

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

In the Matter of the Accusation Against:

Case No. 4038

VALLEY WEST MEDICAL PHARMACY
1935 W. Valley Blvd.
Alhambra, CA 91803

OAH No. 2012021165

Pharmacy Permit No. PHY 48957

and

BRIAN BYEONGWON MIN
1935 W. Valley Blvd.
Alhambra, CA 91803

Pharmacist License No. RPH 35960

Respondents.

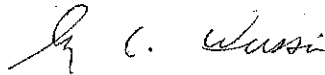
DECISION AND ORDER

The attached Stipulated Surrender of Pharmacy Permit and Pharmacy License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on December 28, 2012.

It is so ORDERED on November 28, 2012.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STANLEY C. WEISSER
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 MORGAN MALEK
Deputy Attorney General
4 State Bar No. 223382
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Attorneys for Complainant

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

10 In the Matter of the Accusation Against:
11 **VALLEY WEST MEDICAL PHARMACY**
12 1935 w. Valley Blvd
Alhambra, CA 91803
13 Pharmacy Permit No. PHY 48957

Case No. 4038

OAH No. 2012021165

**STIPULATED SURRENDER OF
PHARMACY PERMIT AND
PHARMACIST LICENSE AND ORDER**

14 and

15 **BRIAN BYEONGWON MIN**
16 1935 w. Valley Blvd
Alhambra, CA 91803
17 Pharmacist License No. RPH 35960

18 Respondents.

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23 PARTIES

24 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
25 She brought this action solely in her official capacity and is represented in this matter by Kamala
26 D. Harris, Attorney General of the State of California, by Morgan Malek, Deputy Attorney
27 General.

1 2. Brian Byeongwon Min dba Valley West Medical Pharmacy (Respondent) is
2 represented in this proceeding by attorney Tony J. Park, Esq., whose address is Fredrickson,
3 Mazeika & Grant, LLP, 5720 Oberrlin Drive, San Diego, CA 92121.

4 3. On or about February 14, 2008, the Board of Pharmacy (Board) issued Permit
5 Number PHY 48957 to Brian Byeongwon Min dba Valley West Medical Pharmacy (Respondent
6 VALLEY WEST MEDICAL PHARMACY). Brian Byeongwon Min is and has been the
7 Pharmacist-In-Charge since February 14, 2008. The Pharmacy Permit was in full force and effect
8 at all times relevant to the charges brought herein and will expire on January 31, 2014, unless
9 renewed.

10 4. On or about October 10, 1980, the Board issued Pharmacist License No. RPH 35960
11 to Brian Byeongwon Min (Respondent BRIAN BYEONGWON MIN). The Pharmacist License
12 was in full force and effect at all times relevant to the charges brought herein and will expire on
13 February 1, 2013, unless renewed.

14 JURISDICTION

15 5. Accusation No. 4038 was filed before the Board of Pharmacy (Board), Department of
16 Consumer Affairs, and is currently pending against Respondent. The Accusation and all other
17 statutorily required documents were properly served on Respondents on February 1, 2012.
18 Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation
19 No. 4038 is attached as Exhibit A and incorporated by reference.

20 ADVISEMENT AND WAIVERS

21 6. Respondent BRIAN BYEONGWON MIN and Respondent VALLEY WEST
22 MEDICAL PHARMACY (collectively referred herein as "Respondents") have carefully read,
23 fully discussed with counsel, and understand the charges and allegations in Accusation No. 4038.
24 Respondents also have carefully read, fully discussed with counsel, and understand the effects of
25 this Stipulated Surrender of License and Order.

26 7. Respondents are fully aware of their legal rights in this matter, including the right to a
27 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
28 their own expense; the right to confront and cross-examine the witnesses against them; the right

1 to present evidence and to testify on their own behalf; the right to the issuance of subpoenas to
2 compel the attendance of witnesses and the production of documents; the right to reconsideration
3 and court review of an adverse decision; and all other rights accorded by the California
4 Administrative Procedure Act and other applicable laws.

5 8. Respondents voluntarily, knowingly, and intelligently waive and give up each and
6 every right set forth above.

7 CULPABILITY

8 9. Respondents admit the truth of each and every charge and allegation in Accusation
9 No. 4038.

10 10. Respondents understand that by signing this stipulation they enable the Board to issue
11 an order accepting the surrender of the Pharmacy Permit and Pharmacist License without further
12 process.

13 CONTINGENCY

14 11. This stipulation shall be subject to approval by the Board of Pharmacy. Respondents
15 understand and agree that counsel for Complainant and the staff of the Board of Pharmacy may
16 communicate directly with the Board regarding this stipulation and surrender, without notice to or
17 participation by Respondents or their counsel. By signing the stipulation, Respondents
18 understand and agree that they may not withdraw their agreement or seek to rescind the
19 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this
20 stipulation as its Decision and Order, the Stipulated Surrender of Pharmacy Permit and
21 Pharmacist License and Disciplinary Order shall be of no force or effect, except for this
22 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
23 be disqualified from further action by having considered this matter.

24 12. The parties understand and agree that facsimile copies of this Stipulated Surrender of
25 License and Order, including facsimile signatures thereto, shall have the same force and effect as
26 the originals.

27 13. This Stipulated Surrender of License and Order is intended by the parties to be an
28 integrated writing representing the complete, final, and exclusive embodiment of their agreement.

1 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
2 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
3 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
4 executed by an authorized representative of each of the parties.

5 14. In consideration of the foregoing admissions and stipulations, the parties agree that
6 the Board may, without further notice or formal proceeding, issue and enter the following Order:

7 **ORDER**

8 IT IS HEREBY ORDERED that Permit No. PHY 48957, issued to Respondent VALLEY
9 WEST MEDICAL PHARMACY, is surrendered and accepted by the Board of Pharmacy.

10 IT IS HEREBY FURTHER ORDERED that License No. RPH 35960 issued to Respondent
11 BRIAN BYEONGWON MIN, is surrendered and accepted by the Board of Pharmacy.

12 1. The surrender of Respondents Pharmacy Permit and Pharmacist License by the Board
13 shall constitute the imposition of discipline against the Respondents. This stipulation constitutes
14 a record of the discipline and shall become a part of Respondents' license history with the Board
15 of Pharmacy.

16 2. Respondent BRIAN BYEONGWON MIN shall lose all rights and privileges as a
17 Pharmacist in California as of the effective date of the Board's Decision and Order.

18 3. Respondent VALLEY WEST MEDICAL PHARMACY shall lose all rights and
19 privileges as a Pharmacy in California as of the effective date of the Board's Decision and Order.

20 4. Respondent BRIAN BYEONGWON MIN shall cause to be delivered to the Board his
21 pocket license and, if one was issued, his wall certificate on or before the effective date of the
22 Decision and Order.

23 5. Respondent VALLEY WEST MEDICAL PHARMACY shall cause to be delivered to
24 the Board its pharmacy license and, if one was issued, its wall certificate on or before the
25 effective date of the Decision and Order.

26 6. Respondents may not apply for any license, permit, or registration from the Board for
27 three (3) years from the effective date of this decision. Respondents stipulates that should
28 Respondent BRIAN BYEONGWON MIN and/or Respondent VALLEY WEST MEDICAL

1 PHARMACY apply for any license and/or permit from the Board on or after the effective date of
2 this decision, all allegations set forth in the First Amended Accusation shall be deemed to be true,
3 correct and admitted by the Respondents when the Board determines whether to grant or deny the
4 application. Respondents shall satisfy all requirements applicable to that license as of the date the
5 application is submitted to the Board, including, but not limited to taking and passing the
6 California Pharmacist Licensure Examination prior to the issuance of a new license. Respondents
7 are required to report this surrender as disciplinary action.

8 7. Respondents understand and agree that if Respondent BRIAN BYEONGWON MIN
9 and/or Respondent VALLEY WEST MEDICAL PHARMACY file an application for licensure or
10 a petition for reinstatement in the State of California, the Board shall treat it as a new application
11 for licensure.

12 8. Respondent BRIAN BYEONGWON MIN shall pay the agency its costs of
13 investigation and enforcement in the amount of thirty thousand two hundred ninety four dollars
14 and fifty cents (\$30, 294.50) prior to issuance of a new or reinstated license.

15 9. If Respondents should ever apply or reapply for a new license or certification, or
16 petition for reinstatement of a license, by any other health care licensing agency in the State of
17 California, all of the charges and allegations contained in Accusation, No. 4038 shall be deemed
18 to be true, correct, and admitted by Respondents for the purpose of any Statement of Issues or any
19 other proceeding seeking to deny or restrict licensure.

