

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

In the Matter of the Accusation Against:

Case No. 4683

PACIFIC PHARMACY SERVICES, INC.
DBA MEDICINE SHOPPE #565
174 S. Sunrise Way
Palm Springs, CA 92262

Pharmacy Permit No. PHY 48719

and

SUNG HOON PARK
79658 Dandelion Drive
La Quinta, CA 92253

Pharmacist License No. RPH 56937

Respondents.

DECISION AND ORDER

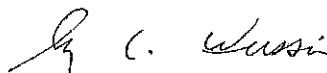
The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on April 28, 2014.

It is so ORDERED on April 24, 2014.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



STAN C. WEISSER
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 JAMES M. LEDAKIS
Supervising Deputy Attorney General
3 NICOLE R. TRAMA
Deputy Attorney General
4 State Bar No. 263607
110 West "A" Street, Suite 1100
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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:
13 **PACIFIC PHARMACY SERVICES INC.,**
DBA MEDICINE SHOPPE #565
14 **174 S. Sunrise Way**
Palm Springs, CA 92262
15 **Pharmacy Permit No. PHY 48719**
16 **and**
17 **SUNG HOON PARK**
18 **79658 Dandelion Drive**
La Quinta, CA 92253
19 **Pharmacist License No. RPH 56937**
20
21 Respondents.

Case No. 4683

OAH No. 2013080856

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

22
23 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
24 entitled proceedings that the following matters are true:

25 PARTIES

26 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy,
27 Department of Consumer Affairs. She brought this action solely in her official capacity and is
28

1 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by
2 Nicole R. Trama, Deputy Attorney General.

3 2. Pacific Pharmacy Services Inc., dba Medicine Shoppe #565 and Sung Hoon Park
4 (Respondents) are represented in this proceeding by attorney Herb Weinberg, whose address is
5 McGuire Woods LLP, 1800 Century Park East, 8th Floor, Los Angeles, CA 90067-1501.

6 3. On or about October 1, 2007, the California State Board of Pharmacy issued
7 Pharmacy Permit No. PHY 48719 to Pacific Pharmacy Services Inc., dba Medicine Shoppe #565
8 with Sung Hoon Park as Chief Executive Officer (CEO) (Respondent). The Pharmacy Permit
9 was in full force and effect at all times relevant to the charges brought in First Amended
10 Accusation No. 4683 and will expire on October 1, 2014, unless renewed.

11 4. On or about April 7, 2005, the California State Board of Pharmacy issued Pharmacist
12 License No. RPH 56937 to Sung Hoon Park (Respondent). The Pharmacist License was in full
13 force and effect at all times relevant to the charges brought in First Amended Accusation No.
14 4683 and will expire on February 28, 2015, unless renewed.

15 JURISDICTION

16 5. Accusation No. 4683 was filed before the Board of Pharmacy (Board), for the
17 Department of Consumer Affairs State of California, and is currently pending against
18 Respondents. The Accusation and all other statutorily required documents were properly served
19 on Respondents on August 2, 2013. Respondents timely filed their Notices of Defense contesting
20 the Accusation. On January 24, 2014, First Amended Accusation No. 4683 was filed before the
21 Board against Respondents. A copy of First Amended Accusation No. 4683 is attached as
22 Exhibit A and incorporated by reference.

23 ADVISEMENT AND WAIVERS

24 6. Respondents have carefully read, fully discussed with counsel, and understand the
25 charges and allegations in First Amended Accusation No. 4683. Respondents also have carefully
26 read, fully discussed with counsel, and understand the effects of this Stipulated Surrender of
27 License and Order.

28

1 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
2 action between the parties, and the Board shall not be disqualified from further action by having
3 considered this matter.

4 13. The parties understand and agree that Portable Document Format (PDF) and facsimile
5 copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures
6 thereto, shall have the same force and effect as the originals.

7 14. This Stipulated Surrender of License and Order is intended by the parties to be an
8 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
9 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
10 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
11 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
12 executed by an authorized representative of each of the parties.

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

15 **ORDER**

16 IT IS HEREBY ORDERED that Pharmacy Permit No. PHY 48719 issued to Respondent
17 Pacific Pharmacy Services Inc., dba Medicine Shoppe #565 and Pharmacist License No. RPH
18 56937 issued to Respondent Sung Hoon Park, are surrendered and accepted by the Board of
19 Pharmacy.

20 1. The surrender of Respondents' Pharmacy Permit and Pharmacist License and the
21 acceptance of the surrendered licenses by the Board shall constitute the imposition of discipline
22 against Respondents. This stipulation constitutes a record of the discipline and shall become a
23 part of Respondents' license history with the California State Board of Pharmacy.

24 2. Respondent Pacific Pharmacy Services Inc., dba Medicine Shoppe #565 shall lose all
25 rights and privileges as a pharmacy in California as of the effective date of the Board's Decision
26 and Order.

27 3. Respondent Sung Hoon Park shall lose all rights and privileges as a pharmacist in
28 California as of the effective date of the Board's Decision and Order.

1 4. Respondents shall cause to be delivered to the Board pocket licenses and, if issued,
2 wall certificates on or before the effective date of the Decision and Order.

3 5. If Respondents ever apply for licensure or petition for reinstatement in the State of
4 California, the Board shall treat it as a new application for licensure. Respondents must comply
5 with all the laws, regulations and procedures for licensure in effect at the time the application or
6 petition is filed, and all of the charges and allegations contained in First Amended Accusation No.
7 4683 shall be deemed to be true, correct and admitted by Respondents when the Board determines
8 whether to grant or deny the application or petition.

