

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

<p>In the Matter of the Accusation Against:</p> <p>GEE'S HEALTHCARE PHARMACY, INC. DBA CABRILLO PARK PHARMACY 2212 East 4th Street #102 Santa Ana, CA 92705</p> <p>Pharmacy Permit No. PHY 50066</p> <p>GEE'S HEALTHCARE PHARMACY, INC. DBA YORBA PARK PHARMACY 2501 E. Chapman Blvd., No. 106 Orange, CA 92869</p> <p>Pharmacy Permit No. PHY 45771</p> <p>JAMES YING-MING GEE 220 Tall Oak Irvine, CA 92603</p> <p>Pharmacist License No. RPH 44796</p> <p style="text-align:right">Respondent.</p>	<p>Case No. 4981 and 5328</p> <p>OAH No. 2015100446</p>
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DECISION AND ORDER

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

This Decision shall become effective at 5:00 p.m. on April 20, 2017.

It is so ORDERED on March 21, 2017.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

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

11 In the Matter of the Accusation Against:

Case Nos. 4981 and 5328

12 **GEE'S HEALTHCARE PHARMACY,**
13 **INC., DBA CABRILLO PARK**
14 **PHARMACY**
2212 East 4th Street #102
15 Santa Ana, CA 92705

OAH No. 2015100446

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER (CABRILLO
PARK PHARMACY, YORBA PARK
PHARMACY AND JAMES YING-MING
GEE)

16 Pharmacy Permit No. PHY 50066

17 **GEE'S HEALTHCARE PHARMACY,**
INC., DBA YORBA PARK PHARMACY
2501 E. Chapman Blvd., No. 106
18 Orange, CA 92869

19 Pharmacy Permit No. PHY 45771

20 **JAMES YING-MING GEE**
220 Tall Oak
21 Irvine, CA 92603

22 Pharmacist License No. RPH 44796

23 **SOONG OK CHANG**
6901 East Rutgers Drive
24 Anaheim Hills, CA 92807

25 Pharmacist License No. RPH 45540
26
27
28

1 ANH NGOC PHAN
2 11701 Steele Dr.
3 Garden Grove, CA 92840

4 Pharmacist License No. RPH 42197

5 Respondents.

6
7 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
8 entitled proceedings that the following matters are true:

9 PARTIES

10 1. Virginia K. Herold (Complainant) is the Executive Officer of the Board of Pharmacy
11 (Board). She brought this action solely in her official capacity and is represented in this matter by
12 Xavier Becerra, Attorney General of the State of California, by Desiree I. Kellogg, Deputy
13 Attorney General.

14 2. Respondents Gee's Healthcare Pharmacy, Inc., doing business as Cabrillo Park
15 Pharmacy, Gee's Healthcare Pharmacy, Inc., doing business as Yorba Park Pharmacy and James
16 Ying-Ming Gee are represented in this proceeding by Tom Curtis and Gretchen Leach of
17 Nossaman LLP, whose address is: 18101 Von Karman Avenue, Suite 1800, Irvine, CA 92612.

18 3. On or about September 1, 2009, the Board issued Pharmacy Permit No. PHY 50066
19 to Gee's Healthcare Pharmacy, Inc., doing business as Cabrillo Park Pharmacy (Respondent
20 Cabrillo Park Pharmacy). The Pharmacy Permit was in full force and effect at all times relevant
21 to the charges brought in the Second Amended Accusation Nos. 4981 and 5328, and will expire
22 on May 31, 2018.

23 4. On or about April 16, 2002, the Board issued Pharmacy Permit No. PHY 45771 to
24 Gee's Healthcare Pharmacy, Inc., doing business as Yorba Park Pharmacy (Respondent Yorba
25 Park Pharmacy). The Pharmacy Permit was in full force and effect at all times relevant to the
26 charges brought in the Second Amended Accusation Nos. 4981 and 5328, and will expire on
27 April 1, 2017.
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1 CULPABILITY

2 11. Respondents understand and agree that the charges and allegations in Second
3 Amended Accusation Nos. 4981 and 5328, if proven at a hearing, constitute cause for imposing
4 discipline upon their respective Pharmacy Permits and Pharmacist License.

5 12. For the purpose of resolving the Second Amended Accusation without the expense
6 and uncertainty of further proceedings, Respondents agree that, at a hearing, Complainant could
7 establish a factual basis for the charges in the Second Amended Accusation, and that Respondents
8 hereby gives up their rights to contest those charges.

9 13. Respondents Cabrillo Park Pharmacy and Yorba Park Pharmacy understand that by
10 signing this stipulation it enables the Board to issue an order accepting the surrender of their
11 Pharmacy Permits without further process.

12 14. Respondent James Ying-Ming Gee agrees that his Pharmacist License is subject to
13 discipline and he agrees to be bound by the Board's probationary terms as set forth in the
14 Disciplinary Order below.

15 CONTINGENCY

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

26 16. The parties understand and agree that Portable Document Format (PDF) and facsimile
27 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
28 signatures thereto, shall have the same force and effect as the originals.

1 3. Respondent Cabrillo Park Pharmacy and Yorba Park Pharmacy shall lose all rights
2 and privileges as pharmacies in California as of the effective date of the Board's Decision and
3 Order.

4 4 Respondent Cabrillo Park Pharmacy and Yorba Park Pharmacy shall cause to be
5 delivered to the Board their pocket license and, if one was issued, their wall certificate on or
6 before the effective date of the Decision and Order.

7 5. If Respondent Cabrillo Park Pharmacy and Yorba Park Pharmacy ever apply for
8 licensure or petitions for reinstatement in the State of California, the Board shall treat them as a
9 new application for licensure. Respondent Cabrillo Park Pharmacy and Yorba Park Pharmacy
10 must comply with all the laws, regulations and procedures for licensure in effect at the time the
11 application or petition is filed, and all of the charges and allegations contained in Second
12 Amended Accusation Nos. 4981 and 5328 shall be deemed to be true, correct and admitted by
13 Respondent Cabrillo Park Pharmacy and Yorba Park Pharmacy when the Board determines
14 whether to grant or deny the application or petition.

15 6. Respondent Cabrillo Park Pharmacy and Yorba Park Pharmacy shall pay the agency
16 its costs of investigation and enforcement in the amount of \$33,966.00 in a payment plan to be
17 approved by the Board. Respondent Cabrillo Park Pharmacy and Yorba Park Pharmacy shall be
18 jointly and severally liable for those costs with Respondent James Ying-Ming Gee.

19 7. If Respondents Cabrillo Park Pharmacy and Yorba Park Pharmacy should ever apply
20 or reapply for a new license or certification, or petition for reinstatement of a license, by any other
21 health care licensing agency in the State of California, all of the charges and allegations contained
22 in Second Amended Accusation Nos. 4981 and 5328 shall be deemed to be true, correct, and
23 admitted by Respondent for the purpose of any Statement of Issues or any other proceeding
24 seeking to deny or restrict licensure.

25 8. In the event that Respondents Cabrillo Park Pharmacy and Yorba Park Pharmacy are
26 not sold within thirty (30) days of the effective date of the Order adopting this Stipulated
27 Surrender, Respondents Cabrillo Park Pharmacy and Yorba Park Pharmacy shall, within ten (10)
28 days of the stayed effective date of the Board's order, arrange for the destruction of, the transfer

1 to, sale of or storage in a facility licensed by the Board of all controlled substances and dangerous
2 drugs and devices. Respondents Cabrillo Park Pharmacy and Yorba Park Pharmacy shall further
3 provide written proof of such disposition and submit a completed Discontinuance of Business
4 form according to Board guidelines.

5 9. In the event that Respondents Cabrillo Park Pharmacy and Yorba Park Pharmacy are
6 not sold within thirty (30) days of the effective date of the Order adopting this Stipulated
7 Surrender, Respondents Cabrillo Park Pharmacy and Yorba Park Pharmacy shall, within ten (10)
8 days of the stayed effective date of the Board's Order, arrange for the continuation of care for
9 ongoing patients of the pharmacy, by at minimum, providing a written notice to ongoing patients
10 that specifies the anticipated closing date of the pharmacy and that identifies one or more area
11 pharmacies capable of taking up the patients' care, and by cooperating as may be necessary in the
12 transfer of records or prescriptions for ongoing patients. Within five (5) days of satisfaction of
13 this provision to the pharmacy's ongoing patients, Respondents Cabrillo Park Pharmacy and
14 Yorba Park Pharmacy shall provide a copy of the written notice to the board. For the purposes of
15 this provision, "ongoing patients" means those patients for whom the pharmacy has on file a
16 prescription with one or more refills outstanding, or for whom the pharmacy has filled a
17 prescription within the preceding sixty (60) days.