20 ACCEPTANCE

21 I have carefully read the above Stipulated Surrender of Pharmacy Permit and Pharmacist
22 License and Order and have fully discussed it with my attorney, Tony J. Park, Esq.. I understand
23 the stipulation and the effect it will have on my Pharmacy Permit and my Pharmacist License. I
24 enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and

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intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 10/25/2012 
BRIAN BYEONGWON MIN
Respondent

DATED: 10/25/2012 
VALLEY WEST MEDICAL PHARMACY
Respondent
By: BRIAN BYEONGWON MIN

I have read and fully discussed with the Respondents the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 10/25/2012 
TONY J. PARK, ESQ.
Attorney for Respondents BRIAN
BYEONGWON MIN and VALLEY WEST
MEDICAL PHARMACY

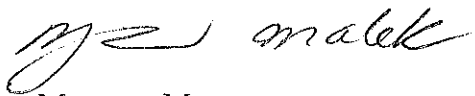
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ENDORSEMENT

The foregoing Stipulated Surrender of Pharmacy Permit and Pharmacist License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Dated: 10/25/12

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
MARC D. GREENBAUM
Supervising Deputy Attorney General


MORGAN MALEK
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

First Amended Accusation No. 4038

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 MORGAN MALEK
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10 In the Matter of the Accusation Against:
11 **VALLEY WEST MEDICAL PHARMACY**
12 1935 W. Valley Blvd
Alhambra, CA 91803
13 Pharmacy Permit No. PHY 48957

Case No. 4038

FIRST AMENDED ACCUSATION

14 and

15 **BRIAN BYEONGWON MIN**
16 1935 W. Valley Blvd
Alhambra, CA 91803
17 Pharmacist License No. RPH 35960

18 Respondent.

19
20
21 Complainant alleges:

22 **PARTIES**

- 23 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
24 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
- 25 2. On or about February 14, 2008, the Board of Pharmacy (Board) issued Permit
26 Number PHY 48957 to Brian Byeongwon Min dba Valley West Medical Pharmacy (Respondent
27 VALLEY WEST MEDICAL PHARMACY). Brian Byeongwon Min is and has been the
28 Pharmacist-In-Charge since February 14, 2008. The Pharmacy Permit was in full force and effect

1 at all times relevant to the charges brought herein and will expire on February 1, 2012, unless
2 renewed.

3 3. On or about October 10, 1980, the Board issued Pharmacist License No. RPH 35960
4 to Brian Byeongwon Min (Respondent BRIAN BYEONGWON MIN). The Pharmacist License
5 was in full force and effect at all times relevant to the charges brought herein and will expire on
6 January 31, 2012, unless renewed.

7 JURISDICTION

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

11 STATUTORY PROVISIONS

12 5. Section 118, subdivision (b), of the Code states:

13 "The suspension, expiration, or forfeiture by operation of law of a license issued by a board
14 in the department, or its suspension, forfeiture, or cancellation by order of the board or by order
15 of a court of law, or its surrender without the written consent of the board, shall not, during any
16 period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its
17 authority to institute or continue a disciplinary proceeding against the licensee upon any ground
18 provided by law or to enter an order suspending or revoking the license or otherwise taking
19 disciplinary action against the licensee on any such ground."

20 6. Section 4006 of the Code states:

21 "The board may adopt regulations consistent with this chapter and Section 111485 of the
22 Health and Safety Code or regulations adopted thereunder, limiting or restricting the furnishing
23 of a particular drug upon a finding that the otherwise unrestricted retail sale of the drug pursuant
24 to Section 4057 is dangerous to the public health or safety."

25 7. Section 4022 of the Code states

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

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

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

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

1 8. Section 4052 of the Code, subdivision (a)(9) states notwithstanding any other
2 provision of law, a pharmacist may administer immunizations pursuant to a protocol with a
3 prescriber.

4 9. Section 4059 of the Code states, in pertinent part, that a person may not furnish any
5 dangerous drug except upon the prescription of a physician, dentist, podiatrist, optometrist,
6 veterinarian, or naturopathic doctor pursuant to Section 3640.7. A person may not furnish any
7 dangerous device, except upon the prescription of a physician, dentist, podiatrist, optometrist,
8 veterinarian, or naturopathic doctor pursuant to Section 3640.7.

9 10. Section 4063 of the Code states:

10 “No prescription for any dangerous drug or dangerous device may be refilled except upon
11 authorization of the prescriber. The authorization may be given orally or at the time of giving the
12 original prescription. No prescription for any dangerous drug that is a controlled substance may
13 be designated refillable as needed.”

14 11. Section 4076 of the Code, subdivision (a) states:

15 A pharmacist shall not dispense any prescription except in a container that meets the
16 requirements of state and federal law and is correctly labeled with all of the following:

17 ...

18 (4) The name of the prescriber or, if applicable, the name of certified nurse-midwife who
19 functions pursuant to a standardized procedure or protocol described in Section 2746.51, the
20 nurse practitioner who functions pursuant to a standardized procedure described in Section
21 2836.1, or protocol, the physician assistant who functions pursuant to Section 3502.1., the
22 naturopathic doctor who functions pursuant to a standardized procedure or protocol described in
23 Section 3640.5, or the pharmacist who functions pursuant to a policy, procedure, or protocol
24 pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph (A) of
25 paragraph (5) of, subdivision (a) of Section 4052.

26 12. Section 4076 of the Code, subdivision (a) (11)(A) of the Code states:

27 “Commencing January 1, 2006, the physical description of the dispensed medication, including
28 its color, shape, and any identification code that appears on the tablets or capsules, except as
follows:

(i) Prescriptions dispensed by a veterinarian.

(ii) An exemption from the requirements of this paragraph shall be granted to a new drug
for the first 120 days that the drug is on the market and for the 90 days during which the
national reference file has no description on file.

(iii) Dispensed medications for which no physical description exists in any commercially
available database.”

1 13. Section 4077 of the Code states, in pertinent part, that except as provided in
2 subdivisions (b) and (c) of this section, no person shall dispense any dangerous drug upon
3 prescription except in a container correctly labeled with the information required by Section
4 4076.

5 14. Section 4081 of the Code states:

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

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

18 "(c) The pharmacist-in-charge or representative-in-charge shall not be criminally
19 responsible for acts of the owner, officer, partner, or employee that violate this section and of
20 which the pharmacist-in-charge or representative-in-charge had no knowledge, or in which he or
21 she did not knowingly participate."

22 15. Section 4104, subdivision (b) of the Code states:

23 "Every pharmacy shall have written policies and procedures for addressing chemical,
24 mental, or physical impairment, as well as theft, diversion, or self-use of dangerous drugs, among
25 licensed individuals employed by or with the pharmacy."

26 16. Section 4105 of the Code states:

27 "(a) All records or other documentation of the acquisition and disposition of dangerous
28 drugs and dangerous devices by any entity licensed by the board shall be retained on the licensed
premises in a readily retrievable form.

 "(b) The licensee may remove the original records or documentation from the licensed
premises on a temporary basis for license-related purposes. However, a duplicate set of those
records or other documentation shall be retained on the licensed premises.

 "(c) The records required by this section shall be retained on the licensed premises for a
period of three years from the date of making.

 "(d) Any records that are maintained electronically shall be maintained so that the
pharmacist-in-charge, the pharmacist on duty if the pharmacist-in-charge is not on duty, or, in the
case of a veterinary food-animal drug retailer or wholesaler, the designated representative on
duty, shall, at all times during which the licensed premises are open for business, be able to
produce a hard copy and electronic copy of all records of acquisition or disposition or other drug
or dispensing-related records maintained electronically.

1 "(e)(1) Notwithstanding subdivisions (a), (b), and (c), the board, may upon written request,
2 grant to a licensee a waiver of the requirements that the records described in subdivisions (a), (b),
3 and (c) be kept on the licensed premises.

4 (2) A waiver granted pursuant to this subdivision shall not affect the board's authority
5 under this section or any other provision of this chapter."

6 17. Section 4301 of the Code, subdivision (g) of the Code states:

7 "...Unprofessional conduct shall include, but is not limited to knowingly making or signing
8 any certificate or other document that falsely represents the existence or nonexistence of a state of
9 facts."

10 18. Section 4306.5 of the Code states:

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

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

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

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

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

25 19. Section 4342 of the Code states:

26 "(a) The board may institute any action or actions as may be provided by law and that, in its
27 discretion, are necessary, to prevent the sale of pharmaceutical preparations and drugs that do not
28 conform to the standard and tests as to quality and strength, provided in the latest edition of the
United States Pharmacopoeia or the National Formulary, or that violate any provision of the
Sherman Food, Drug and Cosmetic Law (Part 5 (commencing with Section 109875) of Division
104 of the Health and Safety Code).

 20. Section 11152 of the Health and Safety Code states:

 "No person shall write, issue, fill, compound, or dispense a prescription that does not
conform to this division."

 21. Section 11153 of the Health and Safety Code states:

 "(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.

1 (b) Any person who knowingly violates this section shall be punished by imprisonment
2 pursuant to subdivision (h) of Section 1170 of the Penal Code, or in a county jail not exceeding
one year, or by a fine not exceeding twenty thousand dollars (\$20,000), or by both that fine and
imprisonment.

3 (c) No provision of the amendments to this section enacted during the second year of the
4 1981-82 Regular Session shall be construed as expanding the scope of practice of a pharmacist.”

5 22. Section 11162.1 of the Health and Safety Code states:

6 “No person shall write, issue, fill, compound, or dispense a prescription that does not
7 conform to this division.

8 (a) The prescription forms for controlled substances shall be printed with the following
features:

9 (1) A latent, repetitive "void" pattern shall be printed across the entire front of the
prescription blank; if a prescription is scanned or photocopied, the word "void" shall
appear in a pattern across the entire front of the prescription.

10 (2) A watermark shall be printed on the backside of the prescription blank; the
watermark shall consist of the words "California Security Prescription."

11 (3) A chemical void protection that prevents alteration by chemical washing.

12 (4) A feature printed in thermochromic ink.

13 (5) An area of opaque writing so that the writing disappears if the prescription is
lightened.

14 (6) A description of the security features included on each prescription form.

15 (7) (A) Six quantity check off boxes shall be printed on the form and the following
quantities shall appear:

16 1-24

17 25-49

18 50-74

19 75-100

20 101-150

21 151 and over.

22 (B) In conjunction with the quantity boxes, a space shall be provided to
designate the units referenced in the quantity boxes when the drug is not in
tablet or capsule form.

23 (8) Prescription blanks shall contain a statement printed on the bottom of the
prescription blank that the "Prescription is void if the number of drugs prescribed is not
noted."

24 (9) The preprinted name, category of licensure, license number, federal controlled
substance registration number of the prescribing practitioner.

25 (10) Check boxes shall be printed on the form so that the prescriber may indicate the
number of refills ordered.

26 (11) The date of origin of the prescription.

27 (12) A check box indicating the prescriber's order not to substitute.

28 (13) An identifying number assigned to the approved security printer by the
Department of Justice.

(14) (A) A check box by the name of each prescriber when a prescription form lists
multiple prescribers.

1 (B) Each prescriber who signs the prescription form shall identify himself or
2 herself as the prescriber by checking the box by his or her name.

3 (b) Each batch of controlled substance prescription forms shall have the lot number printed
4 on the form and each form within that batch shall be numbered sequentially beginning with the
5 numeral one.

6 (c)

7 (1) A prescriber designated by a licensed health care facility, a clinic specified in
8 Section 1200, or a clinic specified in subdivision (a) of Section 1206 that has 25 or more
9 physicians or surgeons may order controlled substance prescription forms for use by
10 prescribers" when treating patients in that facility without the information required in
11 paragraph (9) of subdivision (a) or paragraph(3) of this subdivision.

12 (2) Forms ordered pursuant to this subdivision shall have the name, category of
13 licensure, license number, and federal controlled substance registration number of the
14 designated prescriber and the name, address, category of licensure, and license number
15 of the licensed health care facility the clinic specified in Section 1200, or the clinic
16 specified in subdivision (a) of Section 1206 that has 25 or more physicians or surgeons
17 preprinted on the form.

18 (3) Forms ordered pursuant to this section shall not be valid prescriptions without the
19 name, category of licensure, license number, and federal controlled substance
20 registration number of the prescriber on the form.

21 (4) (A) Except as provided in subparagraph (B), the designated prescriber shall
22 maintain a record of the prescribers to whom the controlled substance prescription forms are
23 issued, that shall include the name, category of licensure, license number, federal controlled
24 substance registration number, and quantity of controlled substance prescription forms issued to
25 each prescriber. The record shall be maintained in the health facility for three years.

26 (B) Forms ordered pursuant to this subdivision that are printed by a
27 computerized prescription generation system shall not be subject to subparagraph (A) or
28 paragraph (7) of subdivision (a). Forms printed pursuant to this subdivision that are printed by a
computerized prescription generation system may contain the prescriber's name, category of
professional licensure, license number, federal controlled substance registration number, and the
date of the prescription."

23. Section 11165, subdivision (d) of the Health and Safety Code states:

24 "For each prescription for a Schedule II, Schedule III, or Schedule IV controlled substance,
25 the dispensing pharmacy or clinic shall provide the following information to the Department of
26 Justice on a weekly basis and in a format specified by the Department of Justice:

27 (1) Full name, address, and the telephone number of the ultimate user or research subject, or
28 contact information as determined by the Secretary of the United States Department of
Health and Human Services, and the gender, and date of birth of the ultimate user.

(2) The prescriber's category of licensure and license number; federal controlled substance
registration number; and the state medical license number of any prescriber using the
federal controlled substance registration number of a government-exempt facility.

(3) Pharmacy prescription number, license number, and federal controlled substance
registration number.

(4) NDC (National Drug Code) number of the controlled substance dispensed.

(5) Quantity of the controlled substance dispensed.

- 1 (6) ICD-9 (diagnosis code), if available.
2 (7) Number of refills ordered.
3 (8) Whether the drug was dispensed as a refill of a prescription or as a first-time request.
4 (9) Date of origin of the prescription.
5 (10) Date of dispensing of the prescription.”

6 **REGULATORY PROVISIONS**

7 24. California Code of Regulations, title 16, section 1707.2 states:

8 ...
9 (b) (1) In addition to the obligation to consult set forth in subsection (a), a pharmacist shall
10 provide oral consultation to his or her patient or the patient's agent in any care setting in
11 which the patient or agent is present:

12 (A) whenever the prescription drug has not previously been dispensed to a patient;

13
14 (f) “In every pharmacy subject to the provisions of Business and Professions Code Section
15 4122, there shall be prominently posted in a place conspicuous to and readable by prescription
16 drug consumers the following notice:

17 **“NOTICE TO CONSUMERS”**

18 At your request, this pharmacy will provide its current retail price of any prescription
19 without obligation. You may request price information in person or by telephone.
20 Ask your pharmacist if a lower-cost generic drug is available to fill your prescription.
21 Prescription prices for the same drug vary from pharmacy to pharmacy. One reason for
22 differences in price is differences in services provided.
23 Before taking any prescription medicine, talk to your pharmacist; be sure you know:
24 What is the name of the medicine and what does it do?
25 How and when do I take it - and for how long? What if I miss a dose?
26 What are the possible side effects and what should I do if they occur?
27 Will the new medicine work safely with other medicines and herbal supplements I am
28 taking?
What foods, drinks or activities should I avoid while taking this medicine?
Ask your pharmacist if you have additional questions.”

29 25. California Code of Regulations, title 16, section 1711 states:

30 “(a) Each pharmacy shall establish or participate in an established quality assurance
31 program which documents and assesses medication errors to determine cause and an appropriate
32 response as part of a mission to improve the quality of pharmacy service and prevent errors.

33 (b) For purposes of this section, “medication error” means any variation from a prescription
34 or drug order not authorized by the prescriber, as described in Section 1716. Medication error, as
35 defined in the section, does not include any variation that is corrected prior to furnishing the drug
36 to the patient or patient's agent or any variation allowed by law.

37 (c) (1) Each quality assurance program shall be managed in accordance with written
38 policies and procedures maintained in the pharmacy in an immediately retrievable form.

(2) When a pharmacist determines that a medication error has occurred, a pharmacist
shall as soon as possible:

(A) Communicate to the patient or the patient's agent the fact that a medication error
has occurred and the steps required to avoid injury or mitigate the error.

1 (B) Communicate to the prescriber the fact that a medication error has occurred.

2 (3) The communication requirement in paragraph (2) of this subdivision shall only
3 apply to medication errors if the drug was administered to or by the patient, or if the medication
4 error resulted in a clinically significant delay in therapy.

5 (4) If a pharmacist is notified of a prescription error by the patient, the patient's agent,
6 or a prescriber, the pharmacist is not required to communicate with that individual as required in
7 paragraph (2) of this subdivision.

8 (d) Each pharmacy shall use the findings of its quality assurance program to develop
9 pharmacy systems and workflow processes designed to prevent medication errors. An
10 investigation of each medication error shall commence as soon as is reasonably possible, but no
11 later than 2 business days from the date the medication error is discovered. All medication errors
12 discovered shall be subject to a quality assurance review.

13 (e) The primary purpose of the quality assurance review shall be to advance error
14 prevention by analyzing, individually and collectively, investigative and other pertinent data
15 collected in response to a medication error to assess the cause and any contributing factors such
16 as system or process failures. A record of the quality assurance review shall be immediately
17 retrievable in the pharmacy. The record shall contain at least the following

18 1. the date, location, and participants in the quality assurance review;

19 2. the pertinent data and other information relating to the medication error(s) reviewed
20 and documentation of any patient contact required by subdivision (c);

21 3. the findings and determinations generated by the quality assurance review; and,

22 4. recommend changes to pharmacy policy, procedure, systems, or processes, if any.

23 The pharmacy shall inform pharmacy personnel of changes to pharmacy policy, procedure,
24 systems, or processes made as a result of recommendations generated in the quality assurance
25 program.

26 (f) The record of the quality assurance review, as provided in subdivision (e) shall be
27 immediately retrievable in the pharmacy for at least one year from the date the record was
28 created."

26. California Code of Regulations, title 16, section 1714, subdivision (c), states:

27 "The pharmacy and fixtures and equipment shall be maintained in a clean and orderly
28 condition. The pharmacy shall be dry, well-ventilated, free from rodents and insects, and properly
lighted. The pharmacy shall be equipped with a sink with hot and cold running water for
pharmaceutical purposes."

27. California Code of Regulations, title 16, section 1716 states:

28 "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."

28. California Code of Regulations, title 16, section 1717, states:

29 "...
30 "(c) Promptly upon receipt of an orally transmitted prescription, the pharmacist shall reduce
31 it to writing, and initial it, and identify it as an orally transmitted prescription. If the prescription
32 is then dispensed by another pharmacist, the dispensing pharmacist shall also initial the
33 prescription to identify him or herself.

1 "All orally transmitted prescriptions shall be received and transcribed by a pharmacist prior
to compounding, filling, dispensing, or furnishing.

2 "Chart orders as defined in Section 4019 of the Business and Professions Code are not
subject to the provisions of this subsection.

3
4 29. California Code of Regulations, title 16, section 1718, states:

5 "'Current Inventory' as used in Sections 4081 and 4332 of the Business and Professions
Code shall be considered to include complete accountability for all dangerous drugs handled by
6 every licensee enumerated in Sections 4081 and 4332. "The controlled substances inventories
required by Title 21, CFR, Section 1304 shall be available for inspection upon request for at least
7 3 years after the date of the inventory."

8
9 30. California Code of Regulations, title 16, section 1761 states:

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

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

14
15 31. California Code of Regulations, title 16, section 1770, states:

16 "For the purpose of denial, suspension, or revocation of a personal or facility license
pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
17 crime or act shall be considered substantially related to the qualifications, functions or duties of a
licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
18 licensee or registrant to perform the functions authorized by his license or registration in a manner
consistent with the public health, safety, or welfare."

19
20
21 32. California Code of Regulations, title 16, section 1793.7, subdivision (d), states:

22 "Any pharmacy employing or using a pharmacy technician shall develop a job description
and written policies and procedures adequate to ensure compliance with the provisions of Article
11 of this Chapter, and shall maintain, for at least three years from the time of making, records
23 adequate to establish compliance with these sections and written policies and procedures.

24 **COST RECOVERY**

25 33. Section 125.3 of the Code states, in pertinent part, that the Board may request the
26 administrative law judge to direct a licensee found to have committed a violation or violations of
the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
27 enforcement of the case.
28

1	Verapamil ER	120 mg	165351	7/2010
2	Lexapro	5 mg	M07715J	6/2010
3	Synthroid	175 mcg	81125A8	6/18/2010
4	Minocycline	50 mg	1761155	5/2010
5	Nisoldipine	30 mg	2000625	5/2010
6	Synthroid	125 mcg	82061A8	7/9/2010
7	Synthroid	150 mcg	82232A8	7/15/2010
8	Flecainide	100 mg	04145	5/19/07
9	Oxybutynin	10 mg	8080681	7/2010
10	Trilipix	45 mg	690302E22	5/12/10
11	Nifedical XL	30 mg	0808T27	7/2010
12	Oxybutynin ER	10 mg	8062071	6/2010
13	Vytorin	10/10	X4364	1/2010
14	Ultrase MT20		J080392	7/2010
15	Fluconazole	100 mg	Q9698011	7/2010
16	Lamictal	25 mg	A29584	6/2010
17	Spirolactone/HCTZ	25/25	60386	5/2010
18	Amlodipine/Benazepril	5/10	F0366	6/2010
19	Phentermine	15 mg	10111	6/2010
20	Synthroid	150 mcg	62680	6/2010
21	Ultrase MT20		H080319A	5/2010
22	Phenazopyridine	100 mg	11a681801310	7/2010

SECOND CAUSE FOR DISCIPLINE

(Failure to Implement Electronic Monitoring of Prescriptions)

36. Respondents VALLEY WEST MEDICAL PHARMACY and BRIAN
 BYEONGWON MIN are subject to disciplinary action under Health & Safety Code section
 11165, subdivision (d), of the Code in that during a Board investigation of the Valley West

1 Medical Pharmacy on August 9, 2010, the investigator found that Respondents VALLEY WEST
2 MEDICAL PHARMACY and BRIAN BYEONGWON MIN failed to report the required
3 information set forth in section 11165, subdivision (d), of the Code, to the Department of Justice
4 on a weekly basis and in a format specified by the Department of Justice, for each prescription for
5 a Schedule II, Schedule III, or Schedule IV controlled substance, from June 2009 to July 2010.

6 **THIRD CAUSE FOR DISCIPLINE**

7 (Failure to Post Notice to Consumers)

8 37. Respondents VALLEY WEST MEDICAL PHARMACY and BRIAN
9 BYEONGWON MIN are subject to disciplinary action under section 1707.2, subdivision (f) of
10 the California Code of Regulations, in that during a Board investigation of the Valley West
11 Medical Pharmacy on August 9, 2010, the investigator found Respondents VALLEY WEST
12 MEDICAL PHARMACY and BRIAN BYEONGWON MIN failed to post in a conspicuous
13 place, the Notice to Consumers.

14 **FOURTH CAUSE FOR DISCIPLINE**

15 (Failure to State the Description of the Dispensed medication On the Label)

16 38. Respondents VALLEY WEST MEDICAL PHARMACY and BRIAN
17 BYEONGWON MIN are subject to disciplinary action under section 4076, subdivision
18 (a)(11)(A) of the Business and Professions Code, in that during a Board investigation of the
19 Valley West Medical Pharmacy on August 9, 2010, the investigator found one (1) prescription
20 (RX# 649004) for Clarithromycin with no descriptors, in violation of the Business and
21 Professions Code, section 4076, subdivision (a)(11)(A).

22 **FIFTH CAUSE FOR DISCIPLINE**

23 (Failure to Maintain Current Vaccination Protocol)

24 39. Respondents VALLEY WEST MEDICAL PHARMACY and BRIAN
25 BYEONGWON MIN are subject to disciplinary action under section 4052, subdivision (a)(9) of
26 the Code in that during a Board investigation of the Valley West Medical Pharmacy on August 9,
27 2010, the investigator found that Respondent BRIAN BYEONGWON MIN performed some
28 vaccinations in the past two (2) years, but his protocol was the protocol he was using while

1 working at Rite Aid, and was not updated, in violation of section 4052, subdivision (a)(9) of the
2 Code.

3 **SIXTH CAUSE FOR DISCIPLINE**

4 (Failure to Maintain Theft and Impairment Policy)

5 40. Respondents VALLEY WEST MEDICAL PHARMACY and BRIAN
6 BYEONGWON MIN are subject to disciplinary action under section 4104, subdivision (b) of the
7 Code in that during a Board investigation of the Valley West Medical Pharmacy on August 9,
8 2010, the investigator found that Respondent BRIAN BYEONGWON MIN stated he had the
9 Theft and Impairment Policy¹ at home, in violation of section 4104, subdivision (b) of the Code.
10 Further, on August 9, 2010, the investigator asked Respondent BRIAN BYEONGWON MIN to
11 send the Theft and Impairment Policy to her within three (3) days, however, the investigator
12 never received it, in violation of section 4104, subdivision (b) of the Code.

13 **SEVENTH CAUSE FOR DISCIPLINE**

14 (Unprofessional Conduct)

15 41. Respondents VALLEY WEST MEDICAL PHARMACY and BRIAN
16 BYEONGWON MIN are subject to disciplinary action under section 4301, subdivision (g) and
17 section 4076, subdivision (a)(4) of the Code in that during a Board investigation of the Valley
18 West Medical Pharmacy on August 9, 2010, the investigator found that seventy four (74)
19 prescriptions out of about two hundred forty (240) prescriptions which had either no city for the
20 prescriber, or the wrong city for the patient or prescriber, as described below, in violation of
21 section 4301, subdivision (g) of the Code. The list of said prescriptions is as follows:

RX (Log)	Fill date (Log)	Original Date (Log)	Patient City	M.D. Name ² Log-RX	M.D. City Log-RX	Wrong City
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25 ¹ The written policies and procedures for addressing chemical, mental, or physical impairment, as well as theft,
26 diversion, or self-use of dangerous drugs among licensed individuals employed by or with the pharmacy (hereinafter
referred as "Theft and Impairment Policy)

27 ² In order to protect the privacy of the doctor, the last name initials are used for the purpose of identification.
28

1	636846		2/16/2010	Alhambra	K., Rupdev	Blank-Arcadia	None
2	626272	4/16/2010	9/3/2009	Alhambra	S., Tomas	Monterey park	None
3	641260		4/16/2010	Alhambra	S., Tomas	?	None
4	635027		1/22/2010	Los Angeles	N. , H. Phung	Blank-Rosemaed	None
5							
6	638598		3/11/2010	Los Angeles	S., Andrew	East LA-Monterey Park	Yes
7							
8	639212		3/20/2010	Los Angeles	S., Andrew	East LA-Monterey Park	Yes
9							
10	636829		2/16/2010	Los Angeles	S., Andrew	East LA-Monterey Park	Yes
11							
12	639552		3/25/2010	Los Angeles	S., Andrew	East LA-Monterey Park	Yes
13							
14	638924		3/16/2010	Los Angeles	C. Anna-W., Phillip	Los Angeles-Diamond Bar	Yes
15							
16	635179		1/25/2010	Los Angeles	S., Andrew	East LA-Monterey Park	Yes
17							
18	638932		3/16/2010	Alhambra	H., Gerald	Alhambra-Monterey Park	Yes
19							
20	637898		3/2/2010	Los Angeles	S., Andrew	East LA-Monterey Park	Yes
21							
22	638337		3/9/2010	Pico Rivera	F., David	Pasadena-Lancanada	Yes
23							
24	638336		3/9/2010	Pico Rivera	C., Jonathan-F. David	Montebello-LaCanada	Yes
25							
26							
27	635920	3/5/2010	2/3/2010	Alhambra	R., Jai	?-Pasadena	Yes
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635883		2/2/2010	Los Angeles	A., Mumtaz	Rancho Cucamonga-Garden Grove	Yes
632490	1/22/2010	1/4/2010	Lakeview-Rialto	P., Crescenzo	San Pedro	Yes
635625	3/1/2010	1/30/2010	Los Angeles-Montebello	S., Andrew	East LA-Monterey Park	Yes
638105	3/16/2010	3/4/2010	Los Angeles	V.P., Juan	Carson-Marina Del Rey	Yes
637834		3/1/2010	Los Angeles	W., Phillip	San Pedro-Diamond Bar	Yes
639613		3/26/2010	Hawthorne	S., Andrew	East LA-Monterey Park	Yes
638600		3/11/2010	Los Angeles	S., Andrew	East LA-Monterey Park	Yes
639762		3/29/2010	Los Angeles	V.P., Juan	Carson-Marina Del Rey	Yes
639862		3/30/2010	Los Angeles	V.P., Juan	Carson-Marina Del Rey	Yes
639970		3/31/2010	Long Beach	V.P., Juan	Carson-Marina Del Rey	Yes
636831		2/16/2010	Los Angeles	S., Andrew	East LA-Monterey Park	Yes
636036		2/4/2010	Los Angeles	S., Andrew	East LA-Monterey Park	Yes

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638451		3/9/2010	Los Angeles	V.P., Juan	Carson-Marina Del Rey	Yes
639017		3/18/2010	Inglewood	S., Andrew	East LA- Monterey Park	Yes
633888		1/4/2010	Los Angeles	A., Mumtaz-S., Andrew	Rancho Cucamonga- Garden Grove	Yes
638287		3/8/2010	Cerritos	S., Andrew	East LA- Monterey Park	Yes
635031		1/22/2010	Los Angeles	N., Hy Phung	?-Rosemead	Yes
635744		2/1/2010	Culver City	S., Andrew	Esat LA- Monterey Park	Yes
640047		4/1/2010	Los Angeles	V.P., Juan	Carson-Marina Del Rey	Yes
639553		3/25/10	Los Angeles	S., Andrew	Esat LA- Monterey Park	Yes
639749		3/29/2010	Los Angeles	V.P., Juan	Carson-Marina Del-Rey	Yes
639863		3/30/2010	Los Angeles	V.P., Juan	Carson-Marina Del Rey	Yes
634957		1/21/2010	Inglewood	R., Tyron- W., Tan	Inglewood- Rosenead	Yes
635178		2/3/2010	Inglewood- Los Angeles	S., Andrew	East LA- Monterey Park	Yes
637689		3/8/2010	Inglewood-	S., Andrew	East LA-	Yes

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			Los Angeles		Monterey Park	
639192		3/20/2010	Inglewood-Los Angeles	S., Andrew	East LA-Monterey Park	Yes
636891		2/16/2010	Los Angeles	M., George	?-Los Angeles	Yes
638925		3/16/2010	Los Angeles	C., A-W., Phillip	Los Angeles-Diamond Bar	Yes
639754		3/29/2010	Los Angeles	V.P., Juan	Carson-Marina Del Rey	Yes
636530		2/11/2010	Lakeview-Rialto	P., Crescenzo-S., Eleanor	San Pedro-Los Angeles	Yes
632490		1/4/2010	Lakeview-Rialto	P., Crescenzo	San Pedro	Yes
639748		3/29/2010	Long Beach	V.P., Juan	Carson-Marina Del Rey	Yes
635378		1/27/2010	Los Angeles	S., Andrew	East LA-Monterey Park	Yes
640231		4/3/2010	Los Angeles	V.P., Juan	Carson-Marina Del Rey	Yes
636131		2/5/2010	Los Angeles	W., Kin-R., Tyron	Los Angeles-Inglewood	Yes
639861		3/30/2010	Hawthorne	V.P., Juan	Carson-Marina Del Rey	Yes
639750		3/29/2010	Los Angeles	V.P., Juan	Carson-Marina	Yes

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			Angeles		Del Rey	
639860		3/30/2010	Los Angeles	V.P., Juan	Carson-Marina Del Rey	Yes
635180		1/25/2010	Los Angeles	S., Andrew	East LA- Monterey Park	Yes
634349		1/12/2010	Inglewood	A., Mumtaz	Rancho Cucamonga- Garden Grove	Yes
636382		2/9/2010	Compton	A., Mumtaz	Rancho Cucamonga- Garden Grove	Yes
634345		1/12/2010	Inglewood	A., Mumtaz	Rancho Cucamonga- Garden Grove	Yes
636384		2/9/2010	Inglewood	A., Mumtaz	Rancho Cucamonga- Garden Grove	Yes
638152		3/5/2010	Inglewood	A., Mumtaz	Rancho Cucamonga- Garden Grove	Yes
640098		4/2/2010	Inglewood	A., Mumtaz	Rancho Cucamonga- Garden Grove	Yes
635615		1/30/2010	Los Angeles	S., Andrew	East LA- Monterey Park	Yes
640135		4/3/2010	Los Angeles	V.P., Juan	Carson-Marina Del Rey	Yes

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636135		2/5/2010	Los Angeles	R., Valente-R., Tyron	Torrance- Inglewood	Yes
640110		4/2/2010	Los Angeles	V.P., Juan	Carson-Marina Del Rey	Yes
639369		3/23/2010	Los Angeles	S., Andrew	East LA- Monterey Park	Yes
634960		1/21/2010	Los Angeles	R., Tyron- W., Tan	Inglewood- Rosemead	Yes
636038		2/4/2010	Los Angeles	S., Andrew	East LA- Monterey Park	Yes
637403		2/23/2010	Los Angeles	S., Andrew	East LA- Monterey Park	Yes
638105		3/4/2010	Los Angeles	V.P., Juan	Carson-Marina Del Rey	Yes
640113		4/2/2010	Los Angeles	V.P., Juan	Carson-Marina Del Rey	Yes
635623	3/1/2010	1/30/2010	Los Angeles- Montebello	S., Andrew	East LA- Monterey Park	Yes
636830		2/16/2010	Los Angeles	S., Andrew	East LA- Monterey Park	Yes
638923		3/16/2010	Los Angeles	C., Anna- W., Phillip	Los Angeles- Diamond bar	Yes
637688		3/8/2010	Inglewood	S., Andrew	East LA- Monterey Park	Yes

1 **EIGHTH CAUSE FOR DISCIPLINE**

2 (Variation from prescription)

3 42. Respondents VALLEY WEST MEDICAL PHARMACY and BRIAN
4 BYEONGWON MIN are subject to disciplinary action under section 1716 of the California Code
5 of Regulations, in that during a Board investigation of the Valley West Medical Pharmacy on
6 August 9, 2010, the investigator found that in the two prescriptions set forth below, the wrong
7 strength of drug was dispensed from the one prescribed (a higher dose was dispensed) in violation
8 of section 1716 of the California Code of Regulations. The list of said medications is as follows:
9

10 RX (Log)	11 Fill Date (Log)	12 Original Date (Log)	13 Patient Name ³	14 Drug	15 Amount (Log)	16 M.D. name ⁴ (Log-RX)
17 635308		18 1/26/2010	19 R. Robert	20 Filled 7.5/750 Ordered 5/500	21 30	22 C., Pei
23 638923		24 3/16/2010	25 L. Sr, Eddie	26 Filled XAN 2 Ordered XAN 1	27 100	28 C., Anna- Wunder, Phillip

23 **NINTH CAUSE FOR DISCIPLINE**

24 (Failure to Properly Prescribe and Dispense Controlled Substances)

25 43. Respondents VALLEY WEST MEDICAL PHARMACY and BRIAN
26 BYEONGWON MIN are subject to disciplinary action under section 11153 of the Health and

27 ³ In order to protect the privacy of the patient, the last name initials are used for the purpose of identification.

28 ⁴ In order to protect the privacy of the doctor, the last name initials are used for the purpose of identification.

1 Safety Code, in that during a Board investigation of the Valley West Medical Pharmacy on
 2 August 9, 2010, the investigator found that Respondents VALLEY WEST MEDICAL
 3 PHARMACY and BRIAN BYEONGWON MIN were not in compliance with the Health and
 4 Safety Code, section 11153 which states that the pharmacist has a corresponding responsibility to
 5 ensure proper prescribing and dispensing with regards to the furnishing of controlled substances.
 6 Specifically, on August 9, 2010, the investigator revealed early refills on sixty three (63)
 7 occasions, more than five (5) days early. The list of said medications is as follows:

8 RX	Date Written	Date Filled	Patient Name ⁵	Drug	Amount	Doctor's Name ⁶	Direction	Refills	Days Early
10 640876		4/12/10	B., Rubin	Prom/Cod	240	V.P., Juan		2	7
11 634875		1/20/10	B., Oracell	Prom/Cod	480	R., Tyron			10
12 637971	3/12/10	3/17/10	B., Cammie	Prom/Cod	480	R., Tyron	5 cc qid	0	10
14 639937		4/1/10	C., Giovanni	Adderall XR 20	60	K., Hannah		0	7
16 639621		3/26/10	C., Sylvia	Adderall XR 20	60	F., David		0	13
18 637489	2/19/10	2/24/10	C., Reginald	Prom/Cod	480	R., Tyron	5cc qid	0	6
20 638059		3/4/10	C., Sylvia	xan 1	60	M., Vera		2	10
21 638471		3/10/10	C., Cloradell	Oxy 80	90	A., Mumtaz		0	18
23 634863	1/20/10	2/22/10	C., Charles	7.5/750	90	C., Anna	q8 prn	0	9
25 635333		2/9/10	C., David	Prom/Cod	240	F., Drew			6

26 ⁵ In order to protect the privacy of the patient, the last name initials are used for the purpose of identification.

27 ⁶ In order to protect the privacy of the doctor, the last name initials are used for the purpose of identification.