9 6. Respondents shall pay the agency its costs of investigation and enforcement in the
10 amount of \$10,486.00 prior to issuance of a new or reinstated license.

11 7. If Respondents should ever apply or reapply for a new license or certification, or
12 petition for reinstatement of a license, by any other health care licensing agency in the State of
13 California, all of the charges and allegations contained in First Amended Accusation No. 4683
14 shall be deemed to be true, correct, and admitted by Respondents for the purpose of any
15 Statement of Issues or any other proceeding seeking to deny or restrict licensure.

16 8. Respondent Pacific Pharmacy Services Inc., dba Medicine Shoppe #565 shall, within
17 ten (10) days of the effective date of the Board's order, arrange for the destruction of, the transfer
18 to, sale of or storage in a facility licensed by the Board of all controlled substances and dangerous
19 drugs and devices. Respondent Pacific Pharmacy Services Inc., dba Medicine Shoppe #565 shall
20 further provide written proof of such disposition and submit a completed Discontinuance of
21 Business form according to Board guidelines.

22 9. Respondent may not apply, reapply, or petition for any licensure or registration of the
23 Board for three (3) years from the effective date of the Decision and Order.

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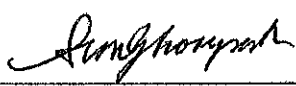
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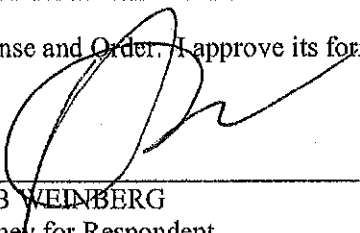
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ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Herb Weinberg. I understand the stipulation and the effect it will have on Pharmacy Permit No. PHY 48719 and Pharmacist License No. RPH 56937. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy, Department of Consumer Affairs.

DATED: March 18, 2014 
SUNG HOON PARK, Individually and as CEO
and authorized agent on behalf of
PACIFIC PHARMACY SERVICES INC.,
DBA MEDICINE SHOPPE #565
Respondents


I have read and fully discussed with Sung Hoon Park the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 3/24/14 
HERB WEINBERG
Attorney for Respondent

ENDORSEMENT

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

Dated: 3/25/14 Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
JAMES M. LEDAKIS
Supervising Deputy Attorney General


NICOLE R. TRAMA
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

First Amended Accusation No. 4683

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2 JAMES M. LEDAKIS
Supervising Deputy Attorney General
3 NICOLE R. TRAMA
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16 and

17 **SUNG HOON PARK**
18 **79658 Dandelion Drive**
La Quinta, CA 92253

19 **Pharmacist License No. RPH 56937**

20 Respondent.

Case No. 4683

OAH Case No. 2013080856

FIRST AMENDED ACCUSATION

21
22
23 Complainant alleges:

24 **PARTIES**

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

1 2. On or about October 1, 2007, the Board of Pharmacy issued Pharmacy Permit
2 Number PHY 48719 to Pacific Pharmacy Services Inc., dba Medicine Shoppe #565,
3 (Respondent), with Sung Hoon Park as Chief Executive Officer (CEO) since October 1, 2007.
4 The Pharmacy Permit was in full force and effect at all times relevant to the charges brought
5 herein and will expire on October 1, 2014, unless renewed.

6 3. On or about April 7, 2005, the Board of Pharmacy issued Pharmacist License Number
7 RPH 56937 to Sung Hoon Park (Respondent). The Pharmacist License was in full force and
8 effect at all times relevant to the charges brought herein and will expire on February 28, 2015,
9 unless renewed.

10 **JURISDICTION**

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

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

17 6. Section 4300(a) of the Code provides that every license issued by the Board may be
18 suspended or revoked.

19 7. Section 4300.1 of the Code states:

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

STATUTORY PROVISIONS & REGULATORY PROVISIONS

26 8. Section 4022 of the Code states:

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

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

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

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

7 9. Section 4060 of the Code provides that no person shall possess a controlled substance
8 except that furnished to a person upon a valid prescription.

9 10. Section 4081 of the Code states:

10 (a) All records of manufacture and of sale, acquisition, or disposition of
11 dangerous drugs or dangerous devices shall be at all times during business hours
open to inspection by authorized officers of the law, and shall be preserved for at
12 least three years from the date of making. A current inventory shall be kept by
every manufacturer, wholesaler, pharmacy, veterinary food-animal drug retailer,
13 physician, dentist, podiatrist, veterinarian, laboratory, clinic, hospital, institution,
or establishment holding a currently valid and unrevoked certificate, license,
14 permit, registration, or exemption under Division 2 (commencing with Section
1200) of the Health and Safety Code or under Part 4 (commencing with Section
15 16000) of Division 9 of the Welfare and Institutions Code who maintains a stock
of dangerous drugs or dangerous devices.

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

19 11. Section 4113 of the Code states:

20 (a) Every pharmacy shall designate a pharmacist-in-charge and, within 30
21 days thereof, shall notify the board in writing of the identity and license number of
22 that pharmacist and the date he or she was designated.

23 (b) The proposed pharmacist-in-charge shall be subject to approval by the
24 board. The board shall not issue or renew a pharmacy license without
identification of an approved pharmacist-in-charge for the pharmacy.

