day supply	11/15/2011	Too soon.
CVS #9121		Promethazine with codeine 480 ml	24 day supply	12/15/2011	
V&P	27417	Promethazine with codeine 750 ml	37 day supply	12/16/2011	Too soon.
CVS #9121		Promethazine with codeine 473 ml	24 day supply	12/31/2011	
V&P	31046	Promethazine with codeine 750 ml	18 day supply	1/10/2012	Too soon and exceeds maximum recommended dosage.
CVS #9121		Promethazine with codeine 473 ml	24 day supply	1/24/2012	
V&P	31046	Promethazine with codeine 750 ml	18 day supply	1/27/2012	Too soon and exceeds maximum recommended dosage.
CVS #9121		Promethazine with codeine 473 ml	16 day supply	3/4/2012	
V&P	32275	Promethazine with codeine 750 ml	20 day supply	3/6/2012	Too soon and exceeds maximum recommended dosage.
CVS #9121		Promethazine with codeine 472 ml	23 day supply	3/23/2012	
V&P	35954	Promethazine with codeine 750 ml	18 day supply	3/27/2012	Too soon and exceeds maximum recommended dosage.
CVS #9121		Promethazine with codeine 472 ml	23 day supply	4/20/2012	
V&P	37939	Promethazine with codeine 750 ml	18 day supply	4/26/2012	Too soon and exceeds maximum recommended dosage.
CVS #9121		Promethazine with codeine 472 ml	23 day supply	5/11/2012	
V&P	39065	Promethazine with	18 day	5/12/2012	Too soon and

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		codeine 750 ml	supply		exceeds maximum recommended dosage.
CVS #9121		Promethazine with codeine 472 ml	23 day supply	6/8/2012	
V&P	40915	Promethazine with codeine 750 ml	18 day supply	6/9/2012	Too soon and exceeds maximum recommended dosage.
CVS #9121		Promethazine with codeine 473 ml	24 day supply	8/17/2012	
V&P	45490	Promethazine with codeine 750 ml	18 day supply	8/20/2012	Too soon and exceeds maximum recommended dosage.
V&P	41442	Carisoprodol 350 mg #90	30 day supply	9/1/2012	
CVS #9121		Promethazine with codeine 480 ml	24 day supply	9/14/2012	
V&P	44701	Promethazine with codeine 750 ml	18 day supply	9/26/2012	Too soon and exceeds maximum recommended dosage.
V&P	41442	Carisoprodol 350 mg #90	30 day supply	9/26/2012	Too soon from 9/1/2012.
V&P	41442	Carisoprodol 350 mg #90	30 day supply	10/2/2012	Too soon from 9/26/2012.
Viet Medical Supply		Promethazine with codeine 480 ml	20 day supply	10/12/2012	
V&P	49428	Promethazine with codeine 720 ml	18 day supply	10/15/2012	Too soon and exceeds maximum recommended dosage.
V&P	48907	Hydrocodone/Acetaminophen 5/500 mg, #120	30 day supply	11/2/2012	
V&P	48907	Hydrocodone/Acetaminophen 5/500 mg, #120	30 day supply	11/7/2012	Too soon.
Viet		Promethazine with	25 day	11/16/2012	

1	Medical Supply		codeine 480 ml	supply		
2	V&P	52219	Promethazine with codeine 860 ml	24 day supply	11/19/2012	Too soon and exceeds maximum recommended dosage.

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4 i. Brenda R. – This patient obtained early refills of controlled substances from
5 Respondent that should have alerted Respondent about the possibility that the prescriptions were
6 not issued for a legitimate medical purpose.

7	Pharmacy	RX #	Drug	Quantity	Date filled	Comments
8	CVS #9109		Oxycodone/apap 10/325 mg, #120	30 day supply	10/4/2012	
9	V&P	50188	Oxycodone/apap 10/325 mg, #120	30 day supply	10/24/2012	Too soon.
10	CVS #9109		Oxycodone/apap 10/325 mg, #120	30 day supply	11/9/2012	
11	V&P	52721	Oxycodone/apap 10/325 mg, #120	30 day supply	11/27/2012	Too soon.
12	V&P	54543	Oxycodone/apap 10/325 mg, #120	30 day supply	12/20/2012	Too soon, early fills compounded.
13	V&P	57519	Oxycodone/apap 10/325 mg, #120	30 day supply	1/31/2013	
14	V&P	58629	Oxycodone/apap 10/325 mg, #180	30 day supply	2/15/2013	Too soon.