18 10. Respondents Cabrillo Park Pharmacy and Yorba Park Pharmacy may not apply,
19 reapply, or petition for any licensure or registration of the Board for three (3) years from the
20 effective date of the Decision and Order.

21 **IT IS FURTHER HEREBY ORDERED** that Pharmacist License No. RPH 44796 issued
22 to Respondent James Ying-Ming Gee is revoked. However, the revocation is stayed and
23 Respondent is placed on probation for five and a half (5 and a half) years on the following terms
24 and conditions.

25 1. **Suspension**

26 As part of probation, respondent is suspended from the practice of pharmacy for one
27 hundred (120) days beginning the effective date of this decision.

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1 During suspension, respondent shall not enter any pharmacy area or any portion of the
2 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of
3 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices
4 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act
5 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient
6 consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the
7 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs
8 and devices or controlled substances.

9 Respondent shall not engage in any activity that requires the professional judgment of a
10 pharmacist. Respondent shall not direct or control any aspect of the practice of pharmacy.
11 Respondent shall not perform the duties of a pharmacy technician or a designated representative
12 for any entity licensed by the board.

13 Failure to comply with this suspension shall be considered a violation of probation.

14 2. Obey All Laws

15 Respondent shall obey all state and federal laws and regulations.

16 Respondent shall report any of the following occurrences to the board, in writing, within
17 seventy-two (72) hours of such occurrence:

- 18 • an arrest or issuance of a criminal complaint for violation of any provision of the
19 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
20 substances laws
- 21 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to any
22 criminal complaint, information or indictment
- 23 • a conviction of any crime
- 24 • discipline, citation, or other administrative action filed by any state or federal agency
25 which involves respondent's pharmacist license or which is related to the practice of
26 pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging
27 for any drug, device or controlled substance.

28 Failure to timely report such occurrence shall be considered a violation of probation.

1 **3. Report to the Board**

2 Respondent shall report to the board quarterly, on a schedule as directed by the board or its
3 designee. The report shall be made either in person or in writing, as directed. Among other
4 requirements, respondent shall state in each report under penalty of perjury whether there has
5 been compliance with all the terms and conditions of probation. Failure to submit timely reports
6 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency
7 in submission of reports as directed may be added to the total period of probation. Moreover, if
8 the final probation report is not made as directed, probation shall be automatically extended until
9 such time as the final report is made and accepted by the board.

10 **4. Interview with the Board**

11 Upon receipt of reasonable prior notice, respondent shall appear in person for interviews
12 with the board or its designee, at such intervals and locations as are determined by the board or its
13 designee. Failure to appear for any scheduled interview without prior notification to board staff,
14 or failure to appear for two (2) or more scheduled interviews with the board or its designee during
15 the period of probation, shall be considered a violation of probation.

16 **5. Cooperate with Board Staff**

17 Respondent shall cooperate with the board's inspection program and with the board's
18 monitoring and investigation of respondent's compliance with the terms and conditions of their
19 probation. Failure to cooperate shall be considered a violation of probation.

20 **6. Continuing Education**

21 Respondent shall provide evidence of efforts to maintain skill and knowledge as a
22 pharmacist as directed by the board or its designee.

23 **7. Notice to Employers**

24 During the period of probation, respondent shall notify all present and prospective
25 employers of the decision in case numbers 4981 and 5328 and the terms, conditions and
26 restrictions imposed on respondent by the decision, as follows:

27 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
28 respondent undertaking any new employment, respondent shall cause their direct supervisor,

1 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's
2 tenure of employment) and owner to report to the board in writing acknowledging that the listed
3 individual(s) has/have read the decision in case numbers 4981 and 5328, and terms and conditions
4 imposed thereby. It shall be respondent's responsibility to ensure that their employer(s) and/or
5 supervisor(s) submit timely acknowledgment(s) to the board.

6 If respondent works for or is employed by or through a pharmacy employment service,
7 respondent must notify their direct supervisor, pharmacist-in-charge, and owner at every entity
8 licensed by the board of the terms and conditions of the decision in case numbers 4981 and 5328
9 in advance of the respondent commencing work at each licensed entity. A record of this
10 notification must be provided to the board upon request.

11 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
12 (15) days of respondent undertaking any new employment by or through a pharmacy employment
13 service, respondent shall cause their direct supervisor with the pharmacy employment service to
14 report to the board in writing acknowledging that they has read the decision in case numbers 4981
15 and 5328 and the terms and conditions imposed thereby. It shall be respondent's responsibility to
16 ensure that their employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

17 Failure to timely notify present or prospective employer(s) or to cause that/those
18 employer(s) to submit timely acknowledgments to the board shall be considered a violation of
19 probation.

20 "Employment" within the meaning of this provision shall include any full-time,
21 part-time, temporary, relief or pharmacy management service as a pharmacist or any
22 position for which a pharmacist license is a requirement or criterion for employment,
23 whether the respondent is an employee, independent contractor or volunteer:

24 **8. No Supervision of Interns, Serving as Pharmacist-in-Charge (PIC),**
25 **Serving as Designated Representative-in-Charge, or Serving as a Consultant**

26 During the period of probation, respondent shall not supervise any intern pharmacist, be the
27 pharmacist-in-charge or designated representative-in-charge of any entity licensed by the board
28

1 nor serve as a consultant unless otherwise specified in this order. Assumption of any such
2 unauthorized supervision responsibilities shall be considered a violation of probation.

3 **9. Reimbursement of Board Costs**

4 As a condition precedent to successful completion of probation, respondent shall pay to the
5 board its costs of investigation and prosecution in the amount of \$33,966.00. Respondent shall
6 make said payments in a payment plan to be approved by the Board. Respondent James Gee shall
7 be jointly and severally responsible for the payment of these costs with Respondents Cabrillo
8 Park Pharmacy and Yorba Park Pharmacy.

9 There shall be no deviation from this schedule absent prior written approval by the board or
10 its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of
11 probation.

12 The filing of bankruptcy by respondent shall not relieve respondent of their responsibility to
13 reimburse the board its costs of investigation and prosecution.

14 **10. Probation Monitoring Costs**

15 Respondent shall pay any costs associated with probation monitoring as determined by the
16 board each and every year of probation. Such costs shall be payable to the board on a schedule as
17 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall
18 be considered a violation of probation.

19 **11. Status of License**

20 Respondent shall, at all times while on probation, maintain an active, current license with
21 the board, including any period during which suspension or probation is tolled. Failure to
22 maintain an active, current license shall be considered a violation of probation.

23 If respondent's license expires or is cancelled by operation of law or otherwise at any time
24 during the period of probation, including any extensions thereof due to tolling or otherwise, upon
25 renewal or reapplication respondent's license shall be subject to all terms and conditions of this
26 probation not previously satisfied.

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1 12. **License Surrender While on Probation/Suspension**

2 Following the effective date of this decision, should respondent cease practice due to
3 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
4 respondent may tender their license to the board for surrender. The board or its designee shall
5 have the discretion whether to grant the request for surrender or take any other action it deems
6 appropriate and reasonable. Upon formal acceptance of the surrender of the license, respondent
7 will no longer be subject to the terms and conditions of probation. This surrender constitutes a
8 record of discipline and shall become a part of the respondent's license history with the board.

9 Upon acceptance of the surrender, respondent shall relinquish their pocket and wall license
10 to the board within ten (10) days of notification by the board that the surrender is accepted.
11 Respondent may not reapply for any license from the board for three (3) years from the effective
12 date of the surrender. Respondent shall meet all requirements applicable to the license sought as
13 of the date the application for that license is submitted to the board, including any outstanding
14 costs.

15 13. **Notification of a Change in Name, Residence Address, Mailing**
16 **Address or Employment**

17 Respondent shall notify the board in writing within ten (10) days of any change of
18 employment. Said notification shall include the reasons for leaving, the address of the new
19 employer, the name of the supervisor and owner, and the work schedule if known. Respondent
20 shall further notify the board in writing within ten (10) days of a change in name, residence
21 address, mailing address, or phone number.