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

28

1 (d) Every pharmacy shall notify the board in writing, on a form designed by
2 the board, within 30 days of the date when a pharmacist-in-charge ceases to act as
3 the pharmacist-in-charge, and shall on the same form propose another pharmacist
4 to take over as the pharmacist-in-charge. The proposed replacement pharmacist-in-
5 charge shall be subject to approval by the board. If disapproved, the pharmacy
6 shall propose another replacement within 15 days of the date of disapproval and
7 shall continue to name proposed replacements until a pharmacist-in-charge is
8 approved by the board.

9 (e) If a pharmacy is unable, in the exercise of reasonable diligence, to
10 identify within 30 days a permanent replacement pharmacist-in-charge to propose
11 to the board on the notification form, the pharmacy may instead provide on that
12 form the name of any pharmacist who is an employee, officer, or administrator of
13 the pharmacy or the entity that owns the pharmacy and who is actively involved in
14 the management of the pharmacy on a daily basis, to act as the interim pharmacist-
15 in-charge for a period not to exceed 120 days. The pharmacy, or the entity that
16 owns the pharmacy, shall be prepared during normal business hours to provide a
17 representative of the board with the name of the interim pharmacist-in-charge with
18 documentation of the active involvement of the interim pharmacist-in-charge in
19 the daily management of the pharmacy, and with documentation of the pharmacy's
20 good faith efforts prior to naming the interim pharmacist-in-charge to obtain a
21 permanent pharmacist-in-charge. By no later than 120 days following the
22 identification of the interim pharmacist-in-charge, the pharmacy shall propose to
23 the board the name of a pharmacist to serve as the permanent pharmacist-in-
24 charge. The proposed permanent pharmacist-in-charge shall be subject to approval
25 by the board. If disapproved, the pharmacy shall propose another replacement
26 within 15 days of the date of disapproval, and shall continue to name proposed
27 replacements until a pharmacist-in-charge is approved by the board.

18 12. Section 4301 of the Code states:

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

22

23 (f) The commission of any act involving moral turpitude, dishonesty, fraud,
24 deceit, or corruption, whether the act is committed in the course of relations as a
25 licensee or otherwise, and whether the act is a felony or misdemeanor or not.

25

26 (h) The administering to oneself, of any controlled substance, or the use of
27 any dangerous drug or of alcoholic beverages to the extent or in a manner as to be
28 dangerous or injurious to oneself, to a person holding a license under this chapter,
or to any other person or to the public, or to the extent that the use impairs the

1 ability of the person to conduct with safety to the public the practice authorized by
2 the license.

3

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

6

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

12

13 (q) Engaging in any conduct that subverts or attempts to subvert an
14 investigation of the board.

15

16 13. Section 4327 of the Code states:

17 Any person who, while on duty, sells, dispenses or compounds any drug
18 while under the influence of any dangerous drug or alcoholic beverages shall be
19 guilty of a misdemeanor.

20 14. Section 4330 of the Code states:

21 (a) Any person who has obtained a license to conduct a pharmacy, who fails
22 to place in charge of the pharmacy a pharmacist, or any person, who by himself or
23 herself, or by any other person, permits the compounding or dispensing of
24 prescriptions, or the furnishing of dangerous drugs, in his or her pharmacy, except
25 by a pharmacist, or as otherwise provided in this chapter, is guilty of a
26 misdemeanor.

27 15. Health and Safety Code section 11170 states:

28 No person shall prescribe, administer, or furnish a controlled substance for
himself.

16. California Code of Regulations, title 16, section 1714 states:

. . . .

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

area to accommodate the safe practice of pharmacy.

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

.....
17. California Code of Regulations, title 16, section 1715.6 states:

The owner shall report to the Board within thirty (30) days of discovery of any loss of the controlled substances, including their amounts and strengths.

18. California Code of Regulations, title 16, section 1718 states:

“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 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 3 years after the date of the inventory.

COST RECOVERY

19. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate 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 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

DRUGS

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

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

1 22. Hydrocodone/apap, is a Schedule III controlled substance pursuant to Health and
2 Safety Code section 11056, subdivision (e), and a dangerous drug pursuant to Business and
3 Professions Code section 4022.

4 23. Lorazepam, is a Schedule IV controlled substance pursuant to Health and Safety
5 Code section 11057, subdivision (d), and a dangerous drug pursuant to Business and Professions
6 Code section 4022.

7 24. Lortab, is a brand name for hydrocodone, a Schedule III controlled substance
8 pursuant to Health and Safety Code section 11056, subdivision (e), and a dangerous drug
9 pursuant to Business and Professions Code section 4022.

10 25. Norco, is a brand name for acetaminophen and hydrocodone bitartrate, a Schedule III
11 controlled substance pursuant to Health and Safety Code section 11056, subdivision (e), and a
12 dangerous drug pursuant to Business and Professions Code section 4022.

13 26. Vicodin, is a brand name for acetaminophen and hydrocodone bitartrate, a Schedule
14 III controlled substance pursuant to Health and Safety Code section 11056, subdivision (e), and a
15 dangerous drug pursuant to Business and Professions Code section 4022.

16 **FACTUAL ALLEGATIONS: SEPTEMBER 11, 2012 INSPECTION**

17 27. Respondent Sung Hoon Park (Respondent Park) has been the Chief Executive Officer
18 of Respondent Pacific Pharmacy Services Inc., dba Medicine Shoppe #565 (Respondent Medicine
19 Shoppe #565) since October 1, 2007 and was the Pharmacist-in-Charge (PIC) from October 1,
20 2007 to October 31, 2011.