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16 j. Barbara S. - This patient obtained early refills of controlled substances from
17 Respondent and had different prescribers for the same medication for the same period of time.
18 This information was available to Respondents and should have alerted Respondents about the
19 possibility that the prescriptions were not issued for a legitimate medical purpose. An excerpt
20 from this patient's medication history follows:
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22	Pharmacy	RX #	Drug	Quantity	Date filled	Comments
23	V&P	7575	Promethazine with codeine 480 ml	24 day supply	11/15/2010	
24	V&P	8688	Promethazine with codeine 240 ml	12 day supply	12/2/2010	Rx from a different prescriber, filled too soon.
25	V&P	13601	Promethazine with codeine 480 ml	24 day supply	3/9/2011	
26	V&P	14339	Promethazine with codeine 240 ml	8 day supply	3/23/2011	Rx from a different

1						prescriber, filled too soon.
2	V&P	33981	Promethazine with codeine 480 ml	24 day supply	2/28/2012	
3	V&P	35206	Promethazine with codeine 240 ml	8 day supply	3/15/2012	Rx from a different prescriber, filled too soon.
4						
5	V&P	48448	Promethazine with codeine 480 ml	24 day supply	10/2/2012	
6	V&P	49502	Promethazine with codeine 240 ml	8 day supply	10/15/2012	Rx from a different prescriber, filled too soon.
7						
8	V&P	53387	Promethazine with codeine 480 ml	24 day supply	12/5/2012	
9	V&P	54465	Promethazine with codeine 240 ml	8 day supply	12/19/2012	Rx from a different prescriber, filled too soon.
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14 k. Olevia S. - This patient obtained early refills of controlled substances from

15 Respondent and had different prescribers for the same medication for the same period of time.

16 This information was available to Respondents and should have alerted Respondents about the

17 possibility that the prescriptions were not issued for a legitimate medical purpose. An excerpt

18 from this patient's medication history follows:

19	Pharmacy	RX #	Drug	Quantity	Date filled	Comments
20	Viet Medical Supply		Carisoprodol 350 mg #50	25 day supply	3/12/2012	
21						
22	V&P	34269	Carisoprodol 350 mg #90	30 day supply	3/29/2012	Rx from a different prescriber, filled too soon.
23						
24	Viet Medical Supply		Carisoprodol 350 mg #50	25 day supply	4/9/2012	
25						
26	V&P	34269	Carisoprodol 350 mg #90	30 day supply	4/28/2012	Rx from a different prescriber, filled
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28						

1						too soon.
2	Viet Medical Supply		Carisoprodol 350 mg #50	25 day supply	5/3/2012	
3	V&P	34269	Carisoprodol 350 mg #90	30 day supply	5/19/2012	Rx from a different prescriber, filled too soon.
4						
5	Viet Medical Supply		Carisoprodol 350 mg #50	25 day supply	6/21/2012	
6	V&P	32451	Carisoprodol 350 mg #90	30 day supply	7/7/2012	Rx from a different prescriber, filled too soon.
7						
8	Viet Medical Supply		Carisoprodol 350 mg #40	20 day supply	7/27/2012	
9	V&P	43415	Carisoprodol 350 mg #90	30 day supply	8/1/2012	Rx from a different prescriber, filled too soon.
10						
11	V&P	43415	Carisoprodol 350 mg #90	30 day supply	8/22/2012.	Too soon, early fills compounded.
12	Viet Medical Supply		Carisoprodol 350 mg #40	20 day supply	11/19/2012	
13	V&P	32451	Carisoprodol 350 mg #90	30 day supply	11/29/2012	Rx from a different prescriber, filled too soon.
14						
15	Viet Medical Supply		Carisoprodol 350 mg #50	25 day supply	2/22/2013	
16	V&P	58438	Carisoprodol 350 mg #60	20 day supply	3/5/2013	Rx from a different prescriber, filled too soon.
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25 1. Clarence T. - This patient had 10 different prescribers and used 9 different pharmacies