22 Failure to timely notify the board of any change in employer(s), name(s), address(es), or
23 phone number(s) shall be considered a violation of probation.

24 14. **Tolling of Probation**

25 Except during periods of suspension, respondent shall, at all times while on probation, be
26 employed as a pharmacist in California for a minimum of 40 hours per calendar month. Any
27 month during which this minimum is not met shall toll the period of probation, i.e., the period of
28 probation shall be extended by one month for each month during which this minimum is not met.

1 During any such period of tolling of probation, respondent must nonetheless comply with all
2 terms and conditions of probation.

3 Should respondent, regardless of residency, for any reason (including vacation) cease
4 practicing as a pharmacist for a minimum of 40 hours per calendar month in California,
5 respondent must notify the board in writing within ten (10) days of the cessation of practice, and
6 must further notify the board in writing within ten (10) days of the resumption of practice. Any
7 failure to provide such notification(s) shall be considered a violation of probation.

8 It is a violation of probation for respondent's probation to remain tolled pursuant to the
9 provisions of this condition for a total period, counting consecutive and non-consecutive months,
10 exceeding thirty-six (36) months.

11 "Cessation of practice" means any calendar month during which respondent is
12 not practicing as a pharmacist for at least 40 hours, as defined by Business and
13 Professions Code section 4000 et seq. "Resumption of practice" means any calendar
14 month during which respondent is practicing as a pharmacist for at least 40 hours as a
15 pharmacist as defined by Business and Professions Code section 4000 et seq.

16 15. Violation of Probation

17 If a respondent has not complied with any term or condition of probation, the board shall
18 have continuing jurisdiction over respondent, and probation shall automatically be extended, until
19 all terms and conditions have been satisfied or the board has taken other action as deemed
20 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and
21 to impose the penalty that was stayed.

22 If respondent violates probation in any respect, the board, after giving respondent notice
23 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
24 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a
25 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If
26 a petition to revoke probation or an accusation is filed against respondent during probation, the
27 board shall have continuing jurisdiction and the period of probation shall be automatically
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1 extended until the petition to revoke probation or accusation is heard and decided, and the charges
2 and allegations in the Second Amended Accusation shall be deemed true and correct.

3 **16. Completion of Probation**

4 Upon written notice by the board or its designee indicating successful completion of
5 probation, respondent's license will be fully restored.

6 **17. Restricted Practice**

7 Respondent's practice of pharmacy shall be restricted from dispensing Schedule II and
8 Schedule III controlled substances, as defined in the controlled substances schedules in federal
9 law and regulations, for the first four (4) months of probation if twenty (20) hours of remedial
10 education is successfully completed by respondent, as set forth in paragraph 21 below, during the
11 first four (4) months of probation. If respondent does not complete twenty hours (20) of remedial
12 education as set forth in paragraph 21 below, respondent's practice of pharmacy shall be
13 restricted from dispensing Schedule II and Schedule III controlled substances, as defined in the
14 controlled substances schedules in federal law and regulations, for the first year of probation.
15 Respondent shall submit proof satisfactory to the board of compliance with this term of probation.

16 **18. Mental Health Examination**

17 Within thirty (30) days of the effective date of this decision, and on a periodic basis as may
18 be required by the board or its designee, respondent shall undergo, at their own expense,
19 psychiatric evaluation(s) by a board-appointed or board-approved licensed mental health
20 practitioner. The approved evaluator shall be provided with a copy of the board's Second
21 Amended Accusation and decision. Respondent shall sign a release authorizing the evaluator to
22 furnish the board with a current diagnosis and a written report regarding the respondent's
23 judgment and ability to function independently as a pharmacist with safety to the public.
24 Respondent shall comply with all the recommendations of the evaluator if directed by the board
25 or its designee.

26 If the evaluator recommends, and the board or its designee directs, respondent shall
27 undergo psychotherapy. Within thirty (30) days of notification by the board that a
28 recommendation for psychotherapy has been accepted, respondent shall submit to the board or its

1 designee, for prior approval, the name and qualification of a licensed mental health practitioner of
2 respondent's choice. Within thirty (30) days of approval thereof by the board, respondent shall
3 submit documentation to the board demonstrating the commencement of psychotherapy with the
4 approved licensed mental health practitioner. Should respondent, for any reason, cease treatment
5 with the approved licensed mental health practitioner, respondent shall notify the board
6 immediately and, within thirty (30) days of ceasing treatment therewith, submit the name of a
7 replacement licensed mental health practitioner of respondent's choice to the board for its prior
8 approval. Within thirty (30) days of approval thereof, respondent shall submit documentation to
9 the board demonstrating the commencement of psychotherapy with the approved replacement.
10 Failure to comply with any requirement or deadline stated by this paragraph shall be considered a
11 violation of probation.

12 Upon approval of the initial or any subsequent licensed mental health practitioner,
13 respondent shall undergo and continue treatment with that therapist, at respondent's own expense,
14 until the therapist recommends in writing to the board, and the board or its designee agrees by
15 way of a written notification to respondent, that no further psychotherapy is necessary. Upon
16 receipt of such recommendation from the treating therapist, and before determining whether to
17 accept or reject said recommendation, the board or its designee may require respondent to
18 undergo, at respondent's expense, a mental health evaluation by a separate board-appointed or
19 board-approved evaluator. If the approved evaluator recommends that respondent continue
20 psychotherapy, the board or its designee may require respondent to continue psychotherapy.

21 Psychotherapy shall be at least once a week unless otherwise approved by the board.
22 Respondent shall provide the therapist with a copy of the board's Second Amended Accusation
23 and decision no later than the first therapy session. Respondent shall take all necessary steps to
24 ensure that the treating therapist submits written quarterly reports to the board concerning
25 respondent's fitness to practice, progress in treatment, and other such information as may be
26 required by the board or its designee.

27 If at any time the approved evaluator or therapist determines that respondent is unable to
28 practice safely or independently as a pharmacist, the licensed mental health practitioner shall

1 notify the board immediately by telephone and follow up by written letter within three (3)
2 working days. Upon notification from the board or its designee of this determination, respondent
3 shall be automatically suspended and shall not resume practice until notified by the board that
4 practice may be resumed.

5 **19. Psychotherapy**

6 Within thirty (30) days of the effective date of this decision, respondent shall submit to the
7 board or its designee, for prior approval, the name and qualifications of a licensed mental health
8 practitioner of respondent's choice. Within thirty (30) days of approval thereof, respondent shall
9 submit documentation to the board demonstrating the commencement of psychotherapy with the
10 approved licensed mental health practitioner. Should respondent, for any reason, cease treatment
11 with the approved licensed mental health practitioner, respondent shall notify the board
12 immediately and, within thirty (30) days of ceasing treatment, submit the name of a replacement
13 psychotherapist or licensed mental health practitioner of respondent's choice to the board for its
14 prior approval. Within thirty (30) days of approval thereof, respondent shall submit
15 documentation to the board demonstrating the commencement of psychotherapy with the
16 approved replacement. Failure to comply with any requirement or deadline stated by this
17 paragraph shall be considered a violation of probation.

18 Upon approval of the initial or any subsequent licensed mental health practitioner,
19 respondent shall undergo and continue treatment with that therapist, at respondent's own expense,
20 until the therapist recommends in writing to the board, and the board or its designee agrees by
21 way of a written notification to respondent, that no further psychotherapy is necessary. Upon
22 receipt of such recommendation from the treating therapist, and before determining whether to
23 accept or reject said recommendation, the board or its designee may require respondent to
24 undergo, at respondent's own expense, a mental health evaluation by a board-appointed or board-
25 approved psychiatrist or psychologist. If the approved evaluator recommends that respondent
26 continue psychotherapy, the board or its designee may require respondent to continue
27 psychotherapy.

28 Psychotherapy shall be at least once a week unless otherwise approved by the board.

1 Respondent shall provide the therapist with a copy of the board's Second Amended Accusation
2 and decision no later than the first therapy session. Respondent shall take all necessary steps to
3 ensure that the treating therapist submits written quarterly reports to the board concerning
4 respondent's fitness to practice, progress in treatment, and such other information as may be
5 required by the board or its designee.