21 28. In July 2012, the Board of Pharmacy (Board) received a complaint from a former
22 employee (RA) of Respondent Medicine Shoppe #565, alleging that Respondent Park was under
23 the influence of drugs while functioning at Respondent Medicine Shoppe #565. The complaint
24 also alleged that Respondent Park appeared unable to safely practice as a pharmacist and had to
25 be taken to the hospital for treatment at one point. Thereafter, the Board initiated an investigation
26 of Respondents, which included an inspection of Respondent Medicine Shoppe #565 on
27 September 11, 2012.
28

1 29. During the inspection of Respondent Medicine Shoppe #565 on September 11, 2012,
2 the PIC was interviewed about Respondent Park's performance. The PIC told Board inspectors
3 that on one occasion (December 6, 2011), Respondent Park was not feeling well and RA had to
4 take him to the hospital. Board inspectors then interviewed Respondent Park about his hospital
5 visit on December 6, 2011. Respondent Park told Board Inspectors that he took too many
6 antihypertensive medications that day which caused his blood pressure to drop and he had to be
7 admitted to the hospital. Respondent Park denied using any prescription drugs (with the
8 exception of blood pressure medications) or illicit/illegal drugs on the date of his admission to the
9 hospital (December 6, 2011). Respondent Park further explained to Board inspectors that he did
10 not feel well on that day and was told by the PIC to seek medical treatment. Respondent Park
11 told Board inspectors that he was treated at Desert Medical Center and discharged a few hours
12 later.

13 30. Board inspectors obtained Respondent Park's medical records which showed that
14 Respondent Park was admitted to Desert Medical Center on December 6, 2011 for lethargy, and
15 slowed and slurred speech. Upon admission to the emergency department, it was noted that
16 Respondent Park appeared to be intoxicated. After multiple tests, Respondent Park was
17 diagnosed with asymptomatic bradycardia and acute medication reaction. A routine urine
18 chemistry revealed that Respondent Park tested positive for benzodiazepines and opiates.

19 31. After learning of the positive test results, Board inspectors interviewed Respondent
20 Park again on October 9, 2012. During this second interview, Respondent Park admitted to
21 Board inspectors that the positive result for benzodiazepine was from taking clonazepam in the
22 early morning on December 6, 2011. Respondent Park stated that he had filled a prescription for
23 clonazepam at Rite Aid pharmacy a few weeks prior. Respondent Park also told Board inspectors
24 that the positive opiate result was due to his taking Vicodin, which he stated had been prescribed
25 to him ten years prior.

26 32. In a written statement to Board inspectors dated October 16, Respondent Park stated
27 that he had a habit of saving leftover medications. He also wrote that he had saved "Norco
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1 7.5/500”¹ from ten years prior for when he had dental work done. Respondent Park stated that he
2 had taken one pill of Norco at approximately 3:00 a.m. on December 6, 2011 because his body
3 was feeling achy due to lack of sleep three days in a row. Respondent Park stated that he took
4 one clonazepam 0.5 at 11:00 p.m. and another at 5:00 a.m.

5 33. Respondent Park’s prescription records showed that Respondent Park had filled one
6 prescription for hydrocodone/apap 5/500 (Vicodin) dated October 23, 2003 for twelve tablets.

7 34. Board inspectors audited Respondent Medicine Shoppe #565’s inventory and drug
8 dispensing records between March 16, 2011 and October 2, 2012, and compared them to sales
9 records obtained from wholesalers (who sold drugs to Respondent Medicine Shoppe #565
10 between March 16, 2011 and October 2, 2012). Board inspectors discovered the following
11 shortages and overages:

Drug	Variance
Clonazepam 0.5	1,405 short
Clonazepam 1	2,451 short
Clonazepam 2	642 short
Hydrocodone/apap 5/325	180 over
Hydrocodone/apap 5/500	1,261 short
Hydrocodone/apap 7.5/750	24,075 dispensed more than purchased
Hydrocodone/apap 10/325	67,480 short
Lorazepam 0.5	743 short
Lorazepam 1	159 over
Alprazolam 0.25	426 short
Alprazolam 0.5	372 short
Alprazolam 1	1,034 short
Alprazolam 2	5,355 short

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21 Respondent Medicine Shoppe #565 did not provide to Board inspectors records of acquisition or
22 disposition for the above drugs.

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27 ¹ Norco is dosed at 7.5/325. Lortab is dosed at 7.5/500. Norco and Lortab are the same
28 drug, but different doses.

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FIRST CAUSE FOR DISCIPLINE

(Against Respondent Park and Respondent Medicine Shoppe Pharmacy: Failure to Maintain Records of Acquisition and Disposition of Dangerous Drugs and Current Inventory)

35. Respondents are subject to disciplinary action under section 4301, subdivision (o) for violation of Business and Professions Code section 4081, subdivision (a) and California Code of Regulations, title 16, section 1718, for failing to maintain records of acquisition and disposition of dangerous drugs and for failing to keep a current inventory, as set forth in paragraph 34, which is incorporated herein by reference.

SECOND CAUSE FOR DISCIPLINE

(Against Respondent Park and Respondent Medicine Shoppe Pharmacy: Failure to Maintain Dangerous Drugs in a Safe and Secure Manner)

36. Respondents are subject to disciplinary action under section 4301, subdivision (o) for violation of California Code of Regulations, title 16, section 1714, subdivisions (b) and (d), for failing to maintain dangerous drugs in a safe and secure manner, as evidenced by the discrepancies in the audit, as set forth in paragraph 34, which is incorporated herein by reference.