26 to obtain controlled substances from July 1, 2010 through March 26, 2013. In addition, this

27 patient obtained early refills on his prescriptions. This information was available to Respondents

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1 and should have alerted Respondents about the possibility that the prescriptions were not issued
 2 for a legitimate medical purpose. An excerpt from this patient's medication history follows:

3	Pharmacy	RX #	Drug	Quantity	Date filled	Comments
4	Medical Center Pharmacy		Hydrocodone/ Acetaminophen 10/325 mg, #60	30 day supply	6/16/2010	
5	V&P	1762	Hydrocodone/ Acetaminophen 10/325 mg, #270	30 day supply	7/1/2010	Rx from a different prescriber, filled too soon.
6	Medical Center Pharmacy		Hydrocodone/ Acetaminophen 10/325 mg, #110	28 day supply	7/19/2010	
7	V&P	1762	Hydrocodone/ Acetaminophen 10/325 mg, #270	30 day supply	7/27/2010	Rx from a different prescriber, filled too soon.
8	Allen Pharmacy		Hydrocodone/ Acetaminophen 10/325 mg, #110	26 day supply	8/19/2010	
9	V&P	1762	Hydrocodone/ Acetaminophen 10/325 mg, #270	30 day supply	8/23/2010	Rx from a different prescriber, filled too soon.
10	Allen Pharmacy		Hydrocodone/ Acetaminophen 10/325 mg, #110	26 day supply	9/25/2010	
11	V&P	4835	Hydrocodone/ Acetaminophen 10/325 mg, #60	30 day supply	9/28/2010	Rx from a different prescriber, filled too soon.
12	Allen Pharmacy		Hydrocodone/ Acetaminophen 10/325 mg, #110	27 day supply	12/14/2010	
13	V&P	9769	Hydrocodone/ Acetaminophen 10/325 mg, #90	30 day supply	12/21/2010	Rx from a different prescriber, filled too soon.
14	SavOn #6771		Hydrocodone/ Acetaminophen 10/325 mg, #110	28 day supply	7/6/2011	
15	V&P	19575	Hydrocodone/ Acetaminophen	30 day supply	7/7/2011	Rx from a different

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		10/325 mg, #120			prescriber, filled too soon.
SavOn #6771		Hydrocodone/ Acetaminophen 10/325 mg, #110	27 day supply	8/4/2011	
V&P	21556	Hydrocodone/ Acetaminophen 10/325 mg, #120	30 day supply	8/10/2011	Rx from a different prescriber, filled too soon.
SavOn #6771		Hydrocodone/ Acetaminophen 10/325 mg, #110	28 day supply	10/5/2011	
V&P	24980	Hydrocodone/ Acetaminophen 10/325 mg, #120	30 day supply	10/6/2011	Rx from a different prescriber, filled too soon.
SavOn #6758		Hydrocodone/ Acetaminophen 10/325 mg, #120	30 day supply	11/14/2011	
V&P	28776	Hydrocodone/ Acetaminophen 10/325 mg, #120	30 day supply	12/5/2011	Rx from a different prescriber, filled too soon.
SavOn #6758		Hydrocodone/ Acetaminophen 10/325 mg, #110	28 day supply	1/3/2012	
V&P	30583	Hydrocodone/ Acetaminophen 10/325 mg, #120	30 day supply	1/4/2012	Rx from a different prescriber, filled too soon.
SavOn #6758		Hydrocodone/ Acetaminophen 10/325 mg, #120	30 day supply	1/12/2012	
V&P	32393	Hydrocodone/ Acetaminophen 10/325 mg, #120	30 day supply	2/1/2012	Rx from a different prescriber, filled too soon.
SavOn #6758		Hydrocodone/ Acetaminophen 10/325 mg, #110	27 day supply	2/29/2012	
V&P	34246	Hydrocodone/ Acetaminophen 10/325 mg, #120	30 day supply	3/1/2012	Rx from a different prescriber, filled too soon.
Vons		Hydrocodone/	27 day	3/28/2012	

