

1 KAMALA D. HARRIS  
Attorney General of California  
2 ANTOINETTE CINCOTTA  
Supervising Deputy Attorney General  
3 NICOLE R. TRAMA  
Deputy Attorney General  
4 State Bar No. 263607  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2143  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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

11  
12 In the Matter of the Accusation Against:

Case No. 5373

13 **SPECTRUM PHARMACY INC.,**  
**DBA SPECTRUM PHARMACY – ANAHEIM;**  
14 **NINA THIEN-NG PHAM, CHIEF**  
**EXECUTIVE OFFICER/PHARMACIST-IN-**  
15 **CHARGE;**  
**STEVEN DUNG TRUONG, PHARMACIST-**  
16 **IN-CHARGE**  
1236 N. Magnolia Avenue  
17 Anaheim, CA 92801

**A C C U S A T I O N**

18 Pharmacy Permit No. PHY 50751

19 **STEVEN DUNG TRUONG**  
18 Endeavor 100  
20 Irvine, CA 92618

21 Pharmacist License No. RPH 52822

22 and

23 **NINA THIEN-NGA TRAN**  
1236 N. Magnolia Avenue  
24 Anaheim, CA 92801

25 Pharmacist License No. RPH 55935

26 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 (Board), Department of Consumer Affairs.

5 2. On or about February 21, 2012, the Board issued Pharmacy Permit Number PHY  
6 50751 to Spectrum Pharmacy Inc., to do business as Spectrum Pharmacy - Anaheim (Respondent  
7 Spectrum - Anaheim). The Pharmacy Permit was in full force and effect at all times relevant to  
8 the charges brought herein, and will expire on February 1, 2017, unless renewed.

9 3. On or about September 5, 2001, the Board issued Pharmacist License No. RPH 52822  
10 to Steven Dung Truong (Respondent Truong). The Pharmacist License was in full force and  
11 effect at all times relevant to the charges brought herein, and will expire on January 31, 2017,  
12 unless renewed.

13 4. On or about August 4, 2004, the Board issued Pharmacist License No. RPH 55935 to  
14 Nina Thien-Nga Tran (Respondent Nina Tran). The Pharmacist License was in full force and  
15 effect at all times relevant to the charges brought herein, and will expire on December 31, 2017,  
16 unless renewed.

17 **JURISDICTION**

18 5. This Accusation is brought before the Board, under the authority of the following  
19 laws. All section references are to the Business and Professions Code unless otherwise indicated.

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

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

25 8. Section 4300.1 of the Code states:

26 The expiration, cancellation, forfeiture, or suspension of a board-issued  
27 license by operation of law or by order or decision of the board or a court of law,  
28 the placement of a license on a retired status, or the voluntary surrender of a  
license by a licensee shall not deprive the board of jurisdiction to commence or

1 proceed with any investigation of, or action or disciplinary proceeding against, the  
licensee or to render a decision suspending or revoking the license.

2 9. Section 4307(a) of the Code states:

3 (a) Any person who has been denied a license or whose license has been  
4 revoked or is under suspension, or who has failed to renew his or her license while  
5 it was under suspension, or who has been a manager, administrator, owner,  
6 member, officer, director, associate, or partner of any partnership, corporation,  
7 firm, or association whose application for a license has been denied or revoked, is  
8 under suspension or has been placed on probation, and while acting as the  
9 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:

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

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

#### 14 STATUTORY PROVISIONS

15 10. Section 4022 of the Code states:

16 "Dangerous drug" or "dangerous device" means any drug or device unsafe  
17 for self-use in humans or animals, and includes the following:

18 (a) Any drug that bears the legend: "Caution: federal law prohibits  
dispensing without prescription," "Rx only," or words of similar import.

19 (b) Any device that bears the statement: "Caution: federal law restricts this  
20 device to sale by or on the order of a \_\_\_\_\_," "Rx only," or words of similar import,  
21 the blank to be filled in with the designation of the practitioner licensed to use or  
order use of the device.

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

24 11. Section 4113, subdivision (c) of the Code states: "The pharmacist-in-charge shall be  
25 responsible for a pharmacy's compliance with all state and federal laws and regulations pertaining  
26 to the practice of pharmacy."

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12. Section 4301 of the Code states:

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

....

(c) Gross negligence.

....

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

....

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

....

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.

**REGULATORY PROVISIONS**

14. Code of Federal Regulations, title 21, section 1306.04 states in pertinent part:

(a) A prescription for a controlled substance to be effective must be issued for a legitimate medical purpose by an individual practitioner acting in the usual

1 course of his professional practice. The responsibility for the proper prescribing  
2 and dispensing of controlled substances is upon the prescribing practitioner, but a  
3 corresponding responsibility rests with the pharmacist who fills the prescription.  
4 An order purporting to be a prescription issued not in the usual course of  
5 professional treatment or in legitimate and authorized research is not a prescription  
6 within the meaning and intent of section 309 of the Act (21 U.S.C. 829) and the  
7 person knowingly filling such a purported prescription, as well as the person  
8 issuing it, shall be subject to the penalties provided for violations of the provisions  
9 of law relating to controlled substances.

10 . . . .

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

12 (a) No pharmacist shall compound or dispense any prescription which  
13 contains any significant error, omission, irregularity, uncertainty, ambiguity or  
14 alteration. Upon receipt of any such prescription, the pharmacist shall contact the  
15 prescriber to obtain the information needed to validate the prescription.

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

#### 20 COST RECOVERY

21 16. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
22 administrative law judge to direct a licentiate found to have committed a violation or violations of  
23 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
24 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
25 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
26 included in a stipulated settlement.

#### 27 DRUGS

28 17. At all times mentioned herein, Hydrocodone/APAP was a Schedule III controlled  
substance pursuant to Health and Safety Code section 11056, subdivision (e), and a dangerous  
drug pursuant to Business and Professions Code section 4022. On October 6, 2014,  
Hydrocodone/APAP was reclassified as a Schedule II controlled substance.

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1 18. Oxycodone is a Schedule II controlled substance pursuant to Health and Safety Code  
2 section 11055, subdivision (b)(1)(M), and a dangerous drug pursuant to Business and Professions  
3 Code section 4022.

4 19. Promethazine with codeine is a Schedule V controlled substance pursuant to Health  
5 and Safety Code section 11058, subdivision (c)(1), and a dangerous drug pursuant to Business  
6 and Professions Code section 4022.

### 7 **FACTUAL ALLEGATIONS**

8 20. From February 21, 2012 through October 1, 2012, Respondent Truong was  
9 Pharmacist-in-Charge (PIC) of Respondent Spectrum – Anaheim. Prior to October 5, 2012,  
10 Respondent Nina Tran was a staff pharmacist at Respondent Spectrum – Anaheim. On October  
11 5, 2012, Respondent Nina Tran became the PIC of Respondent Spectrum - Anaheim.

12 21. In October, 2012, during a Board inspection at Respondent Spectrum - Anaheim, it  
13 was discovered that Respondents dispensed several prescriptions written by Dr. J.A.<sup>1</sup> in sequence  
14 for different out-of-the-area patients with the same or similar diagnosis,<sup>2</sup> for the same exact drug  
15 and dosage (oxycodone 30 mg), with similar directions for use, and on the same day. Examples  
16 are as follows:

17 a. On August 2, 2012, Respondent Spectrum – Anaheim dispensed RX No.  
18 200014 for oxycodone 30 mg to patient L.C., whose address is in Los Angeles. That same day,  
19 Respondent Spectrum – Anaheim dispensed RX No. 200015 for oxycodone 30 mg to patient  
20 M.R., whose address is in Los Angeles. The prescriptions were written in sequence and  
21 dispensed in sequence.

22 b. On August 8, 2012, Respondent Nina Tran dispensed RX No. 200017 for  
23 oxycodone 30 mg to patient A.G., whose address is in Huntington Park. That same day,  
24 Respondent Nina Tran dispensed RX No. 200018 for oxycodone 30 mg for patient E.H., whose  
25 address is in Los Angeles.

26 \_\_\_\_\_  
27 <sup>1</sup> Dr. J.A.'s practice, Pure Life Institute, specializes in hormone replacement and anti-  
aging.

28 <sup>2</sup> The diagnoses were either osteoarthritis or back pain.

1 c. On August 9, 2012, Respondent Nina Tran dispensed RX No. 200020 for  
2 oxycodone 30 mg to patient M.D.P., whose address is in Lynwood. That same day, Respondent  
3 Nina Tran dispensed RX No. 200023 for oxycodone 30 mg for patient R.S., whose address is in  
4 Koreatown.