THIRD CAUSE FOR DISCIPLINE

(Against Respondent Park Only: Dishonest Act)

37. Respondent Park is subject to disciplinary action under section 4301, subdivision (j) for a dishonest act in that Respondent Park was dishonest with Board inspectors on September 11, 2012, when he denied using any illicit drugs or prescription drugs on December 6, 2011, even though Respondent Park had taken a benzodiazepine and opiate, as set forth in paragraphs 27-33, which are incorporated herein by reference.

FOURTH CAUSE FOR DISCIPLINE

(Against Respondent Park Only: Unlawful Possession of a Controlled Substance)

38. Respondent is subject to disciplinary action under section 4301, subdivisions (j) and (o) for violation of Business and Professions Code section 4060 for possessing a controlled substance without a prescription, in that Respondent Park possessed an opiate without a

1 prescription on December 6, 2011, as set forth in paragraphs 27-33, which are incorporated herein
2 by reference.

3 **FIFTH CAUSE FOR DISCIPLINE**

4 (Against Respondent Park Only: Functioning as a Pharmacist While Under the Influence of
5 Controlled Substances)

6 39. Respondent is subject to disciplinary action under section 4301, subdivision (h) and
7 section 4301, subdivisions (o) and (j), for violation of Business Professions Code section 4327, in
8 that on December 6, 2011, Respondent worked as a pharmacist at Medicine Shoppe Pharmacy
9 #595, he was under the influence of controlled substances to the extent that it impaired his ability
10 to practice safely, as set forth in paragraphs 27-33, which are incorporated herein by reference.

11 **FACTUAL ALLEGATIONS: FEBRUARY 2, 2011 INSPECTION**

12 40. On February 2, 2011, a Board inspector conducted an inspection of Respondent
13 Medicine Shoppe #565. Respondent Park, who was the Pharmacist-in-Charge (PIC) from
14 October 1, 2007 to October 31, 2011, was present during the inspection on February 2, 2011.

15 41. During the inspection, Respondent Park informed the Board inspector that he had
16 terminated his employee pharmacy technician student, B.M., for the theft of Oxycontin.
17 Respondent Park admitted to the Board inspector that he reported the theft to the police but did
18 not report the loss to the Board. The Board inspector requested a statement regarding the theft of
19 the drugs by the employee and all records of acquisition and disposition for Oxycontin covering
20 the period of 2007 through March 23, 2010.

21 42. On March 9, 2011, the Board inspector spoke with Respondent Park about the status
22 of the requested documents. During the conversation, Respondent Park stated that Respondent
23 Medicine Shoppe #565 had three break-ins since Respondent Medicine Shoppe #565 was opened
24 in October 2007. The Board inspector discovered that only one of the break-ins (February 21,
25 2009 break-in) had been reported to the Board. The Board inspector requested that all of the
26 police reports relating to the break-ins be submitted to her.

27 43. On March 15, 2011, the Board inspector received an event record for the theft of
28 Oxycontin by B.M. from Respondent Park. According to Respondent Park's event record, in

1 March 2010, Respondent Park suspected that B.M. may have been stealing drugs. On March 23,
2 2010, while B.M. went to the bathroom, Respondent Park checked the Controlled Substances
3 cabinet and discovered that a bottle of Oxycontin 80mg was missing. Respondent Park called
4 B.M. out of the bathroom and asked him to empty his pockets. B.M. apologized repeatedly to
5 Respondent Park and admitted that he took 20 tablets of Oxycontin. Respondent Park then fired
6 B.M. Respondent Park never gave the Board inspector a copy of the police reports related to the
7 break-ins at Respondent Medicine Shoppe #565 even though it was requested by the Board
8 inspector.

9 44. On March 11, 2013, the Board inspector conducted a follow-up inspection. During
10 that inspection, the Board inspector also discovered that there was no PIC at Respondent
11 Medicine Shoppe #565. The Board inspector confirmed that Board records showed that there had
12 been no PIC from September 20, 2012 through March 2013. The Board inspector issued a notice
13 of non-compliance to Respondent Medicine Shoppe #565 for the lack of the PIC. The Board
14 inspector also issued an inspection report requesting records of all Oxycontin dispensed from
15 2007 through February 28, 2011.

16 45. On April 3, 2013, the Board inspector sent notification to Respondents that they were
17 in violation of Pharmacy Law for subverting an investigation for failing to provide the records of
18 acquisition and disposition for Oxycontin and for failure to place a PIC at Respondent Medicine
19 Shoppe #565. On April 5, 2013, the Board inspector sent Respondent Park another request for
20 records for the acquisition and disposition for Oxycontin. Although Respondent Park informed
21 the Board inspector that he would send the requested information, Respondents never provided
22 the requested records.

23 **SIXTH CAUSE FOR DISCIPLINE**

24 (Against Respondent Park and Respondent Medicine Shoppe Pharmacy)

25 (Failure to Place Pharmacist-in-Charge)

26 46. Respondents are subject to disciplinary action under section 4301, subdivision (o) for
27 violation of Business and Professions Code section 4113 and 4330(a) for failing to designate a
28

1 pharmacist-in-charge from September 20, 2012 through the present, as set forth in paragraphs 40-
2 45, which are incorporated herein by reference.

3 **SEVENTH CAUSE FOR DISCIPLINE**

4 (Against Respondent Park and Respondent Medicine Shoppe Pharmacy)

5 (Subverting an Investigation)

6 47. Respondents are subject to disciplinary action under section 4301, subdivision (q) for
7 subverting or attempting to subvert an investigation by the Board of Pharmacy in that
8 Respondents failed to produce records of acquisition and disposition for Oxycontin despite the
9 Board inspector's repeated requests and notice of violation, as set forth in paragraphs 40-45,
10 which are incorporated herein by reference.