1	Pharmacy #2093		Acetaminophen 10/325 mg, #110	supply		
2	Vons Pharmacy #2093		Carisoprodol 350 mg, #100	33 day supply	3/28/2012	
3	V&P	36232	Carisoprodol 350 mg, #60	20 day supply	3/30/2012	Rx from a different prescriber, filled too soon.
4	V&P	36311	Hydrocodone/ Acetaminophen 10/325 mg, #120	30 day supply	4/2/2012	Rx from a different prescriber, filled too soon from 3/28/2012.
5	Vons Pharmacy #2093		Carisoprodol 350 mg, #100	33 day supply	4/25/2012	
6	V&P	38200	Carisoprodol 350 mg, #60	15 day supply	5/1/2012	Rx from a different prescriber, filled too soon.
7	SavOn #6758		Hydrocodone/ Acetaminophen 10/325 mg, #120	30 day supply	5/9/2012	
8	V&P	39813	Hydrocodone/ Acetaminophen 10/325 mg, #110	27 day supply	5/23/2012	Rx from a different prescriber, filled too soon.
9	V&P	39814	Carisoprodol 350 mg, #100	33 day supply	5/23/2012	
10	V&P	40055	Carisoprodol 350 mg, #60	15 day supply	5/29/2012	Rx from a different prescriber, filled too soon.
11	SavOn #6758		Hydrocodone/ Acetaminophen 10/325 mg, #120	30 day supply	6/8/2012	
12	V&P	41559	Hydrocodone/ Acetaminophen 10/325 mg, #110	27 day supply	6/20/2012	Rx from a different prescriber, filled too soon.
13	V&P	41556	Carisoprodol 350 mg, #100	25 day supply	6/20/2012	
14	V&P	42221	Carisoprodol 350 mg, #60	15 day supply	6/29/2012	Rx from a different prescriber, filled
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					too soon.	
1	SavOn #6771		Hydrocodone/ Acetaminophen 10/325 mg, #110	28 day supply	8/15/2012	
2						
3	V&P	46498	Hydrocodone/ Acetaminophen 10/325 mg, #120	30 day supply	9/5/2012	Rx from a different prescriber, filled too soon.
4						
5	SavOn #6771		Carisoprodol 350 mg, #100	33 day supply	9/13/2012	
6	V&P	36232	Carisoprodol 350 mg, #60	20 day supply	10/1/2012	Rx from a different prescriber, filled too soon.
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9	SavOn #6771		Hydrocodone/ Acetaminophen 10/325 mg, #110	27 day supply	12/4/2012	
10						
11	V&P	53338	Hydrocodone/ Acetaminophen 10/325 mg, #120	30 day supply	12/5/2012	Rx from a different prescriber, filled too soon.
12						
13	Viet Medical Supply		Hydrocodone/ Acetaminophen 10/325 mg, #100	30 day supply	1/2/2013	
14						
15	V&P	55611	Hydrocodone/ Acetaminophen 10/325 mg, #120	30 day supply	1/7/2013	Rx from a different prescriber, filled too soon.
16						
17	Viet Medical Supply		Hydrocodone/ Acetaminophen 10/325 mg, #110	30 day supply	1/31/2013	
18						
19	V&P	57769	Hydrocodone/ Acetaminophen 10/325 mg, #120	30 day supply	2/4/2013	Rx from a different prescriber, filled too soon.
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m. Natalie T. – This patient used 7 different prescribers and 5 different pharmacies to obtain controlled substances from June 8, 2011 through March 13, 2013. In addition, this patient obtained early refills on her prescriptions. This information was available to Respondents and should have alerted Respondents about the possibility that the prescriptions were not issued for a legitimate medical purpose. An excerpt from this patient’s medication history follows:

Pharmacy	RX #	Drug	Quantity	Date filled	Comments
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1	V&P	2100	Promethazine with codeine 480 ml	16 day supply	7/14/2010	
2	V&P	2285	Promethazine with codeine 240 ml	8 day supply	7/20/2010	Rx from a different prescriber, filled too soon.
3						
4	CVS #9121		Promethazine with codeine 473 ml	24 day supply	8/16/2011	
5	V&P	19934	Promethazine with codeine 480 ml	24 day supply	8/18/2011	Too soon.
6	CVS #9121		Promethazine with codeine 473 ml	24 day supply	9/7/2011	
7	V&P	19934	Promethazine with codeine 480 ml	24 day supply	9/7/2011	Too soon.
8	CVS #9162		Promethazine with codeine 240 ml	16 day supply	10/15/2011	
9	V&P	23729	Promethazine with codeine 480 ml	12 day supply	10/19/2011	Rx from a different prescriber, filled too soon.
10						
11	CVS #9121		Promethazine with codeine 118 ml	8 day supply	12/29/2011	
12	V&P	29331	Promethazine with codeine 240 ml	12 day supply	12/29/2011	Rx from a different prescriber, filled too soon.
13						
14	Viet Medical Supply		Promethazine with codeine 473 ml	20 day supply	9/21/2012	
15	V&P	46392	Promethazine with codeine 240 ml	12 day supply	9/25/2012	Rx from a different prescriber, filled too soon.
16						
17	Viet Medical Supply		Promethazine with codeine 473 ml	20 day supply	10/11/2012	
18	V&P	49473	Promethazine with codeine 240 ml	12 day supply	10/15/2012	Rx from a different prescriber, filled too soon.
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n. William T. – This patient used 30 different prescribers and 14 different pharmacies to obtain controlled substances from January 23, 2011 through May 14, 2013. This patient obtained early refills and regularly purchased promethazine with codeine from October 11, 2011 through

1 May 6, 2011. According to the product insert, an unresponsive cough needs to be re-evaluated
 2 within 5 days. According to Respondent's Patient Profile, this patient was not taking long acting
 3 medications indicative of an underlying chronic respiratory tract disease but was on one short-
 4 acting bronchodilators. An excerpt from this patient's medication history follows:

5	Pharmacy	RX #	Drug	Quantity	Date filed	Comments
6	CVS #9121		Promethazine with codeine 300 ml	20 day supply	12/21/2011	
7	V&P	30252	Promethazine with codeine 473 ml	23 day supply	12/28/2011	Rx from a different prescriber, filled too soon.
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9						
10	CVS #9121		Promethazine with codeine 473 ml	16 day supply	3/12/2012	
11	V&P	35261	Promethazine with codeine 480 ml	24 day supply	3/15/2012	Too soon.
12						
13	CVS #9121		Promethazine with codeine 473 ml	30 day supply	6/19/2012	
14	V&P	41809	Promethazine with codeine 480 ml	30 day supply	6/25/2012	Too soon.
15						
16	SavOn #6771		Hydrocodone/ Acetaminophen 10/325 mg, #180	30 day supply	7/25/2012	
17	V&P	43969	Hydrocodone/ Acetaminophen 10/325 mg, #90	22 day supply	7/27/2012	Rx from a different prescriber, filled too soon.
18						
19	SavOn #6771		Hydrocodone/ Acetaminophen 10/325 mg, #120	20 day supply	11/15/2012	
20						
21	V&P	43969	Hydrocodone/ Acetaminophen 10/325 mg, #180	30 day supply	11/28/2012	Too soon.
22						

23 o. Terry F. – This patient regularly purchased promethazine with codeine from August 9,
 24 2010 through February 25, 2013. According to the product insert, an unresponsive cough needs
 25 to be re-evaluated within 5 days. According to Respondent's Patient Profile, this patient was not
 26 taking long acting medications indicative of an underlying chronic respiratory tract disease nor any
 27 short-acting bronchodilators.

1 p. Leola A. - This patient regularly purchased promethazine with codeine from July 13,
2 2011 through March 2, 2013. According to the product insert, an unresponsive cough needs to be
3 re-evaluated in 5 days or sooner. According to Respondent's Patient Profile, this patient was not
4 taking long acting medications indicative of an underlying chronic respiratory tract disease nor any
5 short-acting bronchodilators.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **AS TO V&P PHARMACY AND CHAU TRUNG VO**

8 **(Acted As A Wholesaler Without License)**

9 32. Respondents V&P Pharmacy and Chau Trung Vo are subject to disciplinary action
10 pursuant to Code section 4301, subdivision (o) in conjunction with Code section 4160 in that
11 Respondents acted as a wholesaler by accepting medications from the community in order to
12 manage the disposition of outdated or nonsalable dangerous drugs when Respondents were not
13 licensed wholesalers, as more fully set forth in paragraph 22 above and incorporated by this
14 reference as though set forth in full.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **AS TO V&P PHARMACY AND CHAU TRUNG VO**

17 **(Failure to Maintain Effective Control Against Theft or Loss of Controlled Substances)**

18 33. Respondents V&P Pharmacy and Chau Trung Vo are subject to disciplinary action
19 pursuant to Code section 4301, subdivision (o) in conjunction with title 16, California Code of
20 Regulations, section 1714, subdivision (b) in that Respondents could not account for 5674 tablets
21 of hydrocodone/acetaminophen 10/325 mg and 24 pints of promethazine with codeine syrup
22 between July 26, 2011 and January 15, 2013, as more fully set forth in paragraphs 22 – 31 above
23 and incorporated by this reference as though set forth in full.

24 **THIRD CAUSE FOR DISCIPLINE**

25 **AS TO V&P PHARMACY AND CHAU TRUNG VO**

26 **(Failure to Maintain Current Inventory)**

27 34. Respondents V&P Pharmacy and Chau Trung Vo are subject to discipline pursuant to
28 Code section 4301, subdivision (j), in conjunction with Code section 4081(b) and title 16,

1 California Code of Regulations section 1718, for unprofessional conduct in that Respondents failed
2 to maintain a current inventory in that they could not account for a shortage of 5674 tablets of
3 hydrocodone/acetaminophen 10/325 mg and 24 pints of promethazine with codeine syrup between
4 July 26, 2011 and January 15, 2013, as more fully set forth in paragraphs 22 – 31 above and
5 incorporated by this reference as though set forth in full.

6 **FOURTH CAUSE FOR DISCIPLINE**

7 **AS TO V&P PHARMACY AND CHAU TRUNG VO**

8 **(Unprofessional Conduct - Variation from Prescription)**

9 35. Respondents V&P Pharmacy and Chau Trung Vo are subject to disciplinary action
10 pursuant to Code section 4301, subdivision (o) in conjunction with title 16, California Code of
11 Regulations, section 1716, for unprofessional conduct in that Respondents deviated from the
12 requirements of a prescription. Specifically, prescription RX 34088C5 was dispensed with
13 directions “take 1 to 2 teaspoonful [sic] by mouth every 6 to 8 hours as needed for pain, fever”
14 when the directions on RX 34088 stated “ii to po q 6 8,” which is “take 2 teaspoonfuls by mouth
15 every 6 to 8 hours,” as more fully set forth in paragraphs 22 – 31 above and incorporated by this
16 reference as though set forth in full.

17 **FIFTH CAUSE FOR DISCIPLINE**

18 **AS TO V&P PHARMACY AND CHAU TRUNG VO**

19 **(Failure to Comply with Corresponding Responsibility**

20 **for Legitimate Controlled Substance Prescriptions)**

21 36. Respondents V&P Pharmacy and Chau Trung Vo are subject to disciplinary action
22 pursuant to Code section 4301, subdivision (j), in conjunction with Health and Safety Code section
23 11153(a) for unprofessional conduct in that Respondents failed to comply with their corresponding
24 responsibility to ensure that controlled substances are dispensed for a legitimate medical purpose
25 when Respondents failed to evaluate the totality of the circumstances (information from
26 Respondent’s own records and other sources) to determine the prescription’s legitimate medical
27 purpose in light of information showing that prescriptions for controlled substances were filled
28 early, there was duplication of therapy, patients filled prescriptions for the same controlled

1 substance from different pharmacies, patients had numerous prescribers for the same drug and
2 patients were dispensed promethazine with codeine for extended periods, among other things, as
3 more fully set forth in paragraphs 22 – 31 above and incorporated by this reference as though set
4 forth in full.

5 **SIXTH CAUSE FOR DISCIPLINE**

6 **AS TO V&P PHARMACY AND CHAU TRUNG VO**

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

8 37. Respondents V&P Pharmacy and Chau Trung Vo are subject to discipline pursuant to
9 Code section 4301, subdivision (d), for unprofessional conduct in that Respondents clearly
10 excessively furnished controlled substances during the period June 12, 2010 through March 26,
11 2013, as more fully set forth in paragraphs 22 – 31 above and incorporated by this reference as
12 though set forth in full.

13 **SEVENTH CAUSE FOR DISCIPLINE**

14 **AS TO CHAU TRUNG VO**

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

16 38. Respondent Chau Trung Vo is subject to discipline pursuant to Code section 4301,
17 subdivision (c), for unprofessional conduct in that Respondent was grossly negligent in dispensing
18 controlled substances, or in performing his duties as the Pharmacist-in-Charge, during the period
19 June 12, 2010 through March 26, 2013. Respondent knew or should have known that certain
20 patients were receiving early refills of controlled substances, there was duplication of therapy,
21 patients filled prescriptions for the same controlled substance from different pharmacies, patients
22 had numerous prescribers for the same drug and patients were dispensed promethazine with
23 codeine for extended periods, as more fully set forth in paragraphs 22 – 31 above and incorporated
24 by this reference as though set forth in full herein, such that Respondent should have taken further
25 steps to determine whether the prescriptions were issued for a legitimate medical purpose.

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28 **EIGHTH CAUSE FOR DISCIPLINE**

1 **AS TO CHAU TRUNG VO**

2 **(Unprofessional Conduct – Negligence)**

3 39. Respondent Chau Trung Vo is subject to discipline pursuant to Code section 4301, for
4 unprofessional conduct in that Respondent was negligent in dispensing controlled substances, or in
5 performing his duties as the Pharmacist-in-Charge, during the period June 12, 2010 through March
6 26, 2013. Respondent knew or should have known that certain patients were receiving early refills
7 of controlled substances, there was duplication of therapy, patients filled prescriptions for the same
8 controlled substance from different pharmacies, patients had numerous prescribers for the same
9 drug and patients were dispensed promethazine with codeine for extended periods, as more fully
10 set forth in paragraphs 22 – 31 above and incorporated by this reference as though set forth in full
11 herein, such that Respondent should have taken further steps to determine whether the
12 prescriptions were issued for a legitimate medical purpose.

13 **EIGHTH CAUSE FOR DISCIPLINE**

14 **AS TO CHAU TRUNG VO**

15 **(Unprofessional Conduct)**

16 40. Respondent Chau Trung Vo is subject to discipline pursuant to Code section 4301 for
17 unprofessional conduct in that Respondent engaged in the activity described in paragraphs 22 – 31
18 above, and incorporated by this reference as though set forth in full herein.

19 **DISCIPLINE CONSIDERATIONS**

20 41. To determine the degree of discipline, if any, to be imposed on Respondent V&P
21 Pharmacy, Complainant alleges that on or about May 8, 2012, in a prior action, the Board of
22 Pharmacy issued Citation Number C 2011 49124 and ordered Respondent to pay a fine in the
23 amount of \$2,000.00. That Citation is now final and is incorporated by reference as if fully set
24 forth.

25 42. To determine the degree of discipline, if any, to be imposed on Respondent Chau
26 Trung Vo, Complainant alleges that on or about May 8, 2012, in a prior action, the Board of
27 Pharmacy issued Citation Number C 2011 52234 and ordered Respondent to pay a fine in the
28

1 amount of \$2,000.00. That Citation is now final and is incorporated by reference as if fully set
2 forth.

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 Number PHY 50261 issued to V&P
7 Pharmacy;

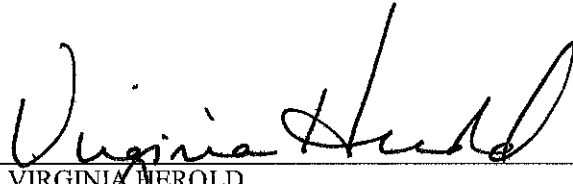
8 2. Revoking or suspending Pharmacist License Number RPH 55532 issued to Chau
9 Trung Vo;

10 3. Ordering V&P Pharmacy and Chau Trung Vo, jointly and severally, to pay the Board
11 of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to
12 Business and Professions Code section 125.3; and,

13 4. Taking such other and further action as deemed necessary and proper.

14
15
16 DATED: _____

4/9/14



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

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