6 If at any time the treating therapist determines that respondent cannot practice safely or
7 independently, the therapist shall notify the board immediately by telephone and follow up by
8 written letter within three (3) working days. Upon notification from the board or its designee of
9 this determination, respondent shall be automatically suspended and shall not resume practice
10 until notified by the board that practice may be resumed.

11 During suspension, respondent shall not enter any pharmacy area or any portion of the
12 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of
13 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices
14 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act
15 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient
16 consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the
17 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs
18 and controlled substances. Respondent shall not resume practice until notified by the board.

19 During suspension, respondent shall not engage in any activity that requires the
20 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the
21 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a
22 designated representative for any entity licensed by the board.

23 Failure to comply with this suspension shall be considered a violation of probation.

24 **20. Prescription Coordination and Monitoring of Prescription Use**

25 Within thirty (30) days of the effective date of this decision, respondent shall submit to the
26 board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,
27 physician assistant, or psychiatrist of respondent's choice, who shall be aware of the respondent's
28 mental history and who will coordinate and monitor any prescriptions for respondent for

1 dangerous drugs, controlled substances or mood-altering drugs. The approved practitioner shall
2 be provided with a copy of the board's Second Amended Accusation and decision. A record of
3 this notification must be provided to the board upon request. Respondent shall sign a release
4 authorizing the practitioner to communicate with the board about respondent's treatment(s). The
5 coordinating physician, nurse practitioner, physician assistant, or psychiatrist shall report to the
6 board on a quarterly basis for the duration of probation regarding respondent's compliance with
7 this condition. If any substances considered addictive have been prescribed, the report shall
8 identify a program for the time limited use of any such substances. The board may require that
9 the single coordinating physician, nurse practitioner, physician assistant or psychiatrist be a
10 specialist in addictive medicine, or consult a specialist in addictive medicine. Should respondent,
11 for any reason, cease supervision by the approved practitioner, respondent shall notify the board
12 immediately and, within thirty (30) days of ceasing treatment, submit the name of a replacement
13 physician, nurse practitioner, physician assistant, or psychiatrist of respondent's choice to the
14 board or its designee for its prior approval. Failure to timely submit the selected practitioner or
15 replacement practitioner to the board for approval, or to ensure the required reporting thereby on
16 the quarterly reports, shall be considered a violation of probation.

17 If at any time an approved practitioner determines that respondent is unable to practice
18 safely or independently as a pharmacist, the practitioner shall notify the board immediately by
19 telephone and follow up by written letter within three (3) working days. Upon notification from
20 the board or its designee of this determination, respondent shall be automatically suspended and
21 shall not resume practice until notified by the board that practice may be resumed.

22 During suspension, respondent shall not enter any pharmacy area or any portion of the
23 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of
24 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices
25 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act
26 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient
27 consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the
28 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs

1 and controlled substances. Respondent shall not resume practice until notified by the board.

2 During suspension, respondent shall not engage in any activity that requires the
3 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the
4 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a
5 designated representative for any entity licensed by the board.

6 Failure to comply with this suspension shall be considered a violation of probation.

7 **21. Remedial Education**

8 Within thirty (30) days of the effective date of this decision, respondent shall submit to the
9 board or its designee, for prior approval, an appropriate program of remedial education related to
10 corresponding responsibility, drug thefts, pharmacy security and pharmacy law. The program of
11 remedial education shall consist of at least twenty (20) hours, with fifty (50) percent in-person,
12 which shall be completed within the first year at respondent's own expense. After the first year,
13 respondent shall complete ten (10) hours of such remedial education, with fifty (50) percent in-
14 person, each subsequent year of probation. All remedial education shall be in addition to, and
15 shall not be credited toward, continuing education (CE) courses used for license renewal
16 purposes. The Board shall consider respondent's recent prior continuing education courses on
17 corresponding responsibility, drug thefts, pharmacy security and pharmacy law to satisfy this
18 requirement.

19 Failure to timely submit or complete the approved remedial education shall be considered a
20 violation of probation. The period of probation will be automatically extended until such
21 remedial education is successfully completed and written proof, in a form acceptable to the board,
22 is provided to the board or its designee.

23 Following the completion of each course, the board or its designee may require the
24 respondent, at their own expense, to take an approved examination to test the respondent's
25 knowledge of the course. If the respondent does not achieve a passing score on the examination,
26 this failure shall be considered a violation of probation. Any such examination failure shall
27 require respondent to take another course approved by the board in the same subject area.
28

1 22. **Supervised Practice**

2 During the period of probation, respondent shall practice only under the supervision of a
3 licensed pharmacist not on probation with the board. Upon and after the effective date of this
4 decision, respondent shall not practice pharmacy and their license shall be automatically
5 suspended until a supervisor is approved by the board or its designee. The supervision shall be,
6 as required by the board or its designee, either:

7 Continuous – At least 75% of a work week

8 Substantial - At least 50% of a work week

9 Partial - At least 25% of a work week

10 Daily Review - Supervisor's review of probationer's daily activities within 24 hours

11 Within thirty (30) days of the effective date of this decision, respondent shall have their
12 supervisor submit notification to the board in writing stating that the supervisor has read the
13 decision in case numbers 4981 and 5328 and is familiar with the required level of supervision as
14 determined by the board or its designee. It shall be the respondent's responsibility to ensure that
15 their employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s)
16 to the board. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely
17 acknowledgements to the board shall be considered a violation of probation.

18 If respondent changes employment, it shall be the respondent's responsibility to ensure that
19 their employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s)
20 to the board. Respondent shall have their new supervisor, within fifteen (15) days after
21 employment commences, submit notification to the board in writing stating the direct supervisor
22 and pharmacist-in-charge have read the decision in case numbers 4981 and 5328 and is familiar
23 with the level of supervision as determined by the board. Respondent shall not practice pharmacy
24 and their license shall be automatically suspended until the board or its designee approves a new
25 supervisor. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely
26 acknowledgements to the board shall be considered a violation of probation.

27 Within ten (10) days of leaving employment, respondent shall notify the board in writing.

28 During suspension, respondent shall not enter any pharmacy area or any portion of the

1 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of
2 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices
3 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act
4 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient
5 consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the
6 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs
7 and controlled substances. Respondent shall not resume practice until notified by the board.

8 During suspension, respondent shall not engage in any activity that requires the
9 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the
10 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a
11 designated representative for any entity licensed by the board.

12 Failure to comply with this suspension shall be considered a violation of probation.

13 **23. No Ownership of Licensed Premises**

14 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,
15 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
16 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell
17 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)
18 days following the effective date of this decision and shall immediately thereafter provide written
19 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide
20 documentation thereof shall be considered a violation of probation.

21 **24. Tolling of Suspension**

22 During the period of suspension, respondent shall not leave California for any period
23 exceeding ten (10) days, regardless of purpose (including vacation). Any such absence in excess
24 of the (10) days during suspension shall be considered a violation of probation. Moreover, any
25 absence from California during the period of suspension exceeding ten (10) days shall toll the
26 suspension, i.e., the suspension shall be extended by one day for each day over ten (10) days
27 respondent is absent from California. During any such period of tolling of suspension,
28 respondent must nonetheless comply with all terms and conditions of probation.

1 Respondent must notify the board in writing within ten (10) days of departure, and must
2 further notify the board in writing within ten (10) days of return. The failure to provide such
3 notification(s) shall constitute a violation of probation. Upon such departure and return,
4 respondent shall not resume the practice of pharmacy until notified by the board that the period of
5 suspension has been satisfactorily completed.

6 25. **Ethics Course**

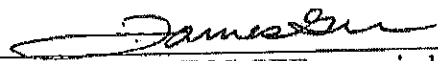
7 Within sixty (60) calendar days of the effective date of this decision, respondent shall enroll
8 in a course in ethics, at respondent's expense, approved in advance by the board or its designee.
9 Failure to initiate the course during the first year of probation, and complete it within the second
10 year of probation, is a violation of probation.

11 Respondent shall submit a certificate of completion to the board or its designee within five
12 days after completing the course.

13 ACCEPTANCE


14 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
15 discussed it with my attorneys, Tom Curtis and Gretchen Leach. I understand the stipulation and
16 the effect it will have on the Pharmacy Permits and Pharmacist License. I enter into this
17 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
18 to be bound by the Decision and Order of the Board of Pharmacy.