11 **EIGHTH CAUSE FOR DISCIPLINE**

12 (Against Respondent Park and Respondent Medicine Shoppe Pharmacy)

13 (Failure to Report Losses to the Board)

14 48. Respondents are subject to disciplinary action under section 4301, subdivision (o) for
15 violating California Code of Regulations, title 16, section 1715.6(a) for failing to report within
16 thirty days to the Board, the theft of controlled substances by an employee and the break-ins
17 resulting in losses of controlled substances, as set forth in paragraphs 40-45, which are
18 incorporated herein by reference.

19 **DISCIPLINARY CONSIDERATIONS**

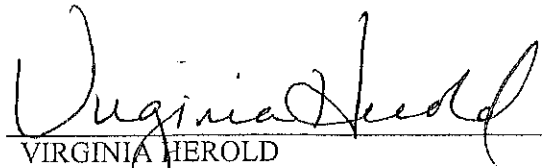
20 49. To determine the degree of discipline, if any, to be imposed on Respondents,
21 Complainant alleges:

22 a. On July 27, 2011, the Board issued Citation Number CI 2010 46205 against
23 Respondent Pacific Pharmacy Services Inc., dba Medicine Shoppe #565 for violating Business
24 and Professions Code sections 4105, 4063, 4059(a), 4058, 4125, 4104, California Code of
25 Regulations, title 16, sections 1707.1(a), 1716, 1707.2(f) and (g), 1793.7(c), 1715, 1793.7(d) and
26 Code of Federal Regulations, title 21, sections 1304.11, and 1305.13, and ordered Respondent
27 Pacific Pharmacy Services Inc., dba Medicine Shoppe #565 to pay the fine in the amount of
28 \$4,950.00 by August 26, 2011. Respondent complied with the citation.

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

DATED: 1/24/14



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

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

11
12 Case No. 4683

13 In the Matter of the Accusation Against:

14 **PACIFIC PHARMACY SERVICES INC.,**
DBA MEDICINE SHOPPE #565
174 S. Sunrise Way
15 Palm Springs, CA 92262

A C C U S A T I O N

16 Pharmacy Permit No. PHY 48719

17 and

18 **SUNG HOON PARK**
79658 Dandelion Drive
19 La Quinta, CA 92253

20 Pharmacist License No. RPH 56937

21 Respondent.

22
23 Complainant alleges:

24 **PARTIES**

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

27 2. On or about October 1, 2007, the Board of Pharmacy issued Pharmacy Permit
28 Number PHY 48719 to Pacific Pharmacy Services Inc., dba Medicine Shoppe #565,

1 (Respondent), with Sung Hoon Park as Chief Executive Officer (CEO) since October 1, 2007.
2 The Pharmacy Permit was in full force and effect at all times relevant to the charges brought
3 herein and will expire on October 1, 2013, unless renewed.

4 3. On or about April 7, 2005, the Board of Pharmacy issued Pharmacist License Number
5 RPH 56937 to Sung Hoon Park (Respondent). The Pharmacist License was in full force and
6 effect at all times relevant to the charges brought herein and will expire on February 28, 2015,
7 unless renewed.

8 JURISDICTION

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

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

15 6. Section 4300(a) of the Code provides that every license issued by the Board may be
16 suspended or revoked.

17 7. Section 4300.1 of the Code states:

18 The expiration, cancellation, forfeiture, or suspension of a board-issued
19 license by operation of law or by order or decision of the board or a court of law,
20 the placement of a license on a retired status, or the voluntary surrender of a
21 license by a licensee shall not deprive the board of jurisdiction to commence or
22 proceed with any investigation of, or action or disciplinary proceeding against, the
23 licensee or to render a decision suspending or revoking the license.

24 STATUTORY PROVISIONS & REGULATORY PROVISIONS

25 8. Section 4022 of the Code states:

26 "Dangerous drug" or "dangerous device" means any drug or device unsafe
27 for self-use in 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,

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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.

9. Section 4060 of the Code provides that no person shall possess a controlled substance except that furnished to a person upon a valid prescription.

10. Section 4081 of the Code states:

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

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

11. 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:

....

(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

....

(h) The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, to a person holding a license under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by the license.

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(j) The violation of any of the statutes of this state, or 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.

....

12. Section 4327 of the Code states:

Any person who, while on duty, sells, dispenses or compounds any drug while under the influence of any dangerous drug or alcoholic beverages shall be guilty of a misdemeanor.

13. Health and Safety Code section 11170 states:

No person shall prescribe, administer, or furnish a controlled substance for himself.

14. California Code of Regulations, title 16, section 1714 states:

....

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

....

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

....

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

"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 every licensee enumerated in Sections 4081 and 4332.

The controlled substances inventories required by Title 21, CFR, Section

1 1304 shall be available for inspection upon request for at least 3 years after the
2 date of the inventory.

3 COST RECOVERY

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

10 DRUGS

11 17. Alprazolam is a Schedule IV controlled substance pursuant to Health and Safety Code
12 section 11057, subdivision (d), and a dangerous drug pursuant to Business and Professions Code
13 section 4022.

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

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

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

23 21. Lortab, is a brand name for hydrocodone, a Schedule III controlled substance
24 pursuant to Health and Safety Code section 11056, subdivision (e), and a dangerous drug
25 pursuant to Business and Professions Code section 4022.