5 d. On August 21, 2012, Respondent Nina Tran dispensed RX No. 200029 for  
6 oxycodone 30 mg to patient J.M., whose address is in Vernon. That same day, Respondent Nina  
7 Tran dispensed RX No. 200030 for oxycodone 30 mg to patient E.C., whose address is in Los  
8 Angeles.

9 e. On August 30, 2012, Respondent Nina Tran dispensed RX No. 200032 for  
10 oxycodone 30 mg to patient M.P., whose address is in Commerce. That same day, Respondent  
11 Nina Tran dispensed RX No. 200033 for oxycodone 30 mg to patient L.C., whose address is in  
12 Commerce. The prescriptions were written in sequence and dispensed in sequence.

13 f. On September 11, 2012, Respondent Spectrum – Anaheim dispensed RX No.  
14 200040 for oxycodone 30 mg to patient A.G., who address is in Huntington Park. The next day,  
15 on September 12, 2012, Respondent Nina Tran dispensed RX No. 200041 for oxycodone 30 mg  
16 to patient R.S., whose address is in Koreatown. Also, on September 12, 2012, Respondent Nina  
17 Tran dispensed RX No. 200042 for oxycodone 30 mg to patient M.J., whose address is in Vernon.

18 22. When initially questioned, Respondent Nina Tran stated that Respondent Spectrum –  
19 Anaheim no longer filled Dr. J.A.’s prescriptions because she did not trust the patients.

20 23. Review of Respondent Spectrum – Anaheim’s records revealed that Respondents  
21 dispensed controlled substances to the following nine out-of-area patients, who doctor-shopped  
22 and pharmacy-shopped:<sup>3</sup>

23 24. Patient LC

24 Patient L.C., who was born in 1940, resided in Los Angeles. Between January 2009  
25 and February 2013, L.C. obtained controlled substances from ten different doctors from Los

26 <sup>3</sup> Most of the patients’ diagnoses were the same. All nine of the patients received  
27 oxycodone prescriptions in the same strength (30 mg) with directions to take either 1 or 2 tablets  
28 every 8 hours. Although the patients’ age range from 65-76 years old, all of the doses were the  
same without regard to age, renal, or hepatic function, in which doses would need to be titrated.

1 Angeles, Encino, Panorama City, Monterey Park, Northridge, Tustin and Stockton, and she  
2 obtained controlled substances from eleven different pharmacies in Burbank, Los Angeles,  
3 Ontario, Arcadia, Monterey Park, Santa Ana, Pomona, and Pico Rivera. Respondent Spectrum --  
4 Anaheim dispensed two prescriptions to L.C. for oxycodone 30 mg, RX No. 200014 on August 2,  
5 2012 and RX No. 200033 on August 30, 2012 (dispensed by Respondent Nina Tran). Both  
6 prescriptions were written by Dr. J.A., whose office is approximately 30 miles from L.C.'s  
7 address. Both prescriptions show that L.C. was taking 2 tablets of oxycodone every eight hours,  
8 for a total of six tablets per day. Respondent Anaheim -- Spectrum's records showed that L.C.  
9 had orthoarthritis, but there were no other notes indicating that the pharmacist questioned or  
10 verified the large dose or frequency of the prescribed medication, or why L.C. was not taking a  
11 long-acting drug, such as Oxycontin, along with the shorter acting formulation for breakthrough  
12 pain.

13 25. Patient MDP

14 Patient M.D.P.'s, who was born in 1936, resided in Lynwood. From May 2009 to  
15 September 2012, M.D.P. saw at least eleven physicians in Los Angeles, Tustin, Redondo Beach,  
16 Encino, Panorama City, Northridge, Stockton, and Culver City, who prescribed her controlled  
17 substances, and she obtained controlled substances from twelve different pharmacies in Newhall,  
18 Los Angeles, Gardena, Lynwood, Burbank, Ontario, Commerce, Baldwin Park, North  
19 Hollywood, and Santa Ana. Respondent Nina Tran dispensed two prescriptions to M.P., RX No.  
20 200020 on August 9, 2012 and RX No. 200036 on September 6, 2012, for oxycodone 30 mg with  
21 instructions to take 1-2 tablets every eight hours. Both prescriptions were written by Dr. J.A.,  
22 whose office is approximately 30 miles from M.D.P.'s address. Respondent Anaheim --  
23 Spectrum's records showed no indication that Respondents questioned or verified the  
24 prescriptions prior to dispensing them to M.D.P. Instead, the records show that Respondents  
25 received information from the prescriber about this patient's diagnosis on September 28, 2012,  
26 twenty-two days after they filled her prior prescription.

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1           26. Patient A.G.

2           Patient A.G., who was born in 1944, resided in South Gate. The address that Patient A.G.  
3 provided to Respondents, which was in Huntington Park, actually belonged to a warehouse.  
4 From May 2009 to August, 2012, A.G. saw at least five physicians in Huntington Park,  
5 Inglewood, Northridge, Panorama City, Los Angeles, and Tustin who prescribed her controlled  
6 substances and, she obtained controlled substances from seven pharmacies in Huntington Park,  
7 Lynwood, Arcadia, Burbank, Woonsocket, and Santa Ana prior to receiving medications from  
8 Respondents. Respondents dispensed two prescriptions for oxycodone 30 mg, RX No. 200017 on  
9 August 8, 2012 (dispensed by Respondent Nina Tran) and RX No. 200040 on September 11,  
10 2012. Both prescriptions were written by Dr. J.A., whose office is approximately 32 miles from  
11 A.G.'s address. Respondent Anaheim – Spectrum's records showed that A.G. had osteoarthritis,  
12 but there were no other notes indicating that the pharmacist questioned the prescriber or patient  
13 about the length of time that A.G. had taken the drug or if the patient had tried any other  
14 therapies.

15           27. Patient E.H.

16           Patient E.H., who was born in 1942, resided in Los Angeles. From November 2010 to  
17 August 2012, E.H. obtained controlled substances from at least six pharmacies prior to receiving  
18 medications from Respondents. On August 8, 2012, Respondent Nina Tran dispensed to E.H.,  
19 RX No. 200018 for oxycodone 30 mg, written by Dr. J.A., whose office is approximately 35  
20 miles from E.H.'s address. Respondents did not receive information from the prescriber about  
21 this patient's diagnosis until September 28, 2012, fifty-one days after they filled E.H.'s  
22 prescription. Respondent Anaheim – Spectrum's records showed no other indication that the  
23 pharmacist clarified the prescription with E.H. or the doctor, or that they questioned the other  
24 medications that E.H. was using or had tried.

25           28. Patient M.J.

26           Patient M.J., who was born in 1947, resided in Los Angeles. From May 2010 to August  
27 2012, M.J. saw at least five different physicians in Los Angeles, Northridge, and Stockton, who  
28 prescribed her controlled substances. Between that time period, M.J. obtained controlled

1 substances from at least seven pharmacies in Huntington Park, Ontario, Los Angeles, Lynwood,  
2 Burbank, Hacienda Heights, and Santa Ana, prior to receiving medications from Respondents.  
3 Respondent Nina Tran dispensed two prescriptions for oxycodone 30 mg to M.J., RX No. 200026  
4 on August 17, 2012 and RX No. 200042 on September 12, 2012. Both prescriptions were written  
5 by Dr. J.A., whose address is approximately 33 miles from M.J.'s address. Respondents did not  
6 receive information from the prescriber about this patient's diagnosis until September 28, 2012,  
7 sixteen days after M.J.'s last prescription was filled by Respondents.

8 29. Patient J.M.

9 Patient J.M., who was born in 1940, resides in Los Angeles. From October 2009 to August  
10 2012, J.M. saw at least nine different physicians in Los Angeles, Encino, Panorama City,  
11 Northridge, Stockton, and Tustin, who prescribed him controlled substances, and he obtained  
12 controlled substances from at least six different pharmacies in Burbank, Los Angeles, Lynwood,  
13 Oxnard, and Santa Ana, prior to receiving medications from Respondents. Respondent Nina Tran  
14 dispensed RX No. 200029 for oxycodone 30 mg on August 21, 2012, written by Dr. J.A., whose  
15 address is approximately 37 miles from J.M.'s address. Respondents did not receive information  
16 from the prescriber about this patient's diagnosis until September 28, 2012, thirty-eight days after  
17 the prescription was filled by Respondents.

18 30. Patient M.P.