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635811		2/2/10	D., Kelly	dil 4	120	C., Chiwai			11
640009		4/1/10	D., Kelly	dil 4	120	C., Chiwai		0	9
641192		4/15/10	D., Mattie	Prom/Cod	480	L., Zhiwei		0	10
640911	4/12/10	4/12/10	D., Mattie	Prom/Cod	240	H., Robert	5cc q6	0	13
635523		1/29/10	D., Mattie	7.5/750	100	W., Donald			8
638886		4/7/10	F., Carlos	7.5/750	60	P., Omar		1	8
636766	12/9/09	2/13/10	F., Leveron	Prom/ Cod	360	C., Anna	5cc q6	0	6
626272		4/16/10	G., Olivia	dcn 100	60	S., Tomas	1-2 q6 prn	1	7
637290		3/3/10	G., Stephen	7.5/750	40	G., Ronald		1	14
637494		2/24/10	G., Eddie	Prom/Cod	480	R., Tyron		0	5
639055		3/26/10	G., Arnold	Prom/Cod	480	P., Ngo		0	8
640368		4/6/10	G., Maria	tem 15	30	P., Ngo		0	25
635920		3/31/10	H., Maria	clo 0.5	60	R., Jai- hyon		2	34
641169		4/15/10	H., Khyeisha	10/325	120	V. P., Juan		0	9
635053		3/23/10	H., Jung Lim	Zolpidem 10	15	L., Chris		0	26
638121		3/5/10	J., Claryn	Prom/Cod	480	R., Tyron		0	5

1	630323	11/2/09	2/4/10	J., Lester	7.5/750	100	P., Venkata	q6 prn	3	2
2										
3	633103		2/4/10	J., Lester	7.5/750	30	S., Ebrahim			2
4										
5	639192	3/20/10	3/20/10	J., Robert	Prom/Cod	480	S., Andrew	5cc qid	0	12
6										
7	640303		4/5/10	J., Robert	Prom/Cod	480	P., Ngo		0	18
8	637342		2/23/10	J., Angelice	Prom/Cod	480	R., Tyron			6
9										
10	637790		3/1/10	J., Robert	Prom/Cod	480	R., Joseph		0	6
11	637535		2/24/10	J., Emmet	7.5/750	90	T., Kenneth		0	14
12										
13	634340	1/7/10	1/12/10	L., Virgil	Prom/Cod	480	R., Tyron	5cc qid	0	24
14	638923		4/3/10	L. Sr., Eddie	xan 2	100	W., Phillip	q8 prn		15
15										
16	631383		3/1/2010	L., Twanna	Prom/Cod	360	C., Anna		F	24
17										
18	631386		3/1/10	L., Twanna	Xan 2	90	C., Anna		F	30
19										
20	638170		3/5/10	L., Patricia	amb cr 12.5	4	P., Ngo		0	30
21										
22	632490r	11/30/09	1/22/10	M., Oliver	Prom/Cod	480	P., Crescenzo	5cc q6	0	6
23										
24	636396	2/9/10	2/9/10	M., Minnie	Prom/Cod	360	P., Ngo	10cc q6 Prn	0	11
25										
26	637608		2/25/10	M., Ricardo	Prom/Cod	480	L., Zhiwei		0	19
27										
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638932		4/7/10	M., Richard	7.5/750	120	H., Gerald		1	8
637341		2/23/10	M., Davette	Prom/Cod	480	R., Tyron		0	8
636264		2/8/10	M., George	Prom/Cod	360	C., Anna			6
637495		2/24/10	M., April	Prom/Cod	480	R., Tyron		0	5
639325		3/23/10	M., Ossie	xan 2	90	S., Andrew		0	9
635063		2/22/10	O., Anna	5/500	90	P., Ngo			21
641189		4/15/10	P., Aaron	Prom/Cod	360	C., Anna		1	12
641188		4/15/10	P., Aaron	1/325	90	C., Anna		1	18
641190		4/15/10	P., Aaron	xan 2	90	C., Anna		1	18
640331		4/6/10	P., Patricia	7.5/750	50	M., Matthew		3	10
632374		2/11/10	P., Patricia	Flu 30	30	S., Lewis			16
634546	1/14/10	1/14/10	R., Robert	7.5/750	45	G., Enrique	1-2 qid prn	1	12
632725	1/4/10	2/22/10	R., Robert	7.5/750	45	O., Nelson	tid prn		21
632725	1/4/10	1/11/10	R., Robert	7.5/750	45/90	O., Nelson	tid prn	2	23
632725	1/4/10	2/13/10	R., Robert	7.5/750	90	O., Nelson	tid prn	0	6
637739	2/24/10	3/10/10	R. Robert	7.5/750	45/90	O., Nelson	1-2tid prn	5	7

1	637739	2/24/10	4/12/10	R. Robert	7.5/750	45/90	O., Nelson	1-2tid prn	3	8
2										
3	637676		2/26/10	S., Vierka	Zolpidem	30	P., Jorge			6
4	640135		4/9/10	S., Williams	Prom/Cod	240	V.P., Juan		1	6
5										
6	637492		2/24/10	T., Patricia	Prom/Cod	480	R., Tyron		0	5
7										
8	640783		4/10/10	V., Veronica	Prom/Cod	480	S., Andrew		0	6
9										
10	638105		3/4/10	W., Latausha	Prom/Cod	240	V.P., Juan		1	15
11										

TENTH CAUSE FOR DISCIPLINE

(Failure to Properly Label the Prescription With the Name of Prescriber)

44. Respondents VALLEY WEST MEDICAL PHARMACY and BRIAN

BYEONGWON MIN are subject to disciplinary action under section 4076, subdivision (a)(4) of the Business and Professions Code, in that during a Board investigation of the Valley West Medical Pharmacy on August 9, 2010, the investigator found that Respondents VALLEY WEST MEDICAL PHARMACY and BRIAN BYEONGWON MIN made ten (10) errors in physician names, different from on the prescription itself, as follows:

RX (log)	Fill Date (log)	Original Date (log)	Patient Name ⁷	Drug	Amount (log)	Doctor's Name ⁸ (log-RX)	Doctor's City (log-RX)
638923		3/16/10	L.Sr., Eddie	Xan 2 xan 1	100	C., Anna- W., Phillip	Los Angeles-

⁷ In order to protect the privacy of the patient, the last name initials are used for the purpose of identification.

⁸ In order to protect the privacy of the doctor, the last name initials are used for the purpose of identification.

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							Diamond Bar
638924		3/16/10	L.Sr., Eddie	10/325	60	C., Anna- W., Phillip	Los Angeles- Diamond Bar
638336		3/9/10	C., Sylvia	Adderall xr 20	60	C., Jonathan- F., David	Montebello- La Canada
633888		1/4/10	G., Kelly	Prom/Cod	480	A., Mumtaz, S., Andrew	Rancho Cucamonga- Monterey Park
634957		1/21/10	J., Robert	Prom/Cod	360	R., Tyron- W., Tan	Inglewood- Rosemead
638925		3/16/10	L. Sr., Eddie	Prom/Cod	360	C., Anna- W., Phillip	Los Angeles- Diamond Bar
636530		2/11/10	M., Oliver	Prom/Cod	480	P., Crescenzo- S., Eleanor	San Pedro- Los Angeles
636131		2/5/10	M., Davette	Prom/Cod	480	W., Kin- R., Tyron	Los Angeles- Inglewood
636135		2/5/10	T., Patricia	Prom/Cod	480	R., Valente-	Torrance- Inglewood

						R., Tyron	
634960		1/21/10	W., Lawrence	Prom/Cod	360	R., Tyron- W., Tan	Inglewood- Rosemead

ELEVENTH CAUSE FOR DISCIPLINE

(Lack of Pharmacist's Initials On the Oral or Transfer Prescriptions)

45. Respondents VALLEY WEST MEDICAL PHARMACY and BRIAN

BYEONGWON MIN are subject to disciplinary action under section 1717, subdivisions (c) and (e) of the California Code of Regulations, in that during a Board investigation of the Valley West Medical Pharmacy on August 9, 2010, the investigator found thirty eight (38) prescriptions that did not have the initials of the pharmacist, Respondent BRIAN BYEONGWON MIN, as shown below:

RX (log)	Fill Date	Original Date (log)	Patient Name ⁹	Oral Rx-no RPH initials
634255		1/11/01	G., Vincent	Y
634382	3/23/10	1/12/10	C., Charles	Y
634863	2/22/10	1/20/10	C., Charles	Y
635000		1/22/10	C., David	Y
635009	3/19/10	1/22/10	H., Jung Lim	Y
635063		2/13/10	O., Anna	Y
635177		1/25/10	J., Robert	Y
635295		1/26/10	R., Leslie	Y
635341	3/1/10	1/27/10	P., Doris	Y
635452		1/28/10	P., Patricia	Y
635453		1/28/10	P., Patricia	Y
635796		2/2/10	T., Maria	Y

⁹ In order to protect the privacy of the patient, the last name initials are used for the purpose of identification.

1	635834		2/2/10	S., Vierka	Y
2	636403		2/9/10	J., Robert	Y
3	636517		2/11/10	P., Patricia	Y
4	636520		2/11/10	P., Doris	Y
5	636708		2/13/10	S., Nicolletta	Y
6	636711		2/13/10	S., Nicolletta	Y
7	637100		2/18/10	J., Robert	Y
8	637290		2/22/10	G., Stephen	Transfer 1717e
9	637446	2/25/10	2/25/10	P., Patricia	Y
10	637650		2/26/10	J., Steven	Y
11	637767		3/1/10	P., Doris	Y
12	637986		3/3/10	P., James 2	Y
13	639231		3/22/10	P., Patricia	Y
14	639455		3/24/10	C., Rebecah	Y
15	639581		3/125/10	D., Kelly	Y
16	639744		3/29/10	G., Claudia	Y
17	639754		3/29/10	L., Domerick	Transfer 1717e
18					
19	640108		4/3/10	J., Derrick	Y
20	640200		4/3/10	P., Aaron	Y
21	640201		4/3/10	P., Aaron	Y
22	640202		4/3/10	P., Aaron	Y
23	640219		4/3/10	W., Latausha	Y
24	640405		4/6/10	O., Anna	Y
25	640428		4/6/10	O., Anna	Y
26	640529		4/7/10	D., Mattie	Y
27	641260		4/16/10	G., Olivia	Y
28					

1 TWELFTH CAUSE FOR DISCIPLINE

2 (Unauthorized Refills)

3 46. Respondents VALLEY WEST MEDICAL PHARMACY and BRIAN
4 BYEONGWON MIN are subject to disciplinary action under section 4063 of the Business and
5 Professions Code, in that during a Board investigation of the Valley West Medical Pharmacy on
6 August 9, 2010, the investigator found nine (9) prescriptions which were refilled without
7 authorization, as follows:

8 RX	RX date	Fill Date	Patient name ¹⁰	Refills	Unauthorized Refills
10 639455	3/24/10	4/5/10	C. Rebecah	0	Y
11 639455	3/24/10	3/24/10	C. Rebecah	0	
12 634382	1/12/10	1/13/10	C., Charles	0	Y
13 634382	1/12/10	3/23/10	C., Charles	0	
14 635142	1/25/10	2/12/10	D., Kelly	0	Y
15 635142	1/25/10	1/25/10	D., Kelly	0	
16 639744	3/29/10	4/2/10	G., Claudia	0	Y
17 639744	3/29/10	3/29/10	G., Claudia	0	
18 635341	1/27/10	3/1/10	P. Doris	0	Y
19 635341	1/27/10	1/27/10	P. Doris	0	
20 637446	2/24/10	3/9/10	P., Patricia	0	Y
21 637446	2/24/10	2/25/10	P., Patricia	0	
22 637243	2/22/10	3/18/10	R., Martha	0	Y
23 637243	2/22/10	2/27/10	R., Martha	0	
24 638923	3/6/10	3/16/10	L. Sr., Eddie	0	
25 638923		4/3/10	L. Sr., Eddie	Unauth.	
26 635063	1/23/10	2/13/10	O., Anna	0	

27 ¹⁰ In order to protect the privacy of the patient, the last name initials are used for the purpose of identification.

1	635063		2/22/10	O., Anna	Unauth.	
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THIRTEENTH CAUSE FOR DISCIPLINE

(Uncertain Prescription)

47. Respondents VALLEY WEST MEDICAL PHARMACY and BRIAN BYEONGWON MIN are subject to disciplinary action under section 1761 of the California Code of Regulations, in that during a Board investigation of the Valley West Medical Pharmacy on August 9, 2010, the investigator found that four (4) prescriptions had some uncertainty, but was not clarified before dispensing as follows:

RX (log)	Date (RX)	Patient Name ¹¹	Patient City	Drug	Amount (log)	Doctor's name ¹²	Doctor's City	Direction (RX)	Refill (RX)	Erroneous/ Uncertain
634190	1/7/10	D., Mattie	Los Angeles	7.5/750	60	W., Donald	Los Angeles	Bid	0	Crossed out
639194	3/12/10	J., Derick	Gardena	Prom/Cod	480	S., Angel	Gardena	5-10cc q6	0	Form not filled correctly
635453	1/28/10	P., Patricia	Los Angeles	7.5/750	50	M., Matthew	Alhambra	qid prn	0	No amount
639810	3/29/10	S., Betty	Los Angeles	Peom/Cod	480	G., Joseph	Van Nuys	?Tid	0	Unknown dose

FOURTEENTH CAUSE FOR DISCIPLINE

(Prescription Filled Not On Security Form)

48. Respondents VALLEY WEST MEDICAL PHARMACY and BRIAN BYEONGWON MIN are subject to disciplinary action under section 11152 of the Health and Safety Code, in that during a Board investigation of the Valley West Medical Pharmacy on

¹¹ In order to protect the privacy of the patient, the last name initials are used for the purpose of identification.
¹² In order to protect the privacy of the doctor, the last name initials are used for the purpose of identification.

1 August 9, 2010, the investigator found seven (7) prescriptions which were dispensed upon a
 2 prescription that was not a security form as defined in the Health and Safety Code, section 11152
 3 as described below:

4 RX (log)	5 Date (RX)	6 Original Date (log)	7 Drug	8 Patient Name ¹³	9 Doctor's Name ¹⁴ (log-RX)	10 Doctor's City (log- RX)	11 Not Security Form
12 635027	1/22/10	1/22/10	Prom/Cod	E., Dwayne	N., Hy Phung	Blank- Rosemead	Y
13 634072	1/7/10	1/7/10	7.5/750	G., Linda	P., Ngo	Alhambra	Y
14 634074	1/7/10	1/17/10	xan .5	G., Linda	P., Ngo	Alhambra	Y
15 637750	2/127/10	2/27/10	tem 15	G., Maria	P., Ngo	Alhambra	Y
16 635031	1/22/10	1/22/10	Prom/Cod	H., Ronald	N., Hy Phung	?- Rosemead	Y
17 635920	2/3/10	2/3/10	clo .5	H., Maria	R., Jai Hyon	?- Pasadena	Y
18 637243	2/22/10	2/27/10	t3	R., Martha	P., Ngo	Alhambra	Y

19 **FIFTEENTH CAUSE FOR DISCIPLINE**

20 (Unprofessional Conduct-Failure to Exercise or Implement Professional Judgment))

21 49. Respondents VALLEY WEST MEDICAL PHARMACY and BRIAN

22 BYEONGWON MIN are subject to disciplinary action under section 4306.5 of the Business and
 23 Professions Code, in that during a Board investigation of the Valley West Medical Pharmacy on
 24 August 9, 2010, the investigator found that Respondent BRIAN BYEONGWON MIN filled a
 25 hundred eight (108) day supply of cough medicine to the same patient in a sixty (60) day period.

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 27 ¹³ In order to protect the privacy of the patient, the last name initials are used for the purpose of identification.

28 ¹⁴ In order to protect the privacy of the doctor, the last name initials are used for the purpose of identification.

1 Further, Respondent BRIAN BYEONGWON MIN also filled a sixty five (65) day supply of
 2 Hydrocodone/Apap within a forty five (45) day period¹⁵. Respondent BRIAN BYEONGWON
 3 MIN did not have any documentation on why he filled the prescriptions so soon. Respondents
 4 VALLEY WEST MEDICAL PHARMACY and BRIAN BYEONGWON MIN were not in
 5 compliance with Business and professions Code, section 4306.5 in that they failed to exercise or
 6 implement their best professional judgment or corresponding responsibility with regard to the
 7 dispensing of controlled substances, as follows:

8 RX (log)	Date (RX)	Fill Date (log)	Original date (log)	Patient Name ¹⁶	Drug	Amount (log)	Doctor's Name ¹⁷	Doctor's City log- (RX)	Direction (RX)	Refill (RX)	More Than One Script/day
11 636401	2/9/10		2/9/10	RJ	10/325	100	P., ngo	Alhambra	qid prn	0	
12 637688	2/26/10		3/8/10	RJ	10/324	120	S., Andrew	East LA- Monterey Park	q6 prn	0	
15 635177	1/25/10		1/25/10	RJ	10/650	100	S., Andrew	East LA	q6 prn	0	Y
17 637102	2/17/10		2/18/10	RJ	7.5/750	30	W., Tan	Rosemead	tid prn	0	
18 634957	1/21/10		1/21/10	RJ	Prom/Cod	360	R., Tyron- W., Tan	Inglewood- rosemead	10cc qid prn	0	
21 635178	1/25/10		2/3/10	RJ	Prom/Cod	480	S., Andrew	East LA- Monterey Park	5cc qid	0	Y
24 636403	2/9/10		2/9/10	RJ	Prom/Cod	360	P., Ngo	Alhambra	10cc q6	0	Y

15 The patient saw multiple medical professionals

16 In order to protect the privacy of the patient, the last name initials are used for the purpose of identification.

17 In order to protect the privacy of the doctor, the last name initials are used for the purpose of identification.

1									prn		
2	637100	2/18/10	2/18/10	RJ	Prom/Cod	360	W., Tan	Rosemead	5cc qid	0	Y
3									prn		
4	637689	2/26/10	3/8/10	RJ	Prom/Cod	480	S., Andrew	East LA- Monterey Park	5cc qid	0	
5											
6											
7	639192	3/20/10	3/20/10	RJ	Prom/Cod	480	S., Andrew	East LA- Monterey Park	5cc qid	0	
8											
9											

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11 **SIXTEENTH CAUSE FOR DISCIPLINE**

12 (Failure to Perform Quality Assurance)

13 50. Respondents VALLEY WEST MEDICAL PHARMACY and BRIAN
 14 BYEONGWON MIN are subject to disciplinary action under section 1711 of the California Code
 15 of Regulations, in that during a Board investigation of the Valley West Medical Pharmacy on
 16 August 9, 2010, the investigator found that Respondent BRIAN BYEONGWON MIN, the
 17 pharmacist in charge, had not documented one (1) error since he opened his pharmacy in January
 18 2008, in violation of the California Code of Regulations, section 1711.

19 **SEVENTEENTH CAUSE FOR DISCIPLINE**

20 (Notice to Consumer Poster Not Posted)

21 51. Respondents VALLEY WEST MEDICAL PHARMACY and BRIAN
 22 BYEONGWON MIN are subject to disciplinary action under section 1707.2, subdivision (f), of
 23 the California Code of Regulations, in that during a Board investigation of the Valley West
 24 Medical Pharmacy on February 28, 2011, the investigator found that there was only one Notice to
 25 Consumer posted, in violation of the section 1707.2, subdivision (f), of the California Code of
 26 Regulations. One of the other notices had fallen next to the refrigerator, another notice was
 27 posted on a "hard to see" wall. Respondents were previously cited for this violation before on
 28 August 9, 2012 when Respondents had the old posters posted.

1 **EIGHTEENTH CAUSE FOR DISCIPLINE**

2 (Theft and Impairment Policy Inadequate and Not Available During Inspection)

3 52. Respondents VALLEY WEST MEDICAL PHARMACY and BRIAN
4 BYEONGWON MIN are subject to disciplinary action under section 4104, subdivision (b), of the
5 Code, in that during a Board investigation of the Valley West Medical Pharmacy on February 28,
6 2011, the investigator found that there was no theft and impairment policy available for
7 inspection, in violation of section 4104, subdivision (b), of the Code. Respondents were
8 previously cited for this violation before on August 9, 2012 when Respondents could not produce
9 the theft and impairment policy during the investigator's inspection on August 9, 2010, and did
10 not provide them upon request after the inspection.

11 **NINETEENTH CAUSE FOR DISCIPLINE**

12 (Technician Policy/Job Description Not Available During the Inspection)

13 53. Respondents VALLEY WEST MEDICAL PHARMACY and BRIAN
14 BYEONGWON MIN are subject to disciplinary action under section 1793.7, subdivision (d), of
15 the California Code of Regulations, in that during a Board investigation of the Valley West
16 Medical Pharmacy on February 28, 2011, the investigator found that there were no technician
17 policies or procedures/job duty statements, in violation of section 1793.7, subdivision (d), of the
18 California Code of Regulation.

19 **TWENTIETH CAUSE FOR DISCIPLINE**

20 (Quality Assurance Policy and Procedure Not Available During the Inspection)

21 54. Respondents VALLEY WEST MEDICAL PHARMACY and BRIAN
22 BYEONGWON MIN are subject to disciplinary action under section 1711, subdivision (c)(1), of
23 the California Code of Regulations, in that during a Board investigation of the Valley West
24 Medical Pharmacy on February 28, 2011, the investigator found that there was no Quality
25 Assurance policy and procedure, in violation of section 1711, subdivision (c)(1), of the California
26 Code of Regulations. Respondents were previously cited for this violation before as they had not
27 documented any errors from 2008 to August of 2010.
28

1 **TWENTY FIRST CAUSE FOR DISCIPLINE**

2 (Not Initialing Oral Prescriptions)

3 55. Respondents VALLEY WEST MEDICAL PHARMACY and BRIAN
4 BYEONGWON MIN are subject to disciplinary action under section 1717, subdivision (d), of
5 the California Code of Regulations, in that during a Board investigation of the Valley West
6 Medical Pharmacy on February 28, 2011, the investigator found that Respondents were still not
7 initialing oral prescriptions, RX 664341, 664344 and 664345, in violation of section 1717,
8 subdivision (d), of the California Code of Regulations. Respondents were previously cited for
9 this violation before on August 9, 2012 when the investigator found thirty eight (38) prescriptions
10 with no initials.

11 **TWENTY SECOND CAUSE FOR DISCIPLINE**

12 (No Consultation provided to the Patients)

13 56. Respondents VALLEY WEST MEDICAL PHARMACY and BRIAN
14 BYEONGWON MIN are subject to disciplinary action under section 1707.2, subdivision
15 (b)(1)(A)), of the California Code of Regulations, in that during a Board investigation of the
16 Valley West Medical Pharmacy on February 28, 2011, the investigator found that Respondents
17 did not provide any consultation to any patients who picked up their prescriptions. The Board
18 Inspector retrieved the copies of the prescription signature log which revealed that five
19 prescriptions were picked up with no consultation in violation of section 1707.2, subdivision
20 (b)(1)(A)), of the California Code of Regulations.

RX	Name	Drug	Amount
664967	J. S.	Hydrocodone/Apap 10/325	100
664968	J. S.	Promethazine/Codeine	480
664969	J. S.	Hydrochlorothiazide 25 mg	100
664918	J. G.	Azithromycin 250mg	6

1	664977	P. B.	Azithromycin	6
2			250mg	

TWENTY THIRD CAUSE FOR DISCIPLINE

(Filling Medications Without a Valid Prescription)

57. Respondents VALLEY WEST MEDICAL PHARMACY and BRIAN BYEONGWON MIN are subject to disciplinary action under section 1761, subdivision (a), of the California Code of Regulations, in that during a Board investigation of the Valley West Medical Pharmacy on February 28, 2011, the investigator found that Respondents filled the following four (4) prescriptions which were fraudulent, in violation of section 1761, subdivision (a), of the California Code of Regulations.

RX	Name	Drug	Amount	Date	Bill	Cost	Script	Other
649667	K. F.	Zyprexa	30	8/11/10	CAM	1057	Yes	
649668	K. F.	Advair 500/50	60	8/11/10	CAM	332.67	Yes	Refill Request sent to Magee
649670	D.B.	Seroquel 300 mg	60	8/11/10	CAM	875	Yes	Refill Request sent to Magee
649671	D.B.	Advair 500/50	8/11/10	CAM	332,67	yes		Refill Request sent to Magee

1 **TWENTY FOURTH CAUSE FOR DISCIPLINE**

2 (Records Violation)

3 58. Respondents VALLEY WEST MEDICAL PHARMACY and BRIAN
4 BYEONGWON MIN are subject to disciplinary action under section 4081 of the Code, in that
5 during a Board investigation of the Valley West Medical Pharmacy on February 28, 2011, the
6 investigator found that Respondents filled the following four (4) prescriptions which were
7 fraudulent, in violation of section 4081 of the Code.

8 **DISCIPLINE CONSIDERATIONS**

9 59. To determine the degree of discipline, if any, to be imposed on Respondent BRIAN
10 BYEONGWON MIN, Complainant alleges that on or about March 10, 2010, in a prior action, the
11 Board of Pharmacy issued Citation Number CI 2009 43737 and ordered Respondent BRIAN
12 BYEONGWON MIN to be cited for the loss of one thousand five hundred fifty two (1,552)
13 tablets of Oxycontin, eighty (80) mg, in violation of section 1714, subdivision (d) of the
14 California Code of Regulations. That Citation is now final and is incorporated by reference as if
15 fully set forth.

16 60. To determine the degree of discipline, if any, to be imposed on Respondent,
17 VALLEY WEST MEDICAL PHARMACY, Complainant alleges that on or about March 10,
18 2010, in a prior action, the Board of Pharmacy issued Citation Number CI 2007 35659 and
19 ordered Respondent VALLEY WEST MEDICAL PHARMACY to pay two thousand five
20 hundred dollars (\$2,500) in fines. That Citation is now final and is incorporated by reference as if
21 fully set forth.

22 61. To determine the degree of discipline, if any, to be imposed on Respondent BRIAN
23 BYEONGWON MIN, Complainant alleges that on or about November 9, 2011, in a prior action,
24 the Board of Pharmacy issued Citation Number CI 2011 50240 and ordered Respondent BRIAN
25 BYEONGWON MIN to be cited for (1) not having the physical description of the dispensed
26 medication on the prescription container, in violation of section 4076, subdivision (a)(11) of the
27 Business and Professions Code; (2) not properly labeling the finished product or not maintaining
28 proper records for the pre-packaged products, in violation of section 1735.2, subdivision (b) of

1 the California Code of Regulations; (3) incorrectly dispensing oxycodone 30 mg instead of
2 oxycodone 5 mg, in violation of section 1716 of the California Code of Regulations; (4) not
3 providing upon request the quality assurance review for patient G.G.'s oxycodone 5 mg RX#
4 651869 medication error, in violation of section 1711, subdivision (e) of the California Code of
5 Regulations. The Board of Pharmacy ordered Respondent BRIAN BYEONGWON MIN to pay
6 two thousand five hundred dollars (\$2,500) in fines. That Citation is now final and is
7 incorporated by reference as if fully set forth.

8 62. To determine the degree of discipline, if any, to be imposed on Respondent,
9 VALLEY WEST MEDICAL PHARMACY, Complainant alleges that on or about November 9,
10 2011, in a prior action, the Board of Pharmacy issued Citation Number CI 2010 47823 and
11 ordered Respondent VALLEY WEST MEDICAL PHARMACY to be cited for (1) not having the
12 physical description of the dispensed medication on the prescription container, in violation of
13 section 4076, subdivision (a)(11) of the Business and Professions Code; (2) not properly labeling
14 the finished product or not maintaining proper records for the pre-packaged products, in violation
15 of section 1735.2, subdivision (b) of the California Code of Regulations; (3) incorrectly
16 dispensing Oxycodone 30 mg instead of Oxycodone 5 mg, in violation of section 1716 of the
17 California Code of Regulations; (4) not providing upon request the quality assurance review for
18 patient G.G.'s Oxycodone 5 mg RX# 651869 medication error, in violation of section 1711,
19 subdivision (e) of the California Code of Regulations. The Board of Pharmacy ordered
20 Respondent VALLEY WEST MEDICAL PHARMACY to pay one thousand dollars (\$1,000) in
21 fines. That Citation is now final and is incorporated by reference as if fully set forth.

22 PRAYER

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

- 25 1. Revoking or suspending Permit Number PHY 48957, issued to Brian Byeongwon
26 Min dba Valley West Medical Pharmacy
- 27 2. Revoking or suspending Phamacist License No. RPH 35960 to Respondent BRIAN
28 BYEONGWON MIN;

1 3. Ordering Brian Byeongwon Min and Valley West Medical Pharmacy to pay the
2 Board of Pharmacy the reasonable costs of the investigation and enforcement of this case,
3 pursuant to Business and Professions Code section 125.3;

4 4. Taking such other and further action as deemed necessary and proper.
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8 DATED: 6/29/12

Virginia Herold

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

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