26 22. Norco, is a brand name for acetaminophen and hydrocodone bitartrate, a Schedule III
27 controlled substance pursuant to Health and Safety Code section 11056, subdivision (e), and a
28 dangerous drug pursuant to Business and Professions Code section 4022.

1 23. Vicodin, is a brand name for acetaminophen and hydrocodone bitartrate, a Schedule
2 III controlled substance pursuant to Health and Safety Code section 11056, subdivision (e), and a
3 dangerous drug pursuant to Business and Professions Code section 4022.

4 **FACTUAL ALLEGATIONS**

5 24. Respondent Sung Hoon Park (Respondent Park) has been the Chief Executive Officer
6 of Respondent Pacific Pharmacy Services Inc., dba Medicine Shoppe #565 (Respondent Medicine
7 Shoppe #565) since October 1, 2007 and was the Pharmacist-in-Charge (PIC) from October 1,
8 2007 to October 31, 2011.

9 25. In July 2012, the Board of Pharmacy (Board) received a complaint from a former
10 employee (RA) of Respondent Medicine Shoppe #565, alleging that Respondent Park was under
11 the influence of drugs while functioning at Respondent Medicine Shoppe #565. The complaint
12 also alleged that Respondent Park appeared unable to safely practice as a pharmacist and had to
13 be taken to the hospital for treatment at one point. Thereafter, the Board initiated an investigation
14 of Respondents, which included an inspection of Respondent Medicine Shoppe #565 on
15 September 11, 2012.

16 26. During the inspection of Respondent Medicine Shoppe #565 on September 11, 2012,
17 the PIC was interviewed about Respondent Park's performance. The PIC told Board inspectors
18 that on one occasion (December 6, 2011), Respondent Park was not feeling well and RA had to
19 take him to the hospital. Board inspectors then interviewed Respondent Park about his hospital
20 visit on December 6, 2011. Respondent Park told Board Inspectors that he took too many
21 antihypertensive medications that day which caused his blood pressure to drop and he had to be
22 admitted to the hospital. Respondent Park denied using any prescription drugs (with the
23 exception of blood pressure medications) or illicit/illegal drugs on the date of his admission to the
24 hospital (December 6, 2011). Respondent Park further explained to Board inspectors that he did
25 not feel well on that day and was told by the PIC to seek medical treatment. Respondent Park
26 told Board Inspectors that he was treated at Desert Medical Center and discharged a few hours
27 later.

1 27. Board inspectors obtained Respondent Park's medical records which showed that
2 Respondent Park was admitted to Desert Medical Center on December 6, 2011 for lethargy, and
3 slowed and slurred speech. Upon admission to the emergency department, it was noted that
4 Respondent Park appeared to be intoxicated. After multiple tests, Respondent Park was
5 diagnosed with asymptomatic bradycardia and acute medication reaction. A routine urine
6 chemistry revealed that Respondent Park tested positive for benzodiazepines and opiates.

7 28. After learning of the positive test results, Board inspectors interviewed Respondent
8 Park again on October 9, 2012. During this second interview, Respondent Park admitted to
9 Board inspectors that the positive result for benzodiazepine was from taking clonazepam in the
10 early morning on December 6, 2011. Respondent Park stated that he had filled a prescription for
11 clonazepam at Rite Aid pharmacy a few weeks prior. Respondent Park also told Board inspectors
12 that the positive opiate result was due to his taking Vicodin, which he stated had been prescribed
13 to him ten years prior.

14 29. In a written statement to Board inspectors dated October 16, Respondent Park stated
15 that he had a habit of saving leftover medications. He also wrote that he had saved "Norco
16 7.5/500"¹ from ten years prior for when he had dental work done. Respondent Park stated that he
17 had taken one pill of Norco at approximately 3:00 a.m. on December 6, 2011 because his body
18 was feeling achy due to lack of sleep three days in a row. Respondent Park stated that he took
19 one clonazepam 0.5 at 11:00 p.m. and another at 5:00 a.m.

20 30. Respondent Park's prescription records showed that Respondent Park had filled one
21 prescription for hydrocodone/apap 5/500 (Vicodin) dated October 23, 2003 for twelve tablets.

22 31. Board inspectors audited Respondent Medicine Shoppe #565's inventory and drug
23 dispensing records between March 16, 2011 and October 2, 2012, and compared them to sales
24 records obtained from wholesalers (who sold drugs to Respondent Medicine Shoppe #565
25 between March 16, 2011 and October 2, 2012). Board inspectors discovered the following
26 shortages and overages:

27 ¹ Norco is dosed at 7.5/325. Lortab is dosed at 7.5/500. Norco and Lortab are the same
28 drug, but different doses.

Drug	Variance
Clonazepam 0.5	1,405 short
Clonazepam 1	2,451 short
Clonazepam 2	642 short
Hydrocodone/apap 5/325	180 over
Hydrocodone/apap 5/500	1,261 short
Hydrocodone/apap 7.5/750	24,075 dispensed more than purchased
Hydrocodone/apap 10/325	67,480 short
Lorazepam 0.5	743 short
Lorazepam 1	159 over
Alprazolam 0.25	426 short
Alprazolam 0.5	372 short
Alprazolam 1	1,034 short
Alprazolam 2	5,355 short

Respondent Medicine Shoppe #565 did not provide to Board inspectors records of acquisition or disposition for the above drugs.