19
20 DATED: 2/15/2017


21 JAMES YING-MING GEE, as an individual and as the
22 authorized agent on behalf of GEE'S HEALTHCARE
23 PHARMACY, INC., DBA CABRILLO PARK
PHARMACY AND YORBA PARK PHARMACY
Respondents

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

27 DATED: 2/15/17


28 GRETCHEN LEACH OF NOSSAMAN LLP
Attorneys for Respondents

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy.

DATED: 2/15/17

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
GREGORY J. SALOTE
Supervising Deputy Attorney General

DESIREE I. KELLOGG
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Second Amended Accusation Nos. 4981 and 5328

1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 DESIREE J. KELLOGG
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Attorneys for Complainant

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

In the Matter of the Accusation Against:

Case Nos. 4981 and 5328

GEE'S HEALTHCARE PHARMACY, INC.,
DBA CABRILLO PARK PHARMACY
2212 East 4th Street #102
Santa Ana, CA 92705

SECOND AMENDED
ACCUSATION

Pharmacy Permit No. PHY 50066

GEE'S HEALTHCARE PHARMACY, INC.,
DBA YORBA PARK PHARMACY
2501 E. Chapman Blvd., No. 106
Orange, CA 92869

Pharmacy Permit No. PHY 45771

JAMES YING-MING GEE
220 Tall Oak
Irvine, CA 92603

Pharmacist License No. RPH 44796

SOONG OK CHANG
6901 East Rutgers Drive
Anaheim Hills, CA 92807

Pharmacist License No. RPH 45540

1 ANH NGOC PHAN
2 11701 Steele Dr.
3 Garden Grove, CA 92840

4 Pharmacist License No. RPH 42197

5 Respondents.
6

7
8 Complainant alleges:

9 PARTIES

10 1. Virginia Herold (Complainant) brings this Second Amended Accusation solely in her
11 official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer
12 Affairs.

13 2. On or about April 16, 2002, the Board of Pharmacy issued Pharmacy Permit Number
14 PHY 45771 to Gee's Healthcare Pharmacy, Inc., doing business as Yorba Park Pharmacy
15 (Respondent Yorba Park Pharmacy). From April 16, 2002 through the present, Respondent
16 James Gee has been the President and fifty percent owner of Respondent Yorba Park Pharmacy.
17 The Pharmacy Permit was in full force and effect at all times relevant to the charges brought
18 herein and will expire on April 1, 2017, unless renewed.

19 3. On or about September 1, 2009, the Board of Pharmacy issued Pharmacy Permit
20 Number PHY 50066 to Gee's Healthcare Pharmacy, Inc., doing business as Cabrillo Park
21 Pharmacy (Respondent Cabrillo Park Pharmacy). From September 1, 2009, Respondent James
22 Gee has been the President and fifty percent owner of Cabrillo Park Pharmacy. The Pharmacy
23 Permit was in full force and effect at all times relevant to the charges brought herein and will
24 expire on September 1, 2016, unless renewed.

25 4. On or about August 26, 1991, the Board of Pharmacy issued Pharmacist License
26 Number RPH 44796 to James Ying-Ming Gee (Respondent James Gee.). The Pharmacist License
27
28

1 was in full force and effect at all times relevant to the charges brought herein and will expire on
2 April 30, 2017, unless renewed.

3 5. On or about August 14, 1992, the Board of Pharmacy issued Pharmacist License
4 Number RPH 45540 to Soong OK Chang (Respondent Soong Chang.) The Pharmacist License
5 was in full force and effect at all times relevant to the charges brought herein and will expire on
6 September 30, 2017, unless renewed.

7 6. On or about September 20, 1988, the Board of Pharmacy issued Pharmacist License
8 Number RPH 42197 to Anh Ngoc Phan (Respondent Anh Phan.) The Pharmacist License was in
9 full force and effect at all times relevant to the charges brought herein and will expire on May 31,
10 2016, unless renewed.

11 JURISDICTION

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

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

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

20 10. Section 4300.1 of the Code states:

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

24 STATUTORY AND REGULATORY PROVISIONS

25 11. Section 4081 of the Code states in pertinent part:

26 (a) All records of manufacture and of sale, acquisition, or disposition of dangerous
27 drugs or dangerous devices shall be at all times during business hours open to
28 inspection by authorized officers of the law, and shall be preserved for at least

1 three years from the date of making. A current inventory shall be kept by every
2 manufacturer, wholesaler, pharmacy, veterinary food-animal drug retailer,
3 physician, dentist, podiatrist, veterinarian, laboratory, clinic, hospital, institution,
4 or establishment holding a currently valid and unrevoked certificate, license,
5 permit, registration, or exemption under Division 2 (commencing with Section
6 1200) of the Health and Safety Code or under Part 4 (commencing with Section
7 16000) of Division 9 of the Welfare and Institutions Code who maintains a stock
8 of dangerous drugs or dangerous devices.

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

13 12. Section 4301 of the Code states in pertinent part:

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

18 ...
19 (d) The clearly excessive furnishing of controlled substances in violation of
20 subdivision (a) of Section 11153 of the Health and Safety Code.

21 ...
22 (j) The violation of any of the statutes of this state, or any other state, or of the
23 United States regulating controlled substances and dangerous drugs....

24 ...
25 (o) Violating or attempting to violate, directly or indirectly, or assisting in or
26 abetting the violation of or conspiring to violate any provision or term of this chapter
27 or of the applicable federal and state laws and regulations governing pharmacy,
28 including regulations established by the board or any other state or federal regulatory
agency.

13. Section 4113(c) of the Code states:

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

14. Section 4306.5 of the Code states, in pertinent part:

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

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

the board.

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

15. Section 4307(a) of the Code states that:

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

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

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

16. Health and Safety Code section 11153(a) states:

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.

17. Health and Safety Code section 11164(a)(1) states:

Each prescription for a controlled substance classified in Schedule II, III, IV, or V, except as authorized by subdivision (b), shall be made on a controlled substance prescription form as specified in Section 11162.1 and shall meet the following requirements: (1) the prescription shall be signed and dated by the prescriber in ink and shall contain the prescriber's address and telephone number; the name of the ultimate user or research subject, or contact information as determined by the Secretary of United States Department of Health and Human Services; refill information, such as the number of refills ordered and whether the prescription is a first-time request or a refill; and the name, quantity, strength, and directions for use of

the controlled substance prescribed.

1
2 18. Section 1707.3 of title 16, California Code of Regulations states:

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

7 19. Sections 1714(b) and 1714(d) of title 16, California Code of Regulations states:

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

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

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

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

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

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

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

27 22. Section 1718 of title 16, California Code of Regulations states:

28 "Current Inventory" as used in Section 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 Section 4081 and 4332.

The controlled substances inventories required by Title 21, CFR, Section 1304
shall be available for inspection upon request for at least three years.

23. Section 1761 of title 16, California Code of Regulations states:

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

(b) Even after conferring with the prescriber, a pharmacist shall not compound

1 or dispense a controlled substance prescription where the pharmacist knows or has
2 objective reason to know that said prescription was not issued for a legitimate
3 medical purpose.

4 COST RECOVERY

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

9 DRUGS

10 25. Dilaudid is the brand name for hydromorphone, a Schedule II controlled substance
11 pursuant to Health and Safety Code section 11054(b)(J) and a dangerous drug pursuant to
12 Business and Professions Code section 4022.

13 26. Norco is the brand name for hydrocodone/acetaminophen, a Schedule III controlled
14 substance pursuant to Health and Safety Code section 11056(e)(5) and a dangerous drug pursuant
15 to Business and Professions Code section 4022.

16 27. Opana is the brand name for oxymorphone hydrochloride, a Schedule II controlled
17 substance pursuant to Health and Safety Code section 11054(b)(N) and a dangerous drug pursuant
18 to Business and Professions Code section 4022.

19 28. Oxycodone is a Schedule II controlled substance pursuant to Health and Safety Code
20 section 11054(b)(M) and a dangerous drug pursuant to Business and Professions Code section
21 4022.

22 29. Phenergan with Codeine is the brand name for promethazine with codeine, a
23 Schedule V controlled substance pursuant to Health and Safety Code section 111058(c)(1) and is
24 a dangerous drug pursuant to Business and Professions Code section 4022.