19 Patient M.P., who was born in 1941, resided in Los Angeles.<sup>4</sup> Between October 2009 and  
20 August 2012, M.P. saw nine physicians in Los Angeles, Encino, Panorama City, Northridge,  
21 Glendale, Stockton, and Tustin, who prescribed him controlled substances, and he obtained  
22 controlled substances from at least nine pharmacies in Burbank, Reseda, Lynwood, Van Nuys,  
23 Ontario, Los Angeles, Arcadia, Santa Ana, and Pico Rivera, prior to receiving medications from  
24 Respondents. Respondents dispensed two prescriptions for oxycodone 30 mg to M.P., RX No.  
25 200015 on August 2, 2012 and RX No. 200032 (dispensed by Respondent Nina Tran) on August  
26 30, 2012. Both prescriptions were written by Dr. J.A., whose office is approximately 30 miles

27 \_\_\_\_\_  
28 <sup>4</sup> Patient M.P. had the same address and phone number as Patient L.C.

1 from M.P.'s address. Both prescriptions also had "Dx: back pain" written on them; however,  
2 there is no other documentation or records showing that the pharmacist spoke to the doctor or  
3 M.P. about M.P.'s previous or current therapies, or that either prescription had been verified.

4 31. Patient R.S.

5 Patient R.S., who was born in 1938, resided in Los Angeles. Between May 2009 and  
6 August 2012, R.S. saw fourteen physicians who prescribed him controlled substances. During  
7 that same timeframe, he obtained controlled substances from at least nineteen pharmacies in  
8 Stanton, Fountain Valley, Mission Viejo, Huntington Beach, South Pasadena, Redlands, Palm  
9 Desert, Apple Valley, Ontario, Gardena, Rancho Palos Verdes, Alhambra, Reseda, Burbank,  
10 Orange, Woonsocket, and Santa Ana, prior to receiving medications from Respondents.  
11 Respondent Nina Tran dispensed two prescriptions for oxycodone 30 mg to R.S., RX 200023 on  
12 August 14, 2012 and RX No. 200041 on September 12, 2012. Both prescriptions were written by  
13 Dr. J.A., whose office is approximately 38 miles from R.S.'s address. Both prescriptions have a  
14 note that states, "chronic intractibal [sic] pain lower lumbar," however, there is not other  
15 documentation or records showing that the pharmacist spoke to the doctor or R.S. about the  
16 prescriptions.

17 32. Patient E.C.

18 Patient E.C., who was born in 1936, resided in Los Angeles. From July 2010 to August  
19 2012, E.C. saw at least five different physicians in Northridge, Stockton, Los Angeles and Tustin,  
20 who prescribed her controlled substances and she obtained controlled substances from at least six  
21 pharmacies in Lynwood, Burbank, Alhambra, Los Angeles, Santa Ana, and Pico Rivera, prior to  
22 receiving medications from Respondents. Respondent Nina Tran dispensed to E.C. RX No.  
23 200030 for oxycodone 30 mg on August 21, 2012, written by Dr. J.A., whose office is  
24 approximately 37 miles from E.C.'s address. The diagnosis written in the upper left corner of the  
25 prescription states that the patient had a lower lumbar fracture. On August 23, 2012, Respondents  
26 also dispensed RX No. 400156 for Zolpidem 10 mg written by Dr. J.A. Respondents refilled that  
27 prescription on September 17, 2012.



1 behaviors such as doctor and pharmacy shopping, numerous patients had addresses outside  
2 Respondents' normal trade area, and several patients came into Respondent Pharmacy in  
3 sequence from the same doctor with prescriptions for the same drug and strength on the same day,  
4 among other things, as set forth in paragraphs 20 through 34, which are incorporated herein by  
5 reference.

### 6 **SECOND CAUSE FOR DISCIPLINE**

#### 7 **(Unprofessional Conduct – Filling Erroneous or Uncertain Prescriptions)**

8 36. Respondents are subject to disciplinary action for unprofessional conduct under Code  
9 section 4301, subdivision (o), for violating California Code of Regulations, title 16, section 1761  
10 for filling erroneous or uncertain prescriptions in that Respondents dispensed prescriptions  
11 containing errors, irregularities, or uncertainties to patients, as set forth in paragraphs 20 through  
12 34, which are incorporated herein by reference.

### 13 **THIRD CAUSE FOR DISCIPLINE**

#### 14 **(Unprofessional Conduct – Gross Negligence)**

15 37. Respondents are subject to disciplinary action for unprofessional conduct under Code  
16 section 4301, subdivision (c), in that Respondents were grossly negligent in dispensing controlled  
17 substances. The circumstances are that Respondents knew or should have known that the  
18 controlled substances dispensed to patients were likely to be used for other than a legitimate  
19 medical purpose and Respondent failed to take appropriate steps when presented with numerous  
20 controlled substance prescriptions by patients from the same doctor for the same drug and  
21 strength on the same day and who came into Respondent Pharmacy in sequence. Respondent  
22 failed to perform additional investigation to determine whether the prescriptions were issued for a  
23 legitimate medical purpose, as set forth in paragraphs 20 through 34, which are incorporated  
24 herein by reference.

### 25 **DISCIPLINARY CONSIDERATIONS**

26 38. To determine the degree of discipline, if any, to be imposed on Respondent Truong,  
27 Complainant alleges that on or about July 25, 2013, in a prior action, the Board of Pharmacy  
28 issued Citation Number CI 2011 52553 to Respondent Truong for violation of Business and

1 Professions Code section 4301, subdivisions (f), unprofessional conduct: acts of moral turpitude,  
2 dishonesty, fraud deceit or corruption, and subdivision (g), knowingly making or signing any  
3 certificate or other document that falsely represents the existence or nonexistence of a fact; and  
4 Business and Professions Code section 4342 for drugs lacking quality and strength, and assessed  
5 a fine in the amount of \$2,500.00. That Citation is now final and is incorporated by reference as  
6 if fully set forth.

7 39. The circumstances that led to the citation are that in January and February 2012,  
8 Respondent Truong was the pharmacist-in-charge at Santa Elena Pharmacy. On or about  
9 February 10, 2012, during a Board inspection, it was discovered that Santa Elena Pharmacy failed  
10 to reverse insurance claims for a patient who did not receive the medication the patient was  
11 charged for receiving. In addition, Santa Elena Pharmacy had several medications that were in  
12 repackaged bottles and vials with improper labels.

#### 13 OTHER MATTERS

14 40. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number  
15 PHY 50751 issued to Spectrum Pharmacy Inc., DBA Spectrum – Anaheim, and Steven Dung  
16 Truong and/or Nina Thien-Nga Tran, while acting as the manager, administrator, owner, member,  
17 officer, director, associate, or partner of Spectrum Pharmacy Inc., DBA Spectrum – Anaheim, had  
18 knowledge of or knowingly participated in any conduct for which Pharmacy Permit Number PHY  
19 50751 issued to Spectrum Pharmacy Inc., DBA Spectrum – Anaheim was revoked, suspended or  
20 placed on probation, Steven Dung Truong, and/or Nina Thien-Nga Tran shall be prohibited from  
21 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a  
22 licensee for five years if Pharmacy Permit Number PHY 50751 issued to Spectrum Pharmacy  
23 Inc., DBA Spectrum – Anaheim is placed on probation or until Pharmacy Permit Number PHY  
24 50751 issued to Spectrum Pharmacy Inc., DBA Spectrum – Anaheim is reinstated if it is revoked.

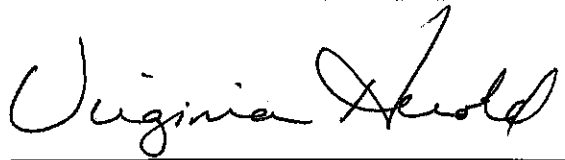
#### 25 PRAYER

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

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- 1           1.    Revoking or suspending Pharmacy Permit Number PHY 50751, issued to Spectrum
- 2 Pharmacy Inc., DBA Spectrum – Anaheim;
- 3           2.    Revoking or suspending Pharmacist License No. RPH 52822, issued to Steven Dung
- 4 Truong;
- 5           3.    Revoking or suspending Pharmacist License No. RPH 55935 to Nina Thien-Nga
- 6 Tran;
- 7           4.    Ordering Respondents to pay the Board of Pharmacy the reasonable costs of the
- 8 investigation and enforcement of this case, pursuant to Business and Professions Code section
- 9 125.3;
- 10          5.    Prohibiting Respondents Steven Dung Truong and Nina Thien-Nga Tran from serving
- 11 as a manager, administrator, owner, member, officer, director, associate or partner of a licensee
- 12 for a period not to exceed five years in the case of probation, or in the case of revocation, until the
- 13 license is reinstated.
- 14          6.    Taking such other and further action as deemed necessary and proper.

15  
16 DATED: 4/16/16



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

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