FIRST CAUSE FOR DISCIPLINE

(Against Respondent Park and Respondent Medicine Shoppe Pharmacy: Failure to Maintain Records of Acquisition and Disposition of Dangerous Drugs and Current Inventory)

32. Respondents are subject to disciplinary action under section 4301, subdivision (o) for violation of Business and Professions Code section 4081, subdivision (a) and California Code of Regulations, title 16, section 1718, for failing to maintain records of acquisition and disposition of dangerous drugs and for failing to keep a current inventory, as set forth in paragraph 31, which is incorporated herein by reference.

SECOND CAUSE FOR DISCIPLINE

(Against Respondent Park and Respondent Medicine Shoppe Pharmacy: Failure to Maintain Dangerous Drugs in a Safe and Secure Manner)

33. Respondents are subject to disciplinary action under section 4301, subdivision (o) for violation of California Code of Regulations, title 16, section 1714, subdivisions (b) and (d), for failing to maintain dangerous drugs in a safe and secure manner, as evidenced by the discrepancies in the audit, as set forth in paragraph 31, which is incorporated herein by reference.

1 **THIRD CAUSE FOR DISCIPLINE**

2 (Against Respondent Park Only: Dishonest Act)

3 34. Respondent Park is subject to disciplinary action under section 4301, subdivision (j)
4 for a dishonest act in that Respondent Park was dishonest with Board inspectors on September 11,
5 2012, when he denied using any illicit drugs or prescription drugs on December 6, 2011, even
6 though Respondent Park had taken a benzodiazepine and opiate, as set forth in paragraphs 25-30,
7 which are incorporated herein by reference.

8 **FOURTH CAUSE FOR DISCIPLINE**

9 (Against Respondent Park Only: Unlawful Possession of a Controlled Substance)

10 35. Respondent is subject to disciplinary action under section 4301, subdivisions (j) and
11 (o) for violation of Business and Professions Code section 4060 for possessing a controlled
12 substance without a prescription, in that Respondent Park possessed an opiate without a
13 prescription on December 6, 2011, as set forth in paragraphs 25-30, which are incorporated herein
14 by reference.

15 **FIFTH CAUSE FOR DISCIPLINE**

16 (Against Respondent Park Only: Functioning as a Pharmacist While Under the Influence of
17 Controlled Substances)

18 36. Respondent is subject to disciplinary action under section 4301, subdivision (h) and
19 section 4301, subdivisions (o) and (j), for violation of Business Professions Code section 4327, in
20 that on December 6, 2011, Respondent worked as a pharmacist at Medicine Shoppe Pharmacy
21 #595, he was under the influence of controlled substances to the extent that it impaired his ability
22 to practice safely, as set forth in paragraphs 25-30, which are incorporated herein by reference.

23 **DISCIPLINARY CONSIDERATIONS**

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

26 a. On July 27, 2011, the Board issued Citation Number CI 2010 46205 against
27 Respondent Pacific Pharmacy Services Inc., dba Medicine Shoppe #565 for violating Business
28 and Professions Code sections 4105, 4063, 4059(a), 4058, 4125, 4104, California Code of

1 Regulations, title 16, sections 1707.1(a), 1716, 1707.2(f) and (g), 1793.7(c), 1715, 1793.7(d) and
2 Code of Federal Regulations, title 21, sections 1304.11, and 1305.13, and ordered Respondent
3 Pacific Pharmacy Services Inc., dba Medicine Shoppe #565 to pay the fine in the amount of
4 \$4,950.00 by August 26, 2011. Respondent complied with the citation.

5 b. On July 27, 2011, the Board issued Citation Number CI 2011 49019 against
6 Respondent Sung Hoon Park for violating Business and Professions Code sections 4105, 4063,
7 4059(a), 4058, 4125, 4104, California Code of Regulations, title 16, sections 1707.1, 1716,
8 1707.2(f) and (g), 1793.7(c), 1715, 1793.7(d) and Code of Federal Regulations, title 21, sections
9 1304.11, and 1305.13, and ordered Respondent Sung Hoon Park to pay the fine in the amount of
10 \$4,900.00 by August 26, 2011. Respondent complied with the citation.

11 c. On December 28, 2012, the Board issued Citation Number CI 2010 48706 against
12 Respondent Pacific Pharmacy Services Inc., dba Medicine Shoppe #565 for violating Business
13 and Professions Code section 733(a) and California Code of Regulations, title 16, section 1711(d)
14 and (e), and ordered Respondent Pacific Pharmacy Services Inc., dba Medicine Shoppe #565 to
15 pay the fine in the amount of \$1,500.00 by January 27, 2013. Respondent complied with the
16 citation.

17 d. On December 28, 2012, the Board issued Citation Number CI 2012 55110 against
18 Respondent Sung Hoon Park for violating Business and Professions Code section 733(a) and
19 California Code of Regulations, title 16, section 1711(d) and (e), and ordered Respondent Sung
20 Hoon Park to pay the fine in the amount of \$1,500.00 by January 27, 2013. Respondent complied
21 with the citation.

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 Pharmacy Permit Number PHY 48719, issued to Pacific
26 Pharmacy Services Inc., dba Medicine Shoppe #565;

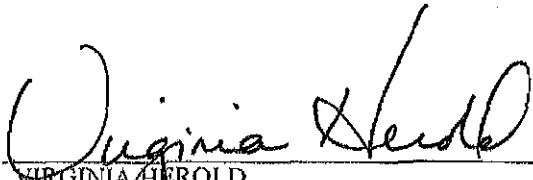
27 2. Revoking or suspending Pharmacist License Number RPH 56937, issued to Sung
28 Hoon Park;

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3. Ordering Respondents to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: 7/20/13



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

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