25 30. Xanax is the brand name for alprazolam, a Schedule IV controlled substance pursuant
26 to Health and Safety Code section 11057(d)(1) and a dangerous drug pursuant to Business and
27 Professions Code section 4022.

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FACTUAL ALLEGATIONS

31. From April 16, 2002 through the present, Respondent James Gee was the Pharmacist-in-Charge of Respondent Yorba Park Pharmacy. From September 1, 2009 through the present, Respondent James Gee was the Pharmacist-in-Charge of Respondent Cabrillo Park Pharmacy.

From September 2012 through January 2013, Respondent Soong Chang was a staff pharmacist at Respondent Cabrillo Park Pharmacy. From June 21, 2012 through November 19, 2013, Respondent Soong Chang was also a staff pharmacist at Respondent Yorba Park Pharmacy. From June 21, 2012 through November 19, 2013, Respondent Anh Phan was a staff pharmacist at Respondent Yorba Park Pharmacy.

32. Respondents Cabrillo Park Pharmacy, James Gee and Soong Chang filled prescriptions for controlled substances which were written by Dr. M.S. from September 24, 2012 through January 11, 2013. Dr. M.S.'s address was listed on the prescriptions filled by Respondents as being 53 miles away from Respondent Cabrillo Park Pharmacy. Respondent Cabrillo Park Pharmacy was an average of 65 miles (one way) from the patients' addresses listed on prescriptions written by Dr. M.S. who had a general practice with a secondary practice in pediatrics and did not specialize in pain management. Patients paid for the controlled substance prescriptions in cash at Respondent Cabrillo Park Pharmacy and did not seek reimbursement from an insurance company or government agency. Patients filled prescriptions for controlled substances prescribed by multiple physicians during the same time frame at multiple pharmacies.

33. Respondents Yorba Park Pharmacy, James Gee, Soong Chang and Anh Phan filled prescriptions for controlled substances which were written by Dr. M.S. from June 21, 2012 through November 19, 2013. Dr. M.S.'s address was listed on the prescriptions filled by Respondents as being 51 miles away from Respondent Yorba Park Pharmacy. Respondent Yorba Park Pharmacy was an average of 55 miles (one way) from the patients' addresses listed on prescriptions written by Dr. M.S. who had a general practice with a secondary practice in pediatrics and did not specialize in pain management. Patients paid for the controlled substance prescriptions in cash at Respondent Yorba Park Pharmacy and did not seek reimbursement from

1 an insurance company or government agency. Patients filled prescriptions for controlled
2 substances prescribed by multiple physicians during the same time frame at multiple pharmacies.

3 34. Dr. M.S.'s prescriptions for controlled substances were written in an identical fashion
4 for multiple patients as follows: (1) hydrocodone/APAP-10/325, with directions to take 1-2
5 tablets three times a day in a quantity of 90-100; (2) alprazolam 2 mg with directions to take 1
6 tablet three times a day in a quantity of 90; and (3) oxycodone 30mg with directions to take 1
7 tablet three times a day in a quantity of 90. There was no adjustment in the prescribing pattern
8 for sex, age, weight, renal or hepatic function, race, diagnosis, past medications used or any other
9 patient related factor. None of the "chronic pain patients" being treated by Dr. M.S. were
10 receiving a long acting pain medication to control their baseline pain. Certain prescriptions filled
11 by Respondents Cabrillo Park Pharmacy, James Gee, Soong Chang and Anh Phan were not
12 signed by Dr. M.S. and other prescriptions were filled by them even though they were signed by a
13 physician who was not the prescribing physician.

14 35. Additionally, drivers picked up the controlled substances for multiple patients from
15 Respondents Cabrillo Park Pharmacy, James Gee and Soong Chang, rather than the patients
16 themselves picking up their prescriptions. Respondents Cabrillo Park Pharmacy, James Gee and
17 Soong Chang did not possess written authorization allowing those drivers to pick up the
18 controlled substance prescriptions for patients. To facilitate the drug transactions with the
19 drivers, Respondents Cabrillo Park Pharmacy, James Gee and Soong Chang kept envelopes
20 which contained prescriptions for controlled substances to be filled, next to the cash register.
21 Respondents Cabrillo Park Pharmacy, James Gee and Soong Chang telephoned the drivers to
22 initiate a pick up when they had filled all the multiple prescriptions for controlled substances. In
23 that same drawer, Respondents Cabrillo Park Pharmacy, James Gee and Soong Chang kept a
24 pricing sheet for controlled substances and the telephone numbers of the drivers to further
25 facilitate these drug transactions with the drivers.

26 36. Respondents Cabrillo Park Pharmacy, Yorba Park Pharmacy and James Gee placed
27 orders for suspiciously large amounts of controlled substances with their drug wholesalers.
28 Notwithstanding those orders, Respondents Cabrillo Park Pharmacy and James Gee did not

1 dispense all the prescriptions for controlled substances in a timely manner as prescribed, because
2 they sought to avoid charges that they were excessively prescribing controlled substances from
3 the Drug Enforcement Administration and the Board.

4 37. Respondents Cabrillo Park Pharmacy, Yorba Park Pharmacy, James Gee, Soong
5 Chang and Anh Phan did not follow proper procedures for verifying if a prescription for a
6 controlled substance was written for a legitimate medical purpose. Indeed, Respondents Cabrillo
7 Park Pharmacy, Yorba Park Pharmacy, James Gee, Soong Chang and Anh Phan dispensed
8 prescriptions to patients who had lost their wallets or social security cards and had been victims
9 of identity theft. And, Respondents' furnishings of controlled substances was higher than
10 neighboring pharmacies during the same time frame.

11 38. On or about February 6, 2014, Dr. M.S. was arrested for violating Business and
12 Professions Code section 2052(b), Health and Safety Code section 11353(a), 11353(c) and 11354.
13 On or about February 10, 2014, a felony Complaint was filed against Dr. M.S. for violating those
14 code sections, among other violations. On or about March 12, 2015, in a criminal proceeding
15 entitled *People of the State of California vs. M.S., etc., et al.*, Superior Court of California for the
16 County of Ventura, case number 2014004170, Dr. M.S. pled guilty to a violation of Health and
17 Safety Code section 11154, subdivision (b), aiding unlawful prescription of a control substance, a
18 felony, and a violation of Health and Safety Code section 11352, subdivision (a), sale of a
19 controlled substance, also a felony. The factual circumstances of his conviction included
20 providing to his co-defendants numerous pads of blank controlled substance prescriptions, which
21 were pre-signed by him, and/or a Nurse Practitioner working under Dr. M.S.' direct supervision.
22 Patient information, various controlled substance names and amounts were later written on those
23 blank prescriptions by Dr. M.S.' associates, who were not licensed medical professionals, and
24 sold for cash to "patients" without any medical examination or medical indication whatsoever.

25 39. Respondents Cabrillo Park Pharmacy and James Gee also had discrepancies in their
26 drug inventory. Respondents Cabrillo Park Pharmacy and James Gee did not maintain a lockable
27 storage cabinet for controlled substances. Instead, controlled substances were stored inside a
28 desk located in the pharmacy's offices. From June 2012 through January 2013, Respondents

1 Cabrillo Park Pharmacy and James Gee suffered the following losses of controlled substances:
2 734 tablets of hydrocodone/APAP 10mg/325mg and 20 tablets of hydromorphone 4mg. They did
3 not report those losses to the Board.

4 40. Respondents Cabrillo Park Pharmacy and James Gee's inventory contained overages
5 of 165 tablets of alprazolam 2mg and 152 tablets of oxycodone 30mg. Therefore, they did not
6 maintain complete records of acquisition for those controlled substances.

7 41. Respondents Yorba Park Pharmacy and James Gee also had discrepancies in their
8 drug inventory. From January 31, 2013 through December 3, 2013, Respondents Yorba Park
9 Pharmacy and James Gee suffered the following losses of controlled substances: 6,332 tablets of
10 oxycodone 30 mg, 44,111 tablets of hydrocodone/APAP 10mg/325mg, 14,183 tablets of
11 alprazolam 2mg and 49,855mls or 105 pints (bottles) of promethazine with codeine. They did not
12 report those losses to the Board until prompted to do so by a Board inspector.

13 42. Discrepancies in Respondent Yorba Park Pharmacy's inventory of controlled
14 substances continued. On April 7, 2015, the Board received a report of theft or loss of controlled
15 substances (211 tablets of acetaminophen/codeine #3), DEA Form 106 from Respondent Yorba
16 Park Pharmacy. On May 19, 2015, the Board conducted an inspection of Respondent Yorba Park
17 Pharmacy and observed that the pharmacy had a cabinet containing controlled substances which
18 was routinely kept unlocked during business hours, despite being advised by the pharmacy's
19 consultant to keep that cabinet locked when unattended by a pharmacist. The Board inspector
20 also advised Respondent James Gee to keep the cabinet containing controlled substances locked
21 when unattended. There was also no security camera recording activity around the cabinet
22 containing controlled substances or near the containers. The Board inspector conducted an audit
23 of Respondent Yorba Park Pharmacy's inventory of acetaminophen/codeine #3 and discovered a
24 shortage of 548 tablets of acetaminophen/codeine 300/30mg tablets from August 19, 2014
25 through April 11, 2015, rather than 211 tablets reported on the DEA Form 106.

26 43. Discrepancies in Respondent Yorba Park Pharmacy's inventory of controlled
27 substances continued. On February 26, 2016, the Board received a report of theft or loss of two
28 controlled substances (607ml of promethazine with codeine and 1,316ml Guaifenesin with

1 codeine syrup), DEA Form 106 from Respondent Yorba Park Pharmacy. On March 8, 2016, the
2 Board conducted an inspection of Respondent Yorba Park Pharmacy and observed that the
3 pharmacy had a cabinet containing controlled substances which was routinely kept unlocked
4 during business hours, despite the admonishments referenced in paragraph 41 to keep the cabinet
5 locked when unattended by a pharmacist. The Board inspector conducted an audit of Respondent
6 Yorba Park Pharmacy's inventory of oxycodone 30mg, hydrocodone/APAP 10mg/325mg,
7 alprazolam 2mg and promethazine with codeine and discovered an overage of promethazine with
8 codeine of 4,345mls and shortages of 250 tablets of oxycodone 30mg, 11,848 tablets of
9 hydrocodone/APAP 10mg/325mg and 271 tablets of alprazolam 2mg from December 3, 2013
10 through March 7, 2016. From April 11, 2015 through March 8, 2016, there was an overage of 41
11 tablets of alprazolam 2mg and losses of 1,052 tablets of hydrocodone/APAP 10mg/325mg and
12 197 mls of promethazine with codeine.

13 44. In March 2016, Respondents Yorba Park Pharmacy and James Gee also filled five
14 prescriptions for controlled substances which were not signed by the prescribers and dated in ink
15 in violation of Respondent Yorba Park Pharmacy's controlled substances policies and procedures.
16 Respondents Yorba Park Pharmacy and James Gee also failed to query the CURES database to
17 establish patients' utilization patterns for particular drugs, as required by Respondent Yorba Park
18 Pharmacy's controlled substances policies and procedures.

19 FIRST CAUSE FOR DISCIPLINE

20 (Failure to Maintain Current Inventory of Controlled Substance against Respondents
21 Yorba Park Pharmacy, Cabrillo Park Pharmacy and James Gee)

22 45. Respondents Cabrillo Park Pharmacy, Yorba Park Pharmacy and James Gee are
23 subject to disciplinary action under Code section 4301(o), for violating Code section 4081(a) and
24 title 16, California Code of Regulations, section 1718, in that they did not maintain a current
25 inventory of controlled substances, alprazolam, oxycodone, hydrocodone/APAP, hydromorphone,
26 and promethazine with codeine and suffered losses in their inventory of alprazolam, oxycodone,
27 hydrocodone/APAP, hydromorphone, Guaifenesin with codeine syrup, acetaminophen/codeine
28

1 and promethazine with codeine, as set forth in paragraphs 31 through 44 above, which are
2 incorporated herein by reference.

3 SECOND CAUSE FOR DISCIPLINE

4 (Failure to Report Drug Losses against Respondents

5 Yorba Park Pharmacy, Cabrillo Park Pharmacy and James Gee)

6 46. Respondents Cabrillo Park Pharmacy, Yorba Park Pharmacy and James Gee are
7 subject to disciplinary action under Code section 4301(o), for violating title 16, California Code
8 of Regulations, section 1715.6, in that Cabrillo Park Pharmacy and James Gee did not report the
9 losses of hydrocodone/APAP and hydromorphone and Yorba Park Pharmacy and James Gee did
10 not report the losses of alprazolam, oxycodone, hydrocodone/APAP and promethazine with
11 codeine to the Board, as set forth in paragraphs 31 through 44 above, which are incorporated
12 herein by reference.

13 THIRD CAUSE FOR DISCIPLINE

14 (Failure to Provide Adequate Security for Controlled Substance

15 against Respondents Yorba Park Pharmacy, Cabrillo Park Pharmacy and James Gee)

16 47. Respondents Cabrillo Park Pharmacy, Yorba Park Pharmacy and James Gee are
17 subject to disciplinary action under Code section 4301(o), for violating title 16, California Code
18 of Regulations, sections 1714(b) and (d), in that Cabrillo Park Pharmacy and James Gee did not
19 provide adequate security for hydrocodone/APAP and hydromorphone and Yorba Park Pharmacy
20 and James Gee did not provide adequate security for alprazolam, oxycodone,
21 hydrocodone/APAP, acetaminophen/codeine, Guaifenesin with codeine syrup and promethazine
22 with codeine; as set forth in paragraphs 31 through 44 above, which are incorporated herein by
23 reference.

24 FOURTH CAUSE FOR DISCIPLINE

25 (Failure to Maintain Records of Acquisition against Respondents Cabrillo Park Pharmacy
26 and James Gee)

27 48. Respondents Cabrillo Park Pharmacy and James Gee are subject to disciplinary action
28 under Code section 4301(o), for violating Code section 4081(a), in that they failed to maintain all

1 the records of acquisition for the controlled substances, alprazolam 2mg and oxycodone 30mg, as
2 set forth in paragraphs 31 through 44, which are incorporated herein by reference.

3 FIFTH CAUSE FOR DISCIPLINE

4 (Failing to Comply with Corresponding Responsibility

5 for Legitimate Controlled Substance Prescriptions against Respondents)

6 49. Respondents are subject to disciplinary action under Code section 4301(j), for
7 violating Health and Safety Code section 11153(a), in that they failed to comply with their
8 corresponding responsibility to ensure that controlled substances were dispensed for a legitimate
9 medical purpose when Respondents furnished prescriptions for controlled substances even though
10 "red flags" were present, indicating those prescriptions were not issued for a legitimate medical
11 purpose, as set forth in paragraphs 31 through 44 above, which are incorporated herein by
12 reference.

13 SIXTH CAUSE FOR DISCIPLINE

14 (Clearly Excessive Furnishing of Controlled Substances against Respondents)

15 50. Respondents are subject to disciplinary action under Code section 4301(d), for the
16 clearly excessive furnishing of controlled substances in violation of subdivision (a) of Section
17 11153 of the Health and Safety Code, as set forth in paragraphs 31 through 44 above, which are
18 incorporated herein by reference.

19 SEVENTH CAUSE FOR DISCIPLINE

20 (Dispensing Controlled Substance Prescriptions with Significant Errors, Omissions,

21 Irregularities, Uncertainties, Ambiguities or Alterations against Respondents)

22 51. Respondents are subject to disciplinary action under Code section 4301(o), for
23 violating title 16, California Code of Regulations, sections 1761(a) and (b) in that they dispensed
24 prescriptions for controlled substances, which contained significant errors, omissions,
25 irregularities, uncertainties, ambiguities or alterations, as set forth in paragraphs 31 through 44
26 above, which are incorporated herein by reference.

1 EIGHTH CAUSE FOR DISCIPLINE

2 (Failure to Review Patients' Medication Record Before Prescription Drugs Delivered
3 against Respondents)

4 52. Respondents are subject to disciplinary action under Code section 4301(o), for
5 violating title 16, California Code of Regulations, section 1707.3, in that they dispensed
6 prescriptions for drugs, without review of patients' medication records before each prescription
7 drug was delivered. Such a review would have revealed numerous "red flags," as set forth in
8 paragraphs 31 through 44 above, which are incorporated herein by reference.

9 NINTH CAUSE FOR DISCIPLINE

10 (Dispensing Controlled Substances with Variations from Prescriptions against
11 Respondents Cabrillo Park Pharmacy and James Gee)

12 53. Respondents Cabrillo Park Pharmacy and James Gee are subject to disciplinary action
13 under Code section 4301(o) for violating title 16, California Code of Regulations, section 1716, in
14 that they dispensed controlled substances which deviated from the requirements of the
15 prescriptions without the prior consent of the prescribers and dispensed controlled substances
16 when the prescriptions were prescribed by Dr. M.S. but signed by another physician, as set forth
17 in paragraphs 31 through 44, which are incorporated herein by reference.

18 TENTH CAUSE FOR DISCIPLINE

19 (Dispensing Controlled Substances without Compliant Prescriptions against
20 Respondents Cabrillo Park Pharmacy and James Gee)

21 54. Respondents Cabrillo Park Pharmacy and James Gee are subject to disciplinary action
22 under Code section 4301(j) for violating Health and Safety Code section 11164(a)(1), in that they
23 dispensed controlled substances which from prescriptions which lacked the signature of the
24 prescriber and the date in ink, as set forth in paragraphs 31 through 44, which are incorporated
25 herein by reference.
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1 ELEVENTH CAUSE FOR DISCIPLINE

2 (Failure to Exercise or Implement Best Professional Judgment or Corresponding
3 Responsibility when Dispensing Controlled Substances
4 against Respondents James Gee Soong Chang and Anh Phan)

5 55. Respondents James Gee, Soong Chang and Anh Phan are subject to disciplinary
6 action under Code section 4301(o), for violating Business and Professions Code section 4306.5(a)
7 and (b), in that they failed to exercise or implement his or her best professional judgment or
8 corresponding responsibility when dispensing controlled substances, as set forth in paragraphs 31
9 through 44 above, which are incorporated herein by reference.

10 TWELFTH CAUSE FOR DISCIPLINE

11 (Unprofessional Conduct against Respondents)

12 56. Respondents are subject to disciplinary action under Code section 4301 for
13 unprofessional conduct in that they engaged in the activities described in paragraphs 31 through
14 44 above, which are incorporated herein by reference.

15 OTHER MATTERS

16 57. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit
17 Numbers PHY 45771 issued to Gee's Healthcare Pharmacy, Inc., doing business as Yorba Park
18 Pharmacy and PHY 50066 issued to Gee's Healthcare Pharmacy, Inc., doing business as Cabrillo
19 Park Pharmacy, Gee's Healthcare Pharmacy, Inc., doing business as Yorba Park Pharmacy and
20 Cabrillo Park Pharmacy shall be prohibited from serving as a manager, administrator, owner,
21 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit
22 Numbers PHY 45771 and PHY 50066 are placed on probation or until Pharmacy Permit
23 Numbers PHY 45771 and PHY 50066 are reinstated if they are revoked.

24 58. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit
25 Numbers PHY 45771 issued to Gee's Healthcare Pharmacy, Inc., doing business as Yorba Park
26 Pharmacy and PHY 50066 issued to Gee's Healthcare Pharmacy, Inc., doing business as Cabrillo
27 Park Pharmacy while James Ying-Ming Gee has been an officer and owner and had knowledge
28 of or knowingly participated in any conduct for which the licensee was disciplined. James Ying-

1 Ming Gee shall be prohibited from serving as a manager, administrator, owner, member, officer,
2 director, associate, or partner of a licensee for five years if Pharmacy Permit Numbers PHY
3 45771 and PHY 50066 are placed on probation or until Pharmacy Permit Numbers PHY 45771
4 and PHY 50066 are reinstated if they are revoked.

5 59. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License
6 No. RPH 44796 issued to James Ying-Ming Gee, James Ying-Ming Gee shall be prohibited from
7 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a
8 licensee for five years if Pharmacist License Number RPH 44796 is placed on probation or until
9 Pharmacist License Number RPH 44796 is reinstated if it is revoked.

10 DISCIPLINARY CONSIDERATIONS

11 60. To determine the degree of discipline, if any, to be imposed on Respondents,
12 Complainant alleges that on February 22, 2012, the Board issued Citation number CI 2011 49857
13 against Respondent Cabrillo Park Pharmacy for violating Business and Professions Code section
14 4126.5(a)(4) for improperly furnishing drugs to a wholesaler. The Board issued a fine which
15 Respondent paid.

16 PRAYER

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

- 19 1. Revoking or suspending Pharmacy Permit Number PHY 45771, issued to Gee's
20 Healthcare Pharmacy, Inc., doing business as Yorba Park Pharmacy;
- 21 2. Revoking or suspending Pharmacy Permit Number PHY 50066, issued to Gee's
22 Healthcare Pharmacy, Inc., doing business as Cabrillo Park Pharmacy;
- 23 3. Revoking or suspending Pharmacist License Number RPH 44796, issued to James
24 Ying-Ming Gee;
- 25 4. Revoking or suspending Pharmacist License Number RPH 45540, issued to Soong
26 OK Chang;
- 27 5. Revoking or suspending Pharmacist License Number RPH 42197, issued to Ang
28 Ngoc Phan;

1 6. Prohibiting Gee's Healthcare Pharmacy, Inc., doing business as Cabrillo Park
2 Pharmacy and Yorba Park Pharmacy from serving as a manager, administrator, owner, member,
3 officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Numbers
4 PHY 45771 and PHY 50066 are placed on probation or until Pharmacy Permit Numbers PHY
5 45771 and PHY 50066 are reinstated if Pharmacy Permit Numbers 45771 and 5006 issued to
6 Gee's Healthcare Pharmacy, Inc. doing business as Cabrillo Park Pharmacy and Yorba Park
7 Pharmacy are revoked;

8 7. Prohibiting James Ying-Ming Gee from serving as a manager, administrator, owner,
9 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit
10 Numbers PHY 45771 and PHY 50066 are placed on probation or until Pharmacy Permit
11 Numbers PHY 45771 and PHY 50066 are reinstated if Pharmacy Permit Numbers 45771 and
12 5006 issued to Gee's Healthcare Pharmacy, Inc. doing business as Cabrillo Park Pharmacy and
13 Yorba Park Pharmacy are revoked;

14 8. Prohibiting James Ying-Ming Gee from serving as a manager, administrator, owner,
15 member, officer, director, associate, or partner of a licensee for five years if Pharmacist License
16 Number RPH 44796 is placed on probation or until Pharmacist License Number RPH 44796 is
17 reinstated if Pharmacist License Number RPH 44796 issued to James Ying-Ming Gee is
18 revoked;

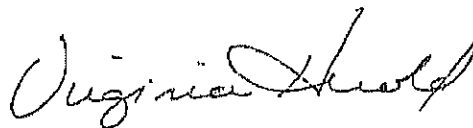
19 9. Ordering Gee's Healthcare Pharmacy, Inc., doing business as Cabrillo Park
20 Pharmacy, Ordering Gee's Healthcare Pharmacy, Inc., doing business as Yorba Park Pharmacy
21 James Ying-Ming Gee, Soong OK Chang and Anh Ngoc Phan to pay the Board of Pharmacy the
22 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
23 Professions Code section 125.3;

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

DATED: _____

6/3/16



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

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

In the Matter of the Accusation Against:

Case Nos. 4981 and 5328

**GEE'S HEALTHCARE PHARMACY,
INC., DBA CABRILLO PARK
PHARMACY
2212 East 4th Street #102
Santa Ana, CA 92705**

CAH No. 2015100446

Pharmacy Permit No. PHY 50066

**GEE'S HEALTHCARE PHARMACY,
INC., DBA YORBA PARK PHARMACY
2501 E. Chapman Blvd., No. 106
Orange, CA 92869**

Pharmacy Permit No. PHY 45771

**JAMES YING-MING GEE
220 Tall Oak
Irvine, CA 92603**

Pharmacist License No. RPH 44796

**SOONG OK CHANG
6901 East Rutgers Drive
Anaheim Hills, CA 92807**

Pharmacist License No. RPH 45540

**ANH NGOC PHAN
11701 Steele Dr.
Garden Grove, CA 92840**

Pharmacist License No. RPH 42197

Respondents.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary 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 _____.

It is so ORDERED _____.

FOR THE BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS