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

In the Matter of the Accusation Against:  
  
**1010 PHARMACY**  
**1010 Wilshire Boulevard #113**  
**Los Angeles, CA 90017**  
  
**Pharmacy Permit No. PHY 51478**  
  
and  
  
**JACQUELINE THAO NGUYEN**  
**4395 E LOWELL ST #G**  
**Ontario, CA 91761**  
  
**Pharmacist License RPH 50255**  
  
and  
  
**NAZLEILA HOJJATI**  
**1900 E. Ocean Blvd., Apt. #1110**  
**Long Beach, CA 90802**  
  
**Pharmacist License RPH 63668**  
  
and  
  
**RAMONA SAKETKHO**  
**425 S. Willaman Dr., Apt. #302**  
**Los Angeles, CA 90048**  
  
**Pharmacist License RPH 65213**  
  
and  
  
///

Case No. 5668  
  
OAH No. 2017050385  
  
**DEFAULT DECISION AND ORDER AS  
TO MATTHEW CHO ONLY**  
  
[Gov. Code, §11520]

1 **CHJ PHARMACARE INC. DBA CHJ**  
2 **PHARMACARE; ROBERT WEBER 66%**  
3 **SHAREHOLDER; HENRY C. BALANZA,**  
4 **SHAREHOLDER; EMIL MUCHTAR,**  
5 **SECRETARY**  
6 **12841 Western Avenue, Ste. D**  
7 **Garden Grove, CA 92841**

8 **Pharmacy Permit No. PHY 45334**

9 **and**

10 **MATTHEW CHO**  
11 **23 Periwinkle**  
12 **Irvine, CA 92618**

13 **Pharmacist License RPH 50771**

14 Respondents.

15 FINDINGS OF FACT

16 1. On or about November 2, 2016, Complainant Virginia K. Herold, in her official  
17 capacity as the Executive Officer of the California State Board of Pharmacy (Board), filed  
18 Accusation No. 5668 against Matthew Cho (Respondent) before the Board. (Accusation attached  
19 as Exhibit A.)

20 2. On or about March 31, 1999, the Board issued Pharmacist License No. 50771 to  
21 Respondent. The Pharmacist License expired on March 31, 2015, and has not been renewed.

22 3. On or about November 10, 2016, Respondent was served by Certified and First Class  
23 Mail copies of the Accusation No. 5668, Statement to Respondent, Notice of Defense, Request  
24 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and  
25 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code  
26 section 4100, is required to be reported and maintained with the Board. Respondent's address of  
27 record was and is: 23 Periwinkle, Irvine, CA 92618.

28 4. Service of the Accusation was effective as a matter of law under the provisions of  
Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
124.

1           5.    On or about November 28, 2016, Respondent filed his Notice of Defense. However,  
2 on or about June 6, 2017, by and through counsel, Respondent filed a Notice of Withdrawal of  
3 Request for Hearing.

4           6.    Government Code section 11506(c) states, in pertinent part:

5               (c) The respondent shall be entitled to a hearing on the merits if the respondent  
6 files a notice of defense . . . and the notice shall be deemed a specific denial of all  
7 parts of the accusation . . . not expressly admitted. Failure to file a notice of defense  
8 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its  
9 discretion may nevertheless grant a hearing.

10          7.    Title 1, California Code of Regulations, section 1014, states, in pertinent part:

11               ...  
12               (d) When a party withdraws a notice of defense or a request for Hearing, the  
13 agency shall promptly notify OAH of the agency's decision either to proceed with  
14 the Hearing as a default or request that the scheduled Hearing be taken off  
15 calendar as a result of the party's withdrawal of the notice of defense or request  
16 for Hearing. If the agency's request to take the Hearing off calendar is made  
17 before the scheduled Hearing, the agency shall file the request in writing and  
18 include the name of the party who has withdrawn the notice of defense or request  
19 for Hearing.

20          8.    The Board takes official notice of its records and the fact that Respondent withdrew  
21 his request for hearing, and therefore waived his right to a hearing on the merits of Accusation  
22 No. 5668.

23          9.    California Government Code section 11520(a) states, in pertinent part:

24               (a) If the respondent either fails to file a notice of defense . . . or to appear at  
25 the hearing, the agency may take action based upon the respondent's express  
26 admissions or upon other evidence and affidavits may be used as evidence without  
27 any notice to respondent . . . .

28          10. Pursuant to its authority under Government Code section 11520, the Board finds  
Respondent is in default. The Board will take action without further hearing and, based on the  
relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
taking official notice of all the investigatory reports, exhibits and statements contained therein on  
file at the Board's offices regarding the allegations contained in Accusation No. 5668, finds that  
the charges and allegations in Accusation No. 5668, are separately and severally, found to be true  
and correct by clear and convincing evidence.

1 DETERMINATION OF ISSUES

2 1. Based on the foregoing findings of fact, Respondent Matthew Cho has subjected his  
3 Pharmacist License No. 50771 to discipline.

4 2. The agency has jurisdiction to adjudicate this case by default.

5 3. The Board is authorized to revoke Respondent's Pharmacist License based upon the  
6 following violations alleged in the Accusation which are supported by the evidence contained in  
7 the Default Decision Evidence Packet in this case.:

8 a. Code section 4301(o) in conjunction with Code sections 4113(c) and 4169(a)(1), for  
9 purchasing, trading, selling, distributing or transferring dangerous drugs to a person or entity that  
10 is not licensed with the board as a wholesaler or pharmacy.

11 ORDER

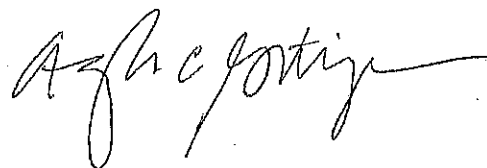
12 IT IS SO ORDERED that Pharmacist License No. 50771, heretofore issued to Respondent  
13 Matthew Cho, is revoked.

14 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a  
15 written motion requesting that the Decision be vacated and stating the grounds relied on within  
16 seven (7) days after service of the Decision on Respondent. The agency in its discretion may  
17 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

18 This Decision shall become effective at 5:00 p.m. on August 31, 2017.

19 It is so ORDERED on August 1, 2017.

20  
21 BOARD OF PHARMACY  
22 DEPARTMENT OF CONSUMER AFFAIRS  
23 STATE OF CALIFORNIA

24 

25  
26 By \_\_\_\_\_

27 Amy Gutierrez, Pharm.D.  
28 Board President

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Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

(MATTHEW CHO)

1 KAMALA D. HARRIS  
Attorney General of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 MARICHELLE S. TAHMIG  
Deputy Attorney General  
4 State Bar No. 147392  
600 West Broadway, Suite 1800  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-3154  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:  
12 **1010 PHARMACY; SEAN LANGENBERG,**  
13 **DIRECTOR; VALTON EASON,**  
14 **DIRECTOR; NICHOLAS F. THOMAS,**  
15 **DIRECTOR**  
16 **1010 Wilshire Boulevard #113**  
**Los Angeles, CA 90017**  
  
17 **Pharmacy Permit No. PHY 51478**  
  
18 **and**  
19 **JACQUELINE THAO NGUYEN**  
**4395 E LOWELL ST #G**  
**Ontario, CA 91761**  
  
20 **Pharmacist License RPH 50255**  
  
21 **and**  
22 **NAZLEILA HOJJATI**  
**1900 E. Ocean Blvd., Apt. #1110**  
23 **Long Beach, CA 90802**  
  
24 **Pharmacist License RPH 63668**  
  
25 **and**  
26 **RAMONA SAKETKHOU**  
**425 S. Willaman Dr., Apt. #302**  
27 **Los Angeles, CA 90048**

Case No. 5668

**ACCUSATION**

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Pharmacist License RPH 65213  
  
and  
  
CHJ PHARMACARE INC. DBA CHJ  
PHARMACARE; ROBERT WEBER 66%  
SHAREHOLDER; HENRY C. BALANZA,  
SHAREHOLDER; EMIL MUCHTAR,  
SECRETARY  
12841 Western Avenue, Ste. D  
Garden Grove, CA 92841  
  
Pharmacy Permit No. PHY 45334  
  
and  
  
MATTHEW CHO  
23 Periwinkle  
Irvine, CA 92618  
  
Pharmacist License RPH 50771  
  
Respondents.

Complainant alleges:

**PARTIES**

1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
2. On or about July 11, 2013, the Board of Pharmacy issued Pharmacy Permit Number PHY 51478 to 1010 Pharmacy; Sean Langenberg, Director; Valton Eason, Director; Nicholas F. Thomas, Director (Respondent 1010). Respondent 1010 filed a discontinuance of business effective November 1, 2015. The Pharmacy Permit was cancelled on May 26, 2016.
3. On or about August 24, 1998, the Board of Pharmacy issued Pharmacist License Number RPH 50255 to Jacqueline Thao Nguyen (Respondent Nguyen). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2017, unless renewed.
4. On or about February 4, 2010, the Board of Pharmacy issued Pharmacist License Number RPH 63668 to Nazleila Hojjati (Respondent Hojjati). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on August



1 31, 2017, unless renewed. Respondent Hojjati was the Pharmacist-In-Charge ("PIC") of 1010  
2 Pharmacy from January 7, 2014 to May 30, 2014.

3 5. On or about February 9, 2011, the Board of Pharmacy issued Pharmacist License  
4 Number RPH 65213 to Ramona Saketkhou (Respondent Saketkhou). 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, 2016, unless renewed.

7 6. On or about January 7, 2003, the Board of Pharmacy issued Pharmacy Permit Number  
8 PHY 45334 to CHJ Pharmacare Inc. dba CHJ Pharmacare, Robert Weber as 66% shareholder  
9 from January 7, 2003 to January 2, 2015; Henry C. Balanza, shareholder from January 7, 2003 to  
10 January 2, 2015; Emil Muchtar, Secretary from January 7, 2003 to January 2, 2015 (Respondent  
11 CHJ). The Pharmacy Permit expired on October 22, 2014, and was cancelled on January 2, 2015.

12 7. On or about March 31, 1999, the Board of Pharmacy issued Pharmacist License  
13 Number RPH 50771 to Matthew Cho (Respondent Cho). The Pharmacist License was in full  
14 force and effect at all times relevant to the charges brought herein and expired on March 31, 2015,  
15 and has not been renewed. Respondent Cho was the Pharmacist-In-Charge ("PIC") of CHJ  
16 Pharmacare from July 6, 2013 to October 22, 2014.

### 17 JURISDICTION

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

21 9. Section 4300 of the Code states:

22 (a) Every license issued may be suspended or revoked.

23 (b) The board shall discipline the holder of any license issued by the board, whose  
24 default has been entered or whose case has been heard by the board and found  
guilty, by any of the following methods:

25 (1) Suspending judgment.

26 (2) Placing him or her upon probation.

27 (3) Suspending his or her right to practice for a period not exceeding one  
28 year.

1 (4) Revoking his or her license.

2 (5) Taking any other action in relation to disciplining him or her as the board  
3 in its discretion may deem proper.

4 (e) The proceedings under this article shall be conducted in accordance with  
5 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the  
6 Government Code, and the board shall have all the powers granted therein. The  
7 action shall be final, except that the propriety of the action is subject to review by  
8 the superior court pursuant to Section 1094.5 of the Code of Civil Procedure."

9 10. Section 4300.1 of the Code states:

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

#### 17 COST RECOVERY

18 11. Section 125.3 of the Code states, in pertinent part, that the Board may request the  
19 administrative law judge to direct a licentiate found to have committed a violation or violations of  
20 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
21 enforcement of the case.

#### 22 STATUTORY AND REGULATORY PROVISIONS

23 12. Section 4301 of the Code states:

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

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

(e) The clearly excessive furnishing of controlled substances in violation of  
subdivision (a) of Section 11153.5 of the Health and Safety Code. Factors to be  
considered in determining whether the furnishing of controlled substances is  
clearly excessive shall include, but not be limited to, the amount of controlled  
substances furnished, the previous ordering pattern of the customer (including size  
and frequency of orders), the type and size of the customer, and where and to  
whom the customer distributes its product.

(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit,

1 or corruption, whether the act is committed in the course of relations as a licensee  
2 or otherwise, and whether the act is a felony or misdemeanor or not.

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

5 ...  
6 (o) Violating or attempting to violate, directly or indirectly, or assisting in or  
7 abetting the violation of or conspiring to violate any provision or term of this  
8 chapter or of the applicable federal and state laws and regulations governing  
9 pharmacy, including regulations established by the board or by any other state or  
10 federal regulatory agency.

11 13. Section 4022 of the Code states

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

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

16 14. Section 4059 of the Code states in part:

17 (a) A person may not furnish any dangerous drug, except upon the prescription of a  
18 physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor  
19 pursuant to Section 3640.7. A person may not furnish any dangerous device,  
20 except upon the prescription of a physician, dentist, podiatrist, optometrist,  
21 veterinarian, or naturopathic doctor pursuant to Section 3640.7.

22 15. Section 4081 of the Code states in part:

23 (a) All records of manufacture and of sale, acquisition, receipt, shipment, or  
24 disposition of dangerous drugs or dangerous devices shall be at all times during  
25 business hours open to inspection by authorized officers of the law, and shall be  
26 preserved for at least three years from the date of making. A current inventory shall  
27 be kept by every manufacturer, wholesaler, third-party logistics provider,  
28 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.

1 16. Section 4113 of the Code states in part, "(c) The pharmacist-in-charge shall be  
2 responsible for a pharmacy's compliance with all state and federal laws and regulations pertaining  
3 to the practice of pharmacy. ..."

4 17. Section 4169 of the Code states in part:

5 (a) A person or entity shall not do any of the following:

6 (1) Purchase, trade, sell, warehouse, distribute, or transfer dangerous drugs or  
7 dangerous devices at wholesale with a person or entity that is not licensed with the  
8 board as a wholesaler, third-party logistics provider, or pharmacy.

9 (2) Purchase, trade, sell, or transfer dangerous drugs that the person knew or  
10 reasonably should have known were adulterated, as set forth in Article 2  
11 (commencing with Section 111250) of Chapter 6 of Part 5 of Division 104 of the  
12 Health and Safety Code.

13 ...  
14 18. Section 4306.5 of the Code states:

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

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

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

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

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

19. Section 4307 of the Code states in part:

(a) 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

1 knowledge of or knowingly participated in any conduct for which the license was  
2 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:

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

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

7 (b) "Manager, administrator, owner, member, officer, director, associate, or  
8 partner," as used in this section and Section 4308, may refer to a pharmacist or to  
any other person who serves in that capacity in or for a licensee.

9 (c) The provisions of subdivision (a) may be alleged in any pleading filed pursuant  
10 to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the  
11 Government Code. However, no order may be issued in that case except as to a  
12 person who is named in the caption, as to whom the pleading alleges the  
applicability of this section, and where the person has been given notice of the  
13 proceeding as required by Chapter 5 (commencing with Section 11500) of Part 1 of  
14 Division 3 of the Government Code. The authority to proceed as provided by this  
subdivision shall be in addition to the board's authority to proceed under Section  
4339 or any other provision of law.

15 20. Section 4333 of the Code states in part:

16 (a) All prescriptions filled by a pharmacy and all other records required by Section  
17 4081 shall be maintained on the premises and available for inspection by  
18 authorized officers of the law for a period of at least three years. In cases where the  
pharmacy discontinues business, these records shall be maintained in a board-  
licensed facility for at least three years.

19 21. Title 16, California Code of Regulations (hereinafter "CCR"), section 1708.2 states,  
20 "Any permit holder shall contact the board prior to transferring or selling any dangerous drugs,  
21 devices or hypodermics inventory as a result of termination of business or bankruptcy proceedings  
22 and shall follow official instructions given by the board applicable to the transaction."

23 22. Title 16, CCR, section 1714 states in part:

24 ...  
25 (b) Each pharmacy licensed by the board shall maintain its facilities, space,  
26 fixtures, and equipment so that drugs are safely and properly prepared, maintained,  
secured and distributed. The pharmacy shall be of sufficient size and unobstructed  
27 area to accommodate the safe practice of pharmacy.  
28 ...

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

6 ...  
7 23. Title 16, CCR, section 1735.2 states in part:

8 (d) A drug product shall not be compounded until the pharmacy has first prepared a  
9 written master formula record that includes at least the following elements:

- 10 (1) Active ingredients to be used.
- 11 (2) Equipment to be used.
- 12 (3) Expiration dating requirements.
- 13 (4) Inactive ingredients to be used.
- 14 (5) Process and/or procedure used to prepare the drug.
- 15 (6) Quality reviews required at each step in preparation of the drug.
- 16 (7) Post-compounding process or procedures required, if any.

17 (i) The pharmacist performing or supervising compounding is responsible for the  
18 proper preparation, labeling, storage, and delivery of the compounded drug  
19 product. ...

20 24. Title 16, CCR, section 1735.3 states in part:

21 (a) For each compounded drug product, the pharmacy records shall include:

- 22 (7) A pharmacy assigned reference or lot number for the compounded drug  
23 product.
- 24 (8) The expiration date of the final compounded drug product.

25 ...  
26 25. Title 16, CCR, section 1735.4 states in part:

27 (a) In addition to the labeling information required under Business and Professions  
28 Code section 4076, the label of a compounded drug product shall contain the  
generic name(s) of the principal active ingredient(s)...

1 26. Title 16, CCR, section 1735.7 states in part:

2 ...  
3 (c) Pharmacy personnel assigned to compounding duties shall demonstrate  
4 knowledge about processes and procedures used in compounding prior to  
5 compounding any drug product.

6 27. Title 16, CCR, section 1761 states in part:

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

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

15 28. Title 16, CCR, section 1770, states:

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

23 29. Health and Safety Code section 11153 states in part:

24 (a) A prescription for a controlled substance shall only be issued for a legitimate  
25 medical purpose by an individual practitioner acting in the usual course of his or  
26 her professional practice. The responsibility for the proper prescribing and  
27 dispensing of controlled substances is upon the prescribing practitioner, but a  
28 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.

29 ...  
30 30. Health and Safety Code section 11165 states in part:

31 ...  
32 (d) For each prescription for a Schedule II, Schedule III, or Schedule IV controlled  
33 substance, as defined in the controlled substances schedules in federal law and  
34 regulations, specifically Sections 1308.12, 1308.13, and 1308.14, respectively, of

1 Title 21 of the Code of Federal Regulations, the dispensing pharmacy, clinic, or  
2 other dispenser shall report the following information to the Department of Justice  
3 as soon as reasonably possible, but not more than seven days after the date a  
4 controlled substance is dispensed, in a format specified by the Department of  
5 Justice:

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

10 (2) The prescriber's category of licensure, license number, national provider  
11 identifier (NPI) number, if applicable, the federal controlled substance registration  
12 number, and the state medical license number of any prescriber using the federal  
13 controlled substance registration number of a government-exempt facility.

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

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

18 (5) Quantity of the controlled substance dispensed.

19 (6) International Statistical Classification of Diseases, 9th revision (ICD-9)  
20 or 10th revision (ICD-10) Code, if available.

21 (7) Number of refills ordered.

22 (8) Whether the drug was dispensed as a refill of a prescription or as a first-  
23 time request.

24 (9) Date of origin of the prescription.

25 (10) Date of dispensing of the prescription.

26 31. Health and Safety Code section 111255 states, "Any drug or device is adulterated if it  
27 has been produced, prepared, packed, or held under conditions whereby it may have been  
28 contaminated with filth, or whereby it may have been rendered injurious to health."

32. Health and Safety Code section 111295 states, "It is unlawful for any person to  
manufacture, sell, deliver, hold, or offer for sale any drug or device that is adulterated."

33. Health and Safety Code section 111300 states, "It is unlawful for any person to  
adulterate any drug or device."

34. With regard to electronic orders for Schedule I and II controlled substances, Code of  
Federal Regulations, section 1305.22, subdivision (g) states, "When a purchaser receives a



1 shipment, the purchaser must create a record of the quantity of each item received and the date  
2 received. The record must be electronically linked to the original order and archived."

### 3 DRUGS

4 35. All drugs discussed herein are dangerous drugs as defined by Code section 4022.

### 5 FACTS

#### 6 TRANSFER OF DRUGS

7 36. In or about February, 2014, Respondent Nguyen ("Nguyen") offered to purchase CHJ  
8 Pharmicare ("CHJ"). During negotiations, Nguyen was allowed to work as the Pharmacist-in-  
9 Charge ("PIC") until the sale of the pharmacy was finalized. Nguyen was given office space at  
10 CHJ where she had access to CHJ's accounts and pharmacy computers. By February 13, 2014,  
11 negotiations fell through and the sale was not finalized. Nguyen was allowed to stay at CHJ until  
12 the end of the day on February 13, 2014 but after that, she would no longer be affiliated with CHJ.  
13 Nguyen was told not to return until February 17, 2014 in order to remove her belongings because  
14 CHJ's owner would be out of town from February 14, 2014 until February 16, 2014.

15 37. On or about February 14, 2014, Nguyen returned to CHJ with T.P. and removed  
16 computers and boxes. She also removed compounding powders from CHJ. The compounding  
17 powders were dangerous drugs obtained from Medisca, Inc., a drug wholesaler. Medisca Invoice  
18 No. 623926 identified the drugs that were removed by Nguyen:

19

Drug	Lot Number	Quantity	Expiration Date
Baclofen, USP	104622/A	1kg	10/16
Cyclobenzaprine, HCL, USP	102419/A	1kg	8/16
Diclofenac Na, USP	103663/A	1kg	4/17
Flurbiprofen, USP	105163/A	5kg	11/16
Gabapentin, USP	104828/B	1kg	4/16
HRT Gel Base (men)	98819/G	100gm	5/15
Ketoprofen, USP	102788/A	5kg	7/16
Lidocaine HCL, USP	103244/C	1kg	5/18
Pentylene Glycol	105242/A	4L	8/16
Tetracaine HCL, USP	103511/A	1kg	9/16
Transdermal Pain Base	104005/A	5kg	9/15

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1 38. These drugs were transported by T.P. and stored in T.P.'s garage, thereby adulterating  
2 them, until Nguyen transferred them to Respondent 1010 Pharmacy ("1010 Pharmacy") in or  
3 about May 30, 2014. Nguyen was not a licensed wholesaler or pharmacy permit holder.

4 39. On February 14, 2014, Nguyen contacted Medisca, representing herself as "Beatrice,"  
5 CHJ's pharmacy technician and placed a telephone order for the same drugs she had ordered on  
6 February 4, 2014. The February 14, 2014 order was placed on CHJ's account with Medisca and  
7 totaled \$13,873.90. Orders from Medisca are non-refundable.

8 40. After the events of February 14, 2014, B.R., CHJ's pharmacy technician, contacted  
9 Medisca and learned that Nguyen placed an order on February 4, 2014 on CHJ's account. Nguyen  
10 previously stated she paid for the order. The February 4, 2014 order totaled \$9,322.00. None of  
11 these products ordered by Nguyen were brought into CHJ's compounding department; they were  
12 removed from CHJ before February 13, 2014.

#### 13 INSPECTION OF 1010 PHARMACY

14 41. On November 12, 2014, Board inspectors conducted an inspection of 1010 Pharmacy.  
15 Nguyen was present during the inspection. Board inspectors found the compounding  
16 components listed in Medisca Invoice No. 623926 at 1010 Pharmacy and removed them from  
17 1010 Pharmacy's stock as listed below. These drugs were embargoed as adulterated drugs:

Drug	Lot No.	Quantity	Expiration Date
Baclofen, USP	104622/A	1kg	10/16
Cycloberzaprine HCL, USP	102419/A	1kg	8/18
Diclofenac Na, USP	103663/A	1kg	4/17
Flurbiprofen, USP	105153/A	5kg	11/16
Gabapentin, USP	104929/B	1kg	4/16
HRT Gel Base (men)	98819/C	100gm	6/15
Ketoprofen, USP	102798/A	5kg	7/16
Lidocaine HCL, USP	103244/C	1kg	6/10
Tetracaine HCL, USP	103611/A	1kg	9/16

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24 42. From May 29, 2014 to November 10, 2014, Nguyen compounded and dispensed at  
25 least 76 adulterated drugs while working at 1010 Pharmacy.

26 43. 1010 Pharmacy's drug recall policy called for the recalled product to be removed  
27 from stock, quarantined and disposed/returned. The policy called for the pharmacy to identify the  
28 patients who potentially received the target product via the pharmacy computer system and the

1 prescribers notified. 1010 Pharmacy had a similar policy "in the event it is discovered that a  
 2 compounded product does not pass [1010 Pharmacy's] quality control." No documentation was  
 3 provided to the Board inspector that patients or prescribers were contacted or that there had been  
 4 an attempt to recall the adulterated drugs listed in paragraph 38. Nguyen failed to protect the  
 5 public from these adulterated compounds when she failed to initiate a recall pursuant to the  
 6 pharmacy's policies.

7 44. Board inspectors conducted subsequent inspections of 1010 Pharmacy on February  
 8 18, 2015, and obtained documents from 1010 Pharmacy including copies of master formulas,  
 9 compounding logs, compounding worksheets, compounding work orders and dispensing records.

10 45. The dispensing records were correlated with the master formulas received from 1010  
 11 Pharmacy and Nguyen, which revealed that numerous compounded drugs were made without a  
 12 master formula. These are:

13	Amitri2%/Acyclovir5%/Gabapentin10%/Ketoprofen10%/Lidocaine 4% (AAGKL Shingle compound)	010715E1	601794	120gm
14	Total			120gm
15	Anti-fungal and anti-itch Cream (Antifungal compound)	112114E2	601421	60gm
16	Anti-fungal and anti-itch Cream (Antifungal compound)	112114E2	Unknown	60gm
17	Anti-fungal and anti-itch Cream (Antifungal compound)	101414E1	601421	60gm
18	Anti-fungal and anti-itch Cream (Antifungal compound)	092914E1	601201	30gm
19	Anti-fungal and anti-itch Cream (Antifungal compound)	092214E1	601201	60gm
20	Anti-fungal and anti-itch Cream (Antifungal compound)	122214E1	601201	30gm
21	Anti-fungal and anti-itch Cream (Antifungal compound)	120414E1	601520	60gm
22	Anti-fungal and anti-itch Cream (Antifungal compound)	112114E2	Unknown	60gm
23	Total			120gm
24	Badolofen 2%/ Amitriptyline 8%/ Ketamine 4% (BAC20mg/Ami 80mg/Keta40mg)	012615E1	601695	120gm
25	Badolofen 2%/ Amitriptyline 8%/ Ketamine 4% (BAC20mg/Ami 80mg/Keta40mg)	1217144E1	601695	120gm
26	Total			240gm
27	Citric Acid 40% soln	121014E1	none	1000ml
28	Total			1000ml
29	Diclofenac 15%/ Gabapentin 10%/ Lidocaine 10% (DGL Cream)	120914E1	601525	120gm
30	Total			120gm
31	Diclofenac 5%/ Lidocaine 5%	011615E1	601845	120gm
32	Total			120gm
33	Dillazem 2% ointment	080814E1	600761	16gm
34	Dillazem 2% ointment	121114E1	601877	60gm
35	Total			76gm
36	Finasteride 0.5%/ Minoxidil 8% (FM Compound Scalp Soln)	072814E1	600733	240ml
37	Finasteride 0.5%/ Minoxidil 8% (FM Compound Scalp Soln)	081014E1	600443	240ml
38	Finasteride 0.5%/ Minoxidil 8% (FM Compound Scalp Soln)	081914E2	600889	240ml
39	Finasteride 0.5%/ Minoxidil 8% (FM Compound Scalp Soln)	082014E1	600888	240ml
40	Finasteride 0.5%/ Minoxidil 8% (FM Compound Scalp Soln)	082114E1	600906	240ml

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Finasteride 0.5%/ Minoxidil 8% (FM Compound Scalp Soln)	082114E1	600904	240ml
Finasteride 0.5%/ Minoxidil 8% (FM Compound Scalp Soln)	061214E1	600443	240ml
Finasteride 0.5%/ Minoxidil 8% (FM Compound Scalp Soln)	091714E2	601147	240ml
Finasteride 0.5%/ Minoxidil 8% (FM Compound Scalp Soln)	091714E2	601161	240ml
Finasteride 0.5%/ Minoxidil 8% (FM Compound Scalp Soln)	091814E1	601165	240ml
Finasteride 0.5%/ Minoxidil 8% (FM Compound Scalp Soln)	102014E2	600733	240ml
Finasteride 0.5%/ Minoxidil 8% (FM Compound Scalp Soln)	100214E2	600904	240ml
Finasteride 0.5%/ Minoxidil 8% (FM Compound Scalp Soln)	101414E1	600443	240ml
Finasteride 0.5%/ Minoxidil 8% (FM Compound Scalp Soln)	111914E1	601566	240ml
Finasteride 0.5%/ Minoxidil 8% (FM Compound Scalp Soln)	111914E1	601567	240ml
Finasteride 0.5%/ Minoxidil 8% (FM Compound Scalp Soln)	111914E1	601165	240ml
Finasteride 0.5%/ Minoxidil 8% (FM Compound Scalp Soln)	111914E1	601147	240ml
Finasteride 0.5%/ Minoxidil 8% (FM Compound Scalp Soln)	101514E4	601165	240ml
Finasteride 0.5%/ Minoxidil 8% (FM Compound Scalp Soln)	101514E4	601147	240ml
Finasteride 0.5%/ Minoxidil 8% (FM Compound Scalp Soln)	101514E4	600372	240ml
Finasteride 0.5%/ Minoxidil 8% (FM Compound Scalp Soln)	101514E4	601161	240ml
Finasteride 0.5%/ Minoxidil 8% (FM Compound Scalp Soln)	112014E1	600443	240ml
Finasteride 0.5%/ Minoxidil 8% (FM Compound Scalp Soln)	062114E1	600443	240ml
Finasteride 0.5%/ Minoxidil 8% (FM Compound Scalp Soln)	061714E1	600372	240ml
Finasteride 0.5%/ Minoxidil 8% (FM Compound Scalp Soln)	070714E1	Unknown	480ml
Finasteride 0.5%/ Minoxidil 8% (FM Compound Scalp Soln)	070814E1	Unknown	240ml
Finasteride 0.5%/ Minoxidil 8% (FM Compound Scalp Soln)	012615E1	Unknown	240ml
Total			36720ml
Flurbiprofen 10%/ gabapentin 10%/ Ketamine 10%/ Lidocaine 5%/hyaluronic 0.2% (FGKLH compound (F9))	121514E1	0601207	120gm
Flurbiprofen 10%/ gabapentin 10%/ Ketamine 10%/ Lidocaine 5%/hyaluronic 0.2% (FGKLH compound (F9))	121514E1	unknown	120gm
Total			240gm
Flurbiprofen 20%/ Gabapentin 6%/ Baclo 2%/ Cyclo 2% (FGBC Compound (F20))	122214E1	601428	120gm
Total			120gm
Flurbiprofen 20%/ gabapentin 6%/Baclo 2%/ Cyclo 2% (FGBC compound (F9))	121014E1	601663	120gm
Flurbiprofen 20%/ gabapentin 6%/Baclo 2%/ Cyclo 2% (FGBC compound (F9))	121614E1	601568	120gm
Total			240gm
Hemorrhoid treatment	120414E1	601520	60gm
Hemorrhoid treatment	110814E1	601520	60gm
Total			120gm
Hyaluronic Acid 0.2 soln	082614E1	none	240ml
Total			240ml
Ketoprofen 10%/Gabapentin 10%/Lidocaine 5%/Bupivacaine 5% (KGLB Compound)	012915E1	602024	120gm
Ketoprofen 10%/Gabapentin 10%/Lidocaine 5%/Bupivacaine 5% (KGLB Compound)	012915E1	Unknown	180gm
Total			300gm
Lidocaine 5% soln (Lidocaine 5% spray)	082614E1	600776	10ml
Lidocaine 5% soln (Lidocaine 5% spray)	082614E1	600776	110ml
Total			120ml
Nitroglycerine 0.2% Ointment	111414E2	601555	30gm
Nitroglycerine 0.2% Ointment	111414E2	unknown	30gm
Nitroglycerine 0.2% Ointment	111114E1	601546	15gm
Nitroglycerine 0.2% Ointment	111114E1	unknown	45gm
Nitroglycerine 0.2% Ointment	102214E1	601465	15gm
Nitroglycerine 0.2% Ointment	100214E1	601068	15gm
Nitroglycerine 0.2% Ointment	092514	601235	30gm
Nitroglycerine 0.2% Ointment	091014	601068	15gm

1	Nitroglycerine 0.2% Ointment	080214E1	600985	30gm
	Nitroglycerine 0.2% Ointment	120914E1	unknown	30gm
2	Nitroglycerine 0.2% Ointment	011415E1	601836	30gm
	Nitroglycerine 0.2% Ointment	012815E1	602023	30gm
3	Nitroglycerine 0.2% Ointment	012015E1	601880	30gm
	Nitroglycerine 0.2% Ointment	011515E2	601846	30gm
4	Nitroglycerine 0.2% Ointment	011815E2	601847	30gm
	Total			2406gm
5	Simple Pain Free Therapy Oil (OTC)	102014E4	none	4000ml
	Simple Pain Free Therapy Oil (OTC)	092914E1	none	1000ml
6	Simple Pain Free Therapy Oil (OTC)	092414E2	none	2000ml
	Simple Pain Free Therapy Oil (OTC)	092214E4	none	4000ml
7	Simple Pain Free Therapy Oil (OTC)	092414E1	none	1000ml
	Simple Pain Free Therapy Oil (OTC)	092214E1	none	1000ml
8	Total			16100ml
	Simple Pain Free Therapy Oil with Lidocaine 4% (OTC)	092414E1	none	1000ml
9	Simple Pain Free Therapy Oil with Lidocaine 4% (OTC)	092214E1	none	1000ml
	Total			2000ml
10	Simply Pain Free therapy oil with lidocaine 10% (simply pain Free oil)	122214E1	601196	120ml
11	Simply Pain Free therapy oil with lidocaine 10% (simply pain Free oil)	120814E1	601217	120ml
	Total			240ml
12	Tetracaine 1%/ Aloe Vera 2%/ Hydrocortisone 1%/ Antacid 30%/ Lidocaine 2% (mouth wash (F1))	071014E1	600357	2700ml
	Tetracaine 1%/ Aloe Vera 2%/ Hydrocortisone 1%/ Antacid 30%/ Lidocaine 2% (mouth wash (F1))	092114E1	600357	2700ml
13	Tetracaine 1%/ Aloe Vera 2%/ Hydrocortisone 1%/ Antacid 30%/ Lidocaine 2% (mouth wash (F1))	112014E1	6015714	2700ml
	Total			8100ml
14	Tetracaine 1%/ Aloe Vera 2%/ Hydrocortisone 1%/ Antacid 30%/ Lidocaine 2% (Tetra1aloe1HC1antacid30lido2)	052914E1	600164	2700mls
15	Tetracaine 1%/ Aloe Vera 2%/ Hydrocortisone 1%/ Antacid 30%/ Lidocaine 2% (mouth wash (F1))	060114E1	600357	2700ml
	Total			2700ml
16	Weight loss capsules	121714E1	none	380 capsules
	Total			380capsules

46. In addition, dispensing records indicated several compounded drugs were not labeled correctly in that the labels did not state the generic name of the principal active ingredients. Instead, the labels for the following compounded drugs only identified the first letter of each ingredient in the compounded drug:

AAGKL SHINGLE COMPOUND	1
ACCGT COMPOUND (F15)	3
BAC20MG/AM80MG/KETA40MG	3
BCFKLH COMPOUND (F)	1
BIEST(60/20%)3MG/TESTOS.5MG	7
DGL CREAM	2
DGLH COMPOUND (F14)	3
DKGL COMPOUND (F28)	2
FGBC COMPOUND (F20)	84
FGBCLH COMPOUND (F1)	9

FGC COMPOUND (F17)	9
FGKLH COMPOUND (F8)	42
FGLT COMPOUND (F8)	2
FGLTC COMPOUND (F6)	5
FM COMPOUND (SCALP SOLN)	28
FM SHAMPOO	17
HEMMOROID TREATMENT	2
KDGL COMPOUND (F7)	8
KGAKT COMPOUND (F26)	1
KGLB COMPOUND	1
MOUTH WASH (F1)	4
MY WAY 1.5 MG TABLET	6
SIMPLY PAIN FREE OIL	25

47. In addition, a review of 1010 Pharmacy's compounding logs reveal that at least 32 lots were not assigned a unique reference or lot number as required. These compounded drugs are:

Date Compounded	Batch Number	Lot Number	Drug Name	Lot	Notes
6/16/14	600386	061514el	Flurbiprofen, USP	105153/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Tetracaine HCL, USP	103511/A	
			Cyclobenzaprine HCL, USP	102419/A	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
06/16/14	600382	061614el	Flurbiprofen, USP	105153/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Cyclobenzaprine HCL, USP	102419/A	
			Pentylene Glycol	105242/A	
6/26/14	600381	062614el	Flurbiprofen, USP	105153/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Cyclobenzaprine HCL, USP	102419/A	
			Pentylene Glycol	105242/A	
6/26/14	600399	062614el	Cyclobenzaprine HCL, USP	102419/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
Unknown	600361	062614el	Flurbiprofen, USP	105153/A	Lot number not unique to this compound No RPH signature on final product No date it was compounded
			Gabapentin, USP	104929/B	
			Baclofen, USP	104622/A	
			Cyclobenzaprine HCL, USP	102419/A	
			Lidocaine HCL, USP	103244/C	
			Pentylene Glycol	105242/A	
6/27/14	600380	062714el	Flurbiprofen, USP	105153/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	

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			Baclofen, USP	104622/A	
			Cyclobenzaprine HCL, USP	102419/A	
			Lidocaine HCL, USP	103244/C	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
7/9/14	600591 600513	070914el	Ketoprofen, USP	102788/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Diclofenac Na, USP	103583/A	
			Lidocaine HCL, USP	103244/C	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
7/12/14	600382	071214el	Flurbiprofen, USP	105153/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Cyclobenzaprine HCL, USP	102419/A	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
7/12/14	600420	071214el	Flurbiprofen, USP	105153/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Tetracaine HCL, USP	103511/A	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
7/9/14	600380	070914el	Flurbiprofen, USP	105153/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Cyclobenzaprine HCL, USP	102419/A	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
Unknown	600643	071414el	Flurbiprofen, USP	105153/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Baclofen, USP	104622/A	
			Cyclobenzaprine HCL, USP	102419/A	
			Lidocaine HCL, USP	103244/C	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
7/12/14	600623	071414el	Flurbiprofen, USP	105153/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Baclofen, USP	104622/A	
			Cyclobenzaprine HCL, USP	102419/A	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
8/12/14	600602	081214el	Flurbiprofen, USP	105153/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Tetracaine HCL, USP	103511/A	
			Cyclobenzaprine HCL, USP	102419/A	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
8/12/14	600785	081214el	Flurbiprofen, USP	105153/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Lidocaine HCL, USP	103244/C	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	

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8/12/14	0600788	081214el	Flurbiprofen, USP	105153/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Lidocaine HCL, USP	103244/C	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
8/12/14	600788	081214el	Flurbiprofen, USP	105153/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Baclofen, USP	104622/A	
			Cyclobenzaprine HCL, USP	102419/A	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
8/19/14	600395	081914el	Flurbiprofen, USP	105153/A	Lot number not unique to this compound.
			Gabapentin, USP	104929/B	
			Baclofen, USP	104622/A	
			Cyclobenzaprine HCL, USP	102419/A	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
8/19/14	C600731	081914el	Flurbiprofen, USP	105153/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Lidocaine HCL, USP	103244/C	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
8/21/14	600361	082114el	Flurbiprofen, USP	105153/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Baclofen, USP	104622/A	
			Cyclobenzaprine HCL, USP	102419/A	
			Lidocaine HCL, USP	103244/C	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
8/21/14	600905	082114el	Ketoprofen, USP	102788/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Baclofen, USP	104622/A	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
8/29/14	C600933	082914el	Ketoprofen, USP	102788/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Lidocaine HCL, USP	103244/C	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
8/29/14	C600983	082914el	Flurbiprofen, USP	105153/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Lidocaine HCL, USP	103244/C	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
			Lidocaine HCL, USP	103244/C	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
9/12/14	601134	091214el	Flurbiprofen, USP	105153/A	Log show 240gm made Rx shows only 120gm
			Gabapentin, USP	104929/B	
			Baclofen, USP	104622/A	
			Cyclobenzaprine HCL, USP	102419/A	
			Lidocaine HCL, USP	103244/C	



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			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
9/16/14	600361	091614e1	Flurbiprofen, USP	105153/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Cyclobenzaprine HCL, USP	102419/A	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
9/16/14	C800785	081614e1	Flurbiprofen, USP	105153/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Lidocaine HCL, USP	103244/C	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
9/16/14	600788	091614e1	Flurbiprofen, USP	105153/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Cyclobenzaprine HCL, USP	102419/A	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
9/16/14	600361	091614e1	Flurbiprofen, USP	105153/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Baclofen, USP	104622/A	
			Cyclobenzaprine HCL, USP	102419/A	
			Lidocaine HCL, USP	103244/C	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
10/3/14	C600865	100314e2	Flurbiprofen, USP	105153/A	Log shows 240gm compounded rxs show 120gms
			Gabapentin, USP	104929/B	
			Lidocaine HCL, USP	103244/C	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
10/6/14	Nona?	100614e1	Flurbiprofen, USP	105153/A	Log has not Rxs attached but shows 240gm were compounded Product contains Ketamine
			Gabapentin, USP	104929/B	
			Lidocaine HCL, USP	103244/C	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
10/14/14	606813	101414e1	Ketaprofen, USP	102788/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Lidocaine HCL, USP	103244/C	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
10/14/14	601182	101414e1	Flurbiprofen, USP	105153/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Baclofen, USP	104622/A	
			Cyclobenzaprine HCL, USP	102419/A	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
10/27/14	600788	102714e1	Flurbiprofen, USP	105153/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Baclofen, USP	104622/A	
			Cyclobenzaprine HCL, USP	102419/A	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
10/27/14	601184	102714e1	Flurbiprofen, USP	105153/A	Lot number not unique to this compound

			Gabapentin, USP	104929/B	
			Baclofen, USP	104822/A	
			Cyclobenzaprine HCL, USP	102419/A	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
10/28/14	601170	102714e1	Flurbiprofen, USP	105153/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Lidocaine HCL, USP	103244/C	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	
10/27/14	C800786	102714e1	Flurbiprofen, USP	105153/A	Lot number not unique to this compound
			Gabapentin, USP	104929/B	
			Lidocaine HCL, USP	103244/C	
			Pentylene Glycol	105242/A	
			Transdermal Pain Base	104005/A	

48. Staff training records were reviewed and revealed that Nguyen began compounding at 1010 Pharmacy on or before June 5, 2014, although she did not receive compounding training until October 24, 2014 and October 25, 2014. Pharmacist J.T. received no training but began compounding drugs at 1010 Pharmacy on or before June 13, 2014.

49. 1010 Pharmacy's compounding logs were compared with its dispensing records from January 1, 2014 to December 23, 2014. The review revealed the following discrepancies:

a. Simple Pain Free Oil was a drug compounded by Nguyen for a doctor to whom she sold the drug. Dispensing records showed 2,460 ml of Simple Pain Free Oil were sold for a total of \$4,003.07. However, acquisition records or compounding logs showed only 240 ml of Simple Pain Free Oil. 1010 Pharmacy failed to provide compounding logs or acquisition records for 2,220 ml of Simple Pain Free Oil for 23 prescriptions.

b. Acquisition records were provided for weight loss capsules (360 capsules), hyaluronic acid 0.2% solution 240 ml, and citric acid 40% solution 1,000 ml, but no disposition records were provided.

50. Between November 12, 2013 and May 5, 2014, 1010 Pharmacy failed to report dispensing of Schedules II – IV controlled substances to the Controlled Substance Utilization Review & Evaluation System ("CURES") when dispensing records showed about 100 drugs dispensed, including Schedules II – IV controlled substances.

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**CORRESPONDING RESPONSIBILITY**

51. Respondents, 1010 Pharmacy, Nguyen, Hojjati and Sakethkhou dispensed 309 prescriptions written by Dr. A.A. between October 29, 2013 and January 29, 2015. Dr. A.A. had four offices: Los Angeles, Santa Monica, Rancho Cucamonga, Long Beach and Hollister. His prescriptions rarely indicated which office he was prescribing out of. His Los Angeles office was about 0.8 miles from 1010 Pharmacy; his Rancho Cucamonga office was about 43 miles from 1010 Pharmacy; his Hollister office was about 306 miles from 1010 Pharmacy; and the Santa Monica and Long Beach offices were about 15 miles and 22 miles, respectively, from 1010 Pharmacy.

52. A review of 246 of the 309 prescriptions written by Dr. A.A. indicated that the following top ten drugs dispensed at 1010 Pharmacy were:

DRUG NAME	Count	Percentage	Total Quantity	Average Number of Tablets per Rx
OXYCODONE 30 MG	133	43.2%	14,100	106.0
IBUPROFEN 600 MG TABLET	66	21.4%	5,160	78.2
HYDROCODON-APAP 10-325	23	7.5%	2,670	116.1
METHYLPREDNISOLONE 4 MG DOS	13	4.2%	273	21.0
CYCLOBENZAPRINE 10 MG TAB	10	3.2%	330	33.0
IBUPROFEN 600 MG TABLET	9	2.9%	570	63.3
PROMETHAZINE-CODEINE SYRUP	7	2.3%	2,439ml	348.4ml
MELOXICAM 15 MG TABLET	6	1.6%	140	23.3
HYDROXYZINE HCL 25 MG TAB	5	1.6%	150	30.0
PREDNISONE 1 MG TABLET	4	1.3%	23	5.8

53. There was no adjustment for sex, age, weight, renal or hepatic function, race, diagnosis, past medications used (opioid tolerance) or any other patient related factor in Dr. A.A.'s prescribing pattern for oxycodone 30 mg. The pain medications prescribed by Dr. A.A. were generally for the same drugs, dosages and quantities. The average age of Dr. A.A.'s patients was 46 years old. None of the patients with "chronic pain" were also receiving long-acting pain medication to control their baseline pain. Only one of the 133 prescriptions for oxycodone 30 mg had a diagnosis, Rx number 200127. The diagnosis was hip pain, which is generally not a medical reason for a very powerful narcotic such as oxycodone 30 mg.

54. Of the 308 prescriptions written by Dr. A.A. between October 29, 2013 to January 29, 2015, 99.03% or 305 were paid for with cash, while 0.97% or 3 were paid for with insurance. The average amount paid for a prescription for oxycodone 30 mg was \$390.82; for hydrocodone/apap 10/32, it was \$187.39; and for oxycodone/apap, it was \$397.50.

55. Only 4 of the 133 prescriptions for oxycodone were verified by the dispensing pharmacist at 1010 Pharmacy although these 4 prescriptions were verified with a person at Dr. A.A.'s office, but not with Dr. A.A.

56. Between January 1, 2012 and February 19, 2015, Dr. A.A. wrote 3,050 prescriptions for oxycodone and 4,218 prescriptions for Norco 10/325 mg. Therefore, on average, between January 1, 2012 and February 19, 2015, 3.9 prescriptions for oxycodone 30 mg per day and 5.4 prescriptions for Norco 10/325 were dispensed per day written by Dr. A.A. Dr. A.A.'s CURBS report for November 1, 2013 shows over 30 prescriptions from Dr. A.A. filled on November 1, 2013, in Northern and Southern California:

Patient City	Drug	Date Filled	Pharmacy	Pharmacy City
LOS ANGELES	OXYCODONE HYDROCHLORIDE 30 MG	11/01/2013	WESTSIDE PHARMACY	LOS ANGELES
LOS ANGELES	OXYCODONE HYDROCHLORIDE 30 MG	11/01/2013	RITE AID 8471	GARDENA
HOLLISTER	MORPHINE SULFATE 100 MG	11/01/2013	ANSR PHARMACY 101	HOLLISTER
HOLLISTER	APAP/HYDROCODONE BITARTRATE 325 MG-10 MG	11/01/2013	ANSR PHARMACY 101	HOLLISTER
PARADISE	APAP/HYDROCODONE BITARTRATE 325 MG-10 MG	11/01/2013	RITE AID 6092	PARADISE
HOLLISTER	OXYCONTIN 80 MG	11/01/2013	ANSR PHARMACY 101	HOLLISTER
HOLLISTER	OXYCODONE HCL 30 MG	11/01/2013	ANSR PHARMACY 101	HOLLISTER
LONG BEACH	OXYCODONE HCL 30 MG	11/01/2013	STATION PHARMACY	SANTA MONICA
ORLAND	HYDROCODONE BITARTRATE AND ACETAMIN 325 MG-10 MG	11/01/2013	WALGREENS #13001	ORLAND
HOLLISTER	FENTANYL TRANSDERMAL SYSTEM 100 MCG/HR	11/01/2013	ANSR PHARMACY 101	HOLLISTER
CHICO	APAP/HYDROCODONE BITARTRATE 325 MG-10 MG	11/01/2013	OVS/PHARMACY #7506	CHICO
CHICO	CARISOPRODOL 350 MG	11/01/2013	CVS/PHARMACY #7508	CHICO
HOLLISTER	OXYCODONE AND ACETAMINOPHEN 325 MG-10 MG	11/01/2013	ANSR PHARMACY 101	HOLLISTER
LOS ANGELES	OXYCODONE HYDROCHLORIDE 30 MG	11/01/2013	CVS PHARMACY #9781	LOS ANGELES
PALMDALE	OXYCODONE HYDROCHLORIDE 30 MG	11/01/2013	WESTSIDE PHARMACY	LOS ANGELES
HOLLISTER	HYDROCODONE BITARTRATE AND ACETAMIN 325 MG-5 MG	11/01/2013	HAZEL HAWKINS MEMORIAL HOSPITAL PHARMACY	HOLLISTER
FELTON	CARISOPRODOL 350 MG	11/01/2013	ANSR PHARMACY 101	HOLLISTER
FELTON	OXYCONTIN 80 MG	11/01/2013	ANSR PHARMACY 101	HOLLISTER
FELTON	OXYCODONE HCL 30 MG	11/01/2013	ANSR PHARMACY 101	HOLLISTER
HEMET	OXYCODONE HYDROCHLORIDE 30 MG	11/01/2013	WALMART PHARMACY #10-2708	TEMECULA
ORLAND	CARISOPRODOL 350 MG	11/01/2013	WALGREENS #13001	ORLAND
CHICO	APAP/HYDROCODONE BITARTRATE 325 MG-10 MG	11/01/2013	OVS PHARMACY #7128	CHICO
OROVILLE	CARISOPRODOL 350 MG	11/01/2013	CVS/PHARMACY #9158	OROVILLE
SAN BERNARDINO	OXYCODONE HCL 30 MG	11/01/2013	JURUPA VALLEY PHARMACY	JURUPA VALLEY
HOLLISTER	METHADONE HYDROCHLORIDE 10 MG	11/01/2013	ANSR PHARMACY 101	HOLLISTER
HOLLISTER	OXYCODONE HCL 30 MG	11/01/2013	ANSR PHARMACY 101	HOLLISTER
HOLLISTER	HYDROCODONE BITARTRATE AND ACETAMIN 325 MG-10 MG	11/01/2013	ANSR PHARMACY 101	HOLLISTER
HOLLISTER	LYRICA 50 MG	11/01/2013	ANSR PHARMACY 101	HOLLISTER
CHICO	AVINZA 120 MG	11/01/2013	CVS PHARMACY #7128	CHICO

HOLLISTER	HYDROCODONE BITARTRATE AND ACETAMIN 325 MG-10 MG	11/01/2013	ANSR PHARMACY 101	HOLLISTER
HOLLISTER	TRAMADOL HYDROCHLORIDE 60 MG	11/01/2013	ANSR PHARMACY 101	HOLLISTER
HOLLISTER	BUTRANS 20 MCG/HR	11/01/2013	ANSR PHARMACY 101	HOLLISTER

57. Board inspectors reviewed the Patient Activity Reports of 26 of Dr. A.A.'s patients who filled prescriptions at 1010 Pharmacy. Three of the 26 patients had no CURES information although 1010 Pharmacy's dispensing records showed that controlled substances were dispensed to these three patients. The following is a summary of the Board inspector's findings:

a. Patient NF: No CURES reports were available for this patient. 1010 Pharmacy's dispensing record shows:

RX#	DATE	DRUG NAME	QTY	CITY	DOB	PAYD	CURES
200142	12/06/2013	OXYCODONE 90 MG	120	Compton	12/11/1964	178	No
600249	12/06/2013	IBUPROFEN 600 MG TABLET	60	Compton	12/11/1964	20	N/A
200178	01/16/2014	OXYCODONE 90 MG	120	Compton	12/11/1964	436	No
600308	01/16/2014	IBUPROFEN 800 MG TABLET	90	Compton	12/11/1964	33	N/A

b. Patient MG: No CURES reports were available for this patient. 1010 Pharmacy's dispensing record shows:

RX#	DATE	DRUG NAME	QTY	CITY	DOB	PAYD	CURES
200197	02/11/2014	OXYCODONE 30 MG	120	Compton	11/03/1959	436	No
600335	02/11/2014	COLACE 100 MG CAPSULE	30	Compton	11/03/1959	11	N/A
600336	02/11/2014	IBUPROFEN 600 MG TABLET	60	Compton	11/03/1959	20	N/A

c. Patient TB: According to the CURES report, TB saw three different prescribers, filled three different controlled substance prescriptions at three different pharmacies from December 16, 2012 to July 30, 2014. TB had insurance but paid for the prescriptions filled at 1010 Pharmacy with cash. 1010 Pharmacy's dispensing record shows:

RX#	DATE	DRUG NAME	QTY	CITY	DOB	PAYD	CURES
200165	12/11/2013	OXYCODONE 30 MG	90	Los Angeles	10/07/1976	135	No
600269	12/11/2013	IBUPROFEN 800 MG TABLET	90	Los Angeles	10/07/1976	33	N/A
200272	07/30/2014	OXYCODONE 90 MG	90	Los Angeles	10/07/1976	380	Yes
600737	07/30/2014	IBUPROFEN 800 MG TABLET	60	Los Angeles	10/07/1976	25	N/A

d. Patient GC: According to the CURES report, GC saw 14 different prescribers, filled 12 different controlled substance prescriptions at 13 different pharmacies from September 8, 2014 to January 7, 2015. 1010 Pharmacy never reported GC's prescriptions to CURES. The CURES report also showed GC had insurance on every fill, however no insurance was billed for the prescriptions dispensed by 1010 pharmacy. 1010 Pharmacy's dispensing record shows:

RX#	FILE DATE	DRUG NAME	QTY	CITY	DOB	PAID	CURES
200112	11/19/2013	OXYCODONE 30 MG	90	Los Angeles	06/06/1960	329	No
800210	11/19/2013	IBUPROFEN 600 MG TABLET	60	Los Angeles	06/06/1960	20	N/A
200165	12/12/2013	OXYCODONE 30 MG	90	Los Angeles	06/06/1960	135	No
800279	12/12/2013	IBUPROFEN 800 MG TABLET	90	Los Angeles	06/06/1960	33	N/A

e. **Patient ND:** According to the CURES report, ND saw five different prescribers, filed five different controlled substance prescriptions at seven different pharmacies from September 30, 2013 to December 3, 2014. The CURES report showed ND had insurance on all filled prescriptions but did not use it on any oxycodone 30 mg prescriptions, nor for any of the prescriptions filled at 1010 pharmacy. 1010 Pharmacy's dispensing record shows the following. Of note, 1010 Pharmacy never reported the two oxycodone 30 mg prescriptions to CURES:

RX#	FILE DATE	DRUG NAME	QTY	CITY	DOB	PAID	CURES
200188	12/04/2013	OXYCODONE 30 MG	120	Los Angeles	01/19/1984	178	No
800241	12/04/2013	IBUPROFEN 600 MG TABLET	60	Los Angeles	01/19/1984	20	N/A
200203	02/11/2014	OXYCODONE 30 MG	120	Los Angeles	01/19/1984	436	No
800343	02/11/2014	HYDROXYZINE HCL 25 MG TAB	30	Los Angeles	01/19/1984	33	N/A
200829	12/30/2014	HYDROCODON-APAP 10-325	120	Los Angeles	01/19/1984	240	YES

f. **Patient MD:** According to the CURES report, MD filled three different controlled substance prescriptions at three different pharmacies from March 24, 2014 to July 22, 2014. MD did not have pain medications before she stated filling her controlled substance prescriptions at 1010 Pharmacy. The Pharmacist should have questioned the high starting dose of oxycodone on December 16, 2013. 1010 Pharmacy never reported MD's prescriptions to CURES. 1010 Pharmacy's dispensing record shows:

RX#	FILE DATE	DRUG NAME	QTY	CITY	DOB	PAID	CURES
200172	12/16/2013	OXYCODONE 30 MG	120	Los Angeles	03/04/1971	178	No
400126	12/16/2013	CARISOPRODOL 360 MG TABLET	30	Los Angeles	03/04/1971	23	No
800289	12/16/2013	MELOXICAM 15 MG TABLET	10	Los Angeles	03/04/1971	64	N/A

g. **Patient WF:** According to the CURES report, WF saw three prescribers, filled three different controlled substance prescriptions at six different pharmacies from February 14, 2012 to January 7, 2015. The CURBS report also shows ND had insurance but failed to use it on her prescriptions at 1010 pharmacy. 1010 Pharmacy never reported two prescriptions for oxycodone 30mg to CURES. 1010 Pharmacy's dispensing record shows:

RX#	FILE DATE	DRUG NAME	QTY	CITY	DOB	PAID	CURES
200117	11/21/2013	OXYCODONE 30 MG	120	Los Angeles	07/29/1960	436	No
200202	02/11/2014	OXYCODONE 30 MG	120	Los Angeles	07/29/1960	436	No
800342	02/11/2014	HYDROXYZINE HCL 25 MG TAB	30	Los Angeles	07/29/1960	33	N/A
200642	01/07/2015	OXYCODONE 30 MG	90	Los Angeles	07/29/1960	630	Yes

1 h. Patient WH: According to the CURES report, WH saw three prescribers, filled four  
 2 different controlled substance prescriptions at four different pharmacies from April 17, 2014 to  
 3 April 30, 2015. 1010 Pharmacy never reported the oxycodone 30 mg prescriptions to CURES.  
 4 The CURES report shows WH had insurance, but failed to use it on his prescriptions at 1010  
 5 pharmacy. 1010 Pharmacy's dispensing record shows:

REXID	DATE	DRUGNAME	QTY	CITY	DOB	INSURANCE	CURES
200207	02/19/2014	OXYCODONE 30 MG	90	Los Angeles	06/26/1962	329	No
600349	02/18/2014	HYDROXYZINE HCL 25 MG TAB	30	Los Angeles	06/26/1962	33	N/A
200539	01/06/2015	HYDROCODON-APAP 10-325	120	Los Angeles	06/26/1962	360	Yes

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 8 i. Patient CJ: According to the CURES report, CJ saw three prescribers, filled two  
 9 different controlled substance prescriptions at one pharmacy from September 30, 2012 to May 7,  
 10 2015. The CURES report also shows CJ had insurance failed to use it on her prescriptions at  
 11 1010 pharmacy. 1010 Pharmacy never reported the three oxycodone 30 mg prescriptions to  
 12 CURES. 1010 Pharmacy's dispensing record shows:

REXID	DATE	DRUGNAME	QTY	CITY	DOB	INSURANCE	CURES
200119	11/21/2013	OXYCODONE 30 MG	120	Los Angeles	02/10/1969	178	No
600215	11/24/2013	OXYCODONE 30 MG	80	Los Angeles	02/10/1969	24	No
200191	01/30/2014	OXYCODONE 30 MG	120	Los Angeles	02/10/1969	436	No
600325	01/30/2014	HYDROXYZINE HCL 25 MG TAB	60	Los Angeles	02/10/1969	24	N/A

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 16 j. Patient TJ: According to the CURES report, TJ saw three prescribers, filled two  
 17 different controlled substance prescriptions at one pharmacy from September 30, 2012 to May 7,  
 18 2015. The CURES report also shows TJ had insurance on 7/15/14 and 8/14/14 but failed to use it  
 19 on her prescriptions at 1010 pharmacy. 1010 Pharmacy never reported the oxycodone 30 mg  
 20 prescription dispensed on November 27, 2013 to CURES. 1010 Pharmacy's dispensing record  
 21 shows:

REXID	DATE	DRUGNAME	QTY	CITY	DOB	INSURANCE	CURES
200125	11/27/2013	OXYCODONE 30 MG	90	Culver City	01/07/1976	229	No
200273	07/30/2014	OXYCODONE 30 MG	90	Culver City	01/07/1976	350	YES
600738	07/30/2014	IBUPROFEN 800 MG TABLET	60	Culver City	01/07/1976	25	N/A

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 24 k. Patient FL: According to the CURES report, FL saw 15 prescribers, filled 17  
 25 different controlled substance prescriptions at 12 pharmacies from February 7, 2012 to April 6,  
 26 2015. The CURES report also shows FL had insurance but failed to use it on her prescriptions at  
 27 1010 pharmacy. 1010 Pharmacy never reported the two oxycodone 30 mg prescriptions to  
 28 CURES. 1010 Pharmacy's dispensing record shows:

RX#	FILL DATE	DRUG NAME	QTY	CITY	DOB	PAID	CURES
200168	12/11/2013	OXYCODONE 30 MG	120	Los Angeles	09/10/1975	178	No
600274	12/11/2013	IBUPROFEN 600 MG TABLET	60	Los Angeles	09/10/1975	20	N/A
200179	01/16/2014	OXYCODONE 30 MG	120	Los Angeles	09/10/1975	436	No
600309	01/16/2014	IBUPROFEN 800 MG TABLET	90	Los Angeles	09/10/1975	33	N/A
200528	12/30/2014	HYDROCODON-APAP 10-325	120	Los Angeles	09/10/1975	240	Yes
601756	12/30/2014	CYCLOBENZAPRINE 10 MG TAB	30	Los Angeles	09/10/1975	30	No

1. **Patient CM:** According to the CURES report, CM saw six prescribers, filled three different controlled substance prescriptions at five pharmacies from October 3, 2012 to January 24, 2015. 1010 Pharmacy never reported the oxycodone 30 mg prescriptions to CURES. 1010 Pharmacy's dispensing record shows:

RX#	FILL DATE	DRUG NAME	QTY	CITY	DOB	PAID	CURES
200157	12/11/2013	OXYCODONE 30 MG	90	Los Angeles	06/30/1963	135	No
600273	12/11/2013	IBUPROFEN 800 MG TABLET	90	Los Angeles	06/30/1963	33	N/A
200368	10/15/2014	HYDROCODON-APAP 10-325	120	Los Angeles	06/30/1963	180	Yes

m. **Patient MM:** According to the CURES report, MM saw only Dr. A.A., filled one controlled substance prescription at two pharmacies from July 8, 2014 to October 20, 2014. 1010 Pharmacy never reported the oxycodone 30 mg prescription from 11/19/13 to CURES. 1010 Pharmacy's dispensing record shows:

RX#	FILL DATE	DRUG NAME	QTY	CITY	DOB	PAID	CURES
200111	11/19/2013	OXYCODONE 30 MG	90	Los Angeles	08/15/1961	329	No
600208	11/19/2013	IBUPROFEN 800 MG TABLET	60	Los Angeles	08/15/1961	24	N/A
200330	08/25/2014	OXYCODONE 30 MG	90	Los Angeles	08/15/1961	450	YES
200374	10/20/2014	OXYCODONE 30 MG	90	Los Angeles	08/15/1961	540	YES

n. **Patient RM:** According to the CURES report, RM saw two prescribers, filled two different controlled substance prescriptions at nine pharmacies from January 9, 2013 to November 20, 2014. 1010 Pharmacy never reported the oxycodone 30 mg prescription from 11/21/13 to CURES. 1010 Pharmacy's dispensing record shows:

RX#	FILL DATE	DRUG NAME	QTY	CITY	DOB	PAID	CURES
200118	11/21/2013	OXYCODONE 30 MG	120	Carson	11/24/1963	436	No
600214	11/21/2013	IBUPROFEN 800 MG TABLET	60	Carson	11/24/1963	24	N/A
200290	08/07/2014	OXYCODONE 30 MG	120	Carson	11/24/1963	480	YES
600762	08/07/2014	IBUPROFEN 800 MG TABLET	60	Carson	11/24/1963	24	N/A
200344	09/03/2014	OXYCODONE 30 MG	120	Carson	11/24/1963	720	YES

o. **Patient JS:** According to the CURES report, JS saw 14 prescribers, filled 22 different controlled substance prescriptions at fifteen pharmacies from January 10, 2012 to April 9, 2015. JS's residence address is in San Francisco and a majority of her prescriptions were filled in San Francisco. JS used insurance to pay for prescriptions she filled on August 11, 2014 and August 21, 2014 at a Walgreens in San Francisco, but paid \$726 in cash on August 20, 2014 to



1 fill her prescriptions at 1010 Pharmacy in Los Angeles (400 miles south of her residence address).

2 1010 Pharmacy's dispensing record shows:

RX#	FILE DATE	DRUG NAME	QTY	CITY	DOB	PAID	CURES
600894	08/20/2014	TOPIRAMATE 100 MG TABLET	60	Beverly Hills	08/09/1985	125	N/A
600893	08/20/2014	DEXILANT DR 30 MG CAPSULE	30	Beverly Hills	08/09/1985	226	N/A
200322	08/20/2014	OXYCODONE-APAP 10-	150	Beverly Hills	08/09/1985	375	YES

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5 p. Patient RS: According to the CURES report, RS saw 12 prescribers and filled six  
6 different controlled substance prescriptions at six pharmacies from October 12, 2012 to April 3,  
7 2015. RS had insurance but failed to use it for her prescriptions filled at 1010 Pharmacy on  
8 August 7, 2014. The CURES report also showed that from October 12, 2012 to August 1, 2014,  
9 the only pain medications RS received were hydrocodone combination products. On August 7,  
10 2014, 1010 Pharmacy filled a prescription for oxycodone 30 mg. The Pharmacist should have  
11 questioned the high starting dose of oxycodone on August 7, 2014.

RX#	FILE DATE	DRUG NAME	QTY	CITY	DOB	PAID	CURES
600760	08/07/2014	VOLTAREN 1% GEL	100	Los Angeles	09/26/1958	60	N/A
600759	08/07/2014	IBUPROFEN 800 MG TABLET	90	Los Angeles	09/26/1958	35	N/A
200289	08/07/2014	OXYCODONE 30 MG	90	Los Angeles	09/26/1958	360	YES

12  
13  
14 q. Patient DV: According to the CURES report, DV saw three prescribers, filled one  
15 controlled substance prescription at two pharmacies from August 21, 2014 to December 12, 2014.  
16 The CURES report showed that from January 1, 2012 to May 5, 2015, the only pain medication  
17 DV was taking was Tylenol with codeine #3. According to 1010 Pharmacy's dispensing records,  
18 DV filled a prescription for oxycodone 30mg on December 6, 2013 at 1010 Pharmacy:

RX#	FILE DATE	DRUG NAME	QTY	CITY	DOB	PAID	CURES
200145	12/06/2013	OXYCODONE 15 MG	90	Los Angeles	08/06/1987	74	No
600254	12/06/2013	IBUPROFEN 800 MG TABLET	60	Los Angeles	08/06/1987	20	N/A
600255	12/06/2013	CYCLOBENZAPRINE 10 MG TAB	30	Los Angeles	08/06/1987	39	N/A

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21 r. Patient JW: According to the CURES report, JW saw seven prescribers, filled five  
22 different controlled substance prescriptions at nine pharmacies from October 26, 2012 to February  
23 24, 2015. 1010 Pharmacy's dispensing record shows:

RX#	FILE DATE	DRUG NAME	QTY	CITY	DOB	PAID	CURES
200292	08/07/2014	OXYCODONE 30 MG	120	Santa Monica	08/13/1976	480	YES
600764	08/07/2014	IBUPROFEN 800 MG TABLET	90	Santa Monica	08/13/1976	36	N/A
200318	08/18/2014	OXYCODONE 30 MG	120	Santa Monica	08/13/1976	600	YES
600862	08/18/2014	IBUPROFEN 800 MG TABLET	90	Santa Monica	08/13/1976	35	N/A

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26  
27 s. Patient RW: According to the CURBS report, RW saw eight prescribers, filled  
28 seven controlled substance prescriptions at 15 pharmacies from May 16, 2012 to January 23,

2015. 1010 Pharmacy never reported the oxycodone 30 mg prescriptions from 12/10/13 and 1/3 0/14 to CURES. 1010 Pharmacy's dispensing record shows:

PRESCRIPTION NUMBER	DATE	DRUG NAME	QTY	CITY	DOB	REASON	REMARKS
200152	12/10/2013	OXYCODONE 30 MG	90	Los Angeles	02/13/1946	135	No
600266	12/10/2013	IBUPROFEN 600 MG TABLET	90	Los Angeles	02/13/1946	27	N/A
200190	01/30/2014	OXYCODONE 30 MG	90	Los Angeles	02/13/1946	329	No

58. The dispensing pharmacists for Dr. A.A.'s prescriptions for oxycodone 30 mg are as follows; Hojjati - 57 prescriptions; Nguyen - 43 prescriptions; Saketkhou - 19 prescriptions; E.T. - 10 prescriptions; T.Q. - 3 prescriptions; and, J.T. - 1 prescription.

59. Dr. A.A. denied writing the following prescriptions:

PRESCRIPTION NUMBER	DATE	PHARMACIST	DOB	DRUG NAME	QTY	REASON
400130	02/10/2014	GM	12/21/1958	PROMETHAZINE-CODEINE SYRUP	240	LH
600337	02/10/2014	GM	12/21/1958	AMOXICILLIN 500 MG CAPSULE	30	LH
600338	02/11/2014	GM	12/21/1958	LORATADINE 10 MG TABLET	10	LH
400133	02/10/2014	AM	06/08/1987	PROMETHAZINE-CODEINE SYRUP	240	LH
600350	02/10/2014	AM	06/08/1987	AMOXICILLIN 500 MG CAPSULE	30	LH
600351	02/10/2014	AM	06/08/1987	LORATADINE 10 MG TABLET	10	LH

**FIRST CAUSE FOR DISCIPLINE**

**AS TO CHJ PHARMACARE ONLY**

**(Transfer to Unauthorized Persons)**

60. Respondent CHJ Pharmicare is subject to disciplinary action under Code section 43 01(o) in conjunction with Code section 4169(a)(1) for purchasing, trading, selling, distributing or transferring dangerous drugs to a person or entity that is not licensed with the board as a wholesaler or pharmacy. On or about February 13, 2014, Respondent CHJ Pharmicare transferred dangerous drugs to Nguyen as set forth in paragraphs 36 - 40 above and incorporated herein. Nguyen was not a licensed wholesaler or pharmacy.

**SECOND CAUSE FOR DISCIPLINE**

**AS TO MATTHEW CHO ONLY**

**(Transfer to Unauthorized Persons)**

61. Respondent Cho is subject to disciplinary action under Code section 4301(o) in conjunction with Code sections 4113(c) and 4169(a)(1) for purchasing, trading, selling, distributing or transferring dangerous drugs to a person or entity that is not licensed with the

1 board as a wholesaler or pharmacy. On or about February 13, 2014, Respondent Matthew Cho,  
2 the Pharmacist-in-Charge of CHJ Pharmacare, allowed the transfer of dangerous drugs to Nguyen  
3 as set forth in paragraphs 36 – 40 above and incorporated herein. Nguyen was not a licensed  
4 wholesaler or pharmacy.

5 **THIRD CAUSE FOR DISCIPLINE**

6 **AS TO 1010 PHARMACY ONLY**

7 **(Transfer From Unauthorized Persons)**

8 62. Respondent 1010 Pharmacy is subject to disciplinary action under Code section  
9 4301(o) in conjunction with Code section 4169(a)(1) for purchasing, trading, selling, distributing  
10 or transferring dangerous drugs from a person or entity that is not licensed with the board as a  
11 wholesaler or pharmacy. On or about May 30, 2014, Respondent 1010 Pharmacy accepted the  
12 transfer of dangerous drugs from Nguyen to 1010 Pharmacy as set forth in paragraphs 36 – 42  
13 above and incorporated herein. Nguyen was not a licensed wholesaler or pharmacy.

14 **FOURTH CAUSE FOR DISCIPLINE**

15 **AS TO 1010 PHARMACY ONLY**

16 **(Transfer of Adulterated Dangerous Drugs)**

17 63. Respondent 1010 Pharmacy is subject to disciplinary action under Code section  
18 4301(o) in conjunction with Code section 4169(a)(2) for purchasing, trading, selling, distributing  
19 or transferring dangerous drugs the person knew or reasonably should have known were  
20 adulterated. From on or about May 29, 2014 through November 10, 2014, Respondent 1010  
21 accepted the transfer of adulterated drugs from Nguyen, which were drugs obtained by Nguyen in  
22 February, 2014 and stored in T.P.'s garage until about May 30, 2014, as set forth in paragraphs 36  
23 – 42 above and incorporated herein.

24 **FIFTH CAUSE FOR DISCIPLINE**

25 **AS TO 1010 PHARMACY ONLY**

26 **(Unlawful Sale of Adulterated Dangerous Drugs)**

27 64. Respondent 1010 Pharmacy is subject to disciplinary action under Code section 4301,  
28 subdivisions (j) and (o), in conjunction with Code section 4169(a)(2) and Health and Safety Code

1 section 111295, for selling, distributing or transferring dangerous drugs that are adulterated. From  
2 on or about May 29, 2014 through November 10, 2014, Respondent 1010 compounded and  
3 dispensed at least 76 adulterated drugs, which were drugs obtained by Nguyen in February, 2014  
4 and stored in T.P.'s garage until about May 30, 2014, as set forth in paragraphs 36 - 42 above and  
5 incorporated herein.

6 **SIXTH CAUSE FOR DISCIPLINE**

7 **AS TO 1010 PHARMACY ONLY**

8 **(Failure to Report to CURES)**

9 65. Respondent 1010 Pharmacy is subject to disciplinary action under Code section  
10 4301(j) in conjunction with Health and Safety Code section 11165(d) for failing to report to the  
11 Department of Justice, not more than seven days after the date a controlled substance is  
12 dispensed, the name, address, telephone number, date of birth, the prescriber's information, the  
13 pharmacy prescription number, National Drug Code ("NDC") number of the controlled substance  
14 dispensed, the quantity dispensed, the date of dispensing, among other things, of drugs dispensed  
15 by Respondent 1010 Pharmacy from November 12, 2013 through May 5, 2014, as set forth in  
16 paragraphs 50 and 59 above and incorporated herein.

17 **SEVENTH CAUSE FOR DISCIPLINE**

18 **AS TO 1010 PHARMACY ONLY**

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

20 66. Respondent 1010 Pharmacy is subject to disciplinary action under Code section  
21 4301(d) for the clearly excessive furnishing of controlled substances in violation of subdivision  
22 (a) of Section 11153 of the Health and Safety Code. From October 29, 2013 to January 29, 2015,  
23 Respondent 1010 Pharmacy excessively furnished controlled substances that lacked legitimate  
24 medical purpose. This excessive furnishing included, but was not limited to, 133 prescriptions for  
25 a total of 14,100 tablets of oxycodone 30 mg written by Dr. A.A., as set forth in paragraphs 51 -  
26 59 above and incorporated herein.

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EIGHTH CAUSE FOR DISCIPLINE

AS TO 1010 PHARMACY ONLY

(Failure to Comply with Corresponding Responsibility for  
Legitimate Controlled Substance Prescriptions)

67. Respondent 1010 Pharmacy is subject to disciplinary action under Code section 4301(j) in conjunction with Health and Safety Code section 11153(a) and title 16, CCR, section 1761(b), for unprofessional conduct in that Respondent 1010 Pharmacy failed to comply with its corresponding responsibility to ensure that controlled substances are dispensed for a legitimate medical purpose when, from the period October 29, 2013 to January 29, 2015, Respondent 1010 Pharmacy failed to evaluate the totality of the circumstances (information from the patient, physician and other sources) to determine the prescription's legitimate medical purpose in light of irregularities on the face of the prescription itself; all patients received oxycodone 30 mg, all of Dr. A.A.'s prescriptions were paid for with cash; the prescriptions were written for an unusually large quantity of drugs; initial prescriptions were written for strong opiates; and prescriptions were written for medications with no logical connection to an illness or condition; among other things.

68. These controlled substance prescriptions included, but were not limited to the following:

a. 133 prescriptions for a total of 14,100 tablets of oxycodone 30 mg written by Dr. A.A., as set forth in paragraphs 49 – 57 above and incorporated herein.

b. Prescription numbers 400130, 600337 and 600388 written by Dr. A.A. to Patient G.M. on February 10, 2014 and prescription numbers 400133, 600350 and 600351 written by Dr. A.A. to Patient A.M. on February 10, 2014, as set forth in paragraph 57 above and incorporated herein.

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NINTH CAUSE FOR DISCIPLINE

AS TO 1010 PHARMACY ONLY

(Failure to Maintain Records of Acquisition and Disposition)

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4 69. Respondent 1010 Pharmacy is subject to disciplinary action under Code section  
5 4301(o) in conjunction with Code section 4081(a) for failure to maintain all records of  
6 manufacture and of sale, acquisition, receipt, shipment, or disposition of dangerous drugs or  
7 dangerous devices at all times during business hours open to inspection by authorized officers of  
8 the law, and shall be preserved for at least three years from the date of making. The  
9 circumstances are as follows and are set forth in paragraphs 44 and 49 above and incorporated  
10 herein.

11 70. From September 19, 2014 to December 22, 2014, Respondent 1010 Pharmacy's  
12 dispensing records showed that 2,460 ml of Simple Pain Free Oil were sold by 1010 Pharmacy for  
13 and \$4,003.07. However, acquisition records (compounding logs) of Simple Pain Free Oil were  
14 only made available for 240 ml. 1010 Pharmacy failed to provide records of acquisition records  
15 (compounding logs) for 23 prescriptions and 2,220 ml of Simple Pain Free Oil. Additionally,  
16 records of acquisition were found for weight loss capsules (360 capsules), hyaluronic acid 0.2%  
17 solution 240 ml, and citric acid 40% solution 1,000 ml, but no records of disposition were  
18 provided or made available for review.

TENTH CAUSE FOR DISCIPLINE

AS TO 1010 PHARMACY ONLY

(Incorrectly Labeled Compounded Drug Products)

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22 71. Respondent 1010 Pharmacy is subject to disciplinary action under Code section  
23 4301(o) in conjunction with title 16, CCR, section 1735.4(a) for failure to include the generic  
24 name(s) of the principal active ingredient(s) on the labels of compounded drug products in that  
25 only the first letter of each ingredient was included on the labels of at least 214 prescriptions for  
26 compounded drug products, as set forth in paragraph 46 above and incorporated herein.

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1 compounding training on October 24, 2014 and October 24, 2014, however she began  
2 compounding on or before June 5, 2014. Additionally Pharmacist J.T. received no training but  
3 began compounding on or before June 13, 2014.

4 **FIFTEENTH CAUSE FOR DISCIPLINE**

5 **AS TO 1010 PHARMACY ONLY**

6 **(Improper Completion of DEA form e222)**

7 76. Respondent 1010 Pharmacy is subject to disciplinary action under Code section  
8 4301(o) in conjunction with Code of Federal Regulations (CFR) section 1305.21 in that on least  
9 29 different dates from October 13, 2014 to February 1, 2015 on electronic orders for Schedule II  
10 controlled substances, Respondent Nguyen failed to electronically link the proof of receipt of each  
11 item received on DEA form e222 to the original order and to archive it.

12 **SIXTEENTH CAUSE FOR DISCIPLINE**

13 **AS TO 1010 PHARMACY ONLY**

14 **(Failure to Timely File a Discontinuance of Business)**

15 77. Respondent 1010 Pharmacy is subject to disciplinary action under Code section  
16 4301(o) in conjunction with title 16, CCR, section 1708.2 in that Respondent 1010 Pharmacy  
17 failed to contact the Board prior to transferring or selling any dangerous drugs, devices or  
18 hypodermics inventory as a result of termination of business. The circumstances are as follows:

19 78. On or about October 6, 2015, the Board received notification that PIC G.A. resigned  
20 as the PIC of Respondent 1010 Pharmacy effective October 5, 2015. On October 16, 2015, the  
21 Board inspector requested Respondent 1010 Pharmacy provide the Board with information  
22 regarding the pharmacy's new PIC. The Board did not receive a response to this request and a  
23 second request for the new PIC information was sent on or about February 25, 2016. The Board  
24 did not receive a response to the second request. Concerned that Respondent 1010 Pharmacy  
25 closed, the Board inspector sent requests to Respondent to advise the Board of the new PIC or to  
26 file a Discontinuance of Business form.

27 79. On April 5, 2016, the Board received a Discontinuance of Business form that  
28 indicated that Respondent 1010 Pharmacy discontinued business on November 1, 2015 and that



1 the prescription inventory was transferred to Rx Reverse Distributors on October 25, 2015. The  
2 Discontinuance of Business form represented that all records of acquisition and disposition were  
3 transferred to, and maintained, at a location located at 1000 W.6<sup>th</sup> Street in Los Angeles, CA,  
4 90017, which is not a Board-licensed facility as required but rather, is a self-storage facility. A  
5 review of the records of Rx Reverse Distributors do not show the adulterated drugs that had been  
6 embargoed as described in paragraph 41, above.

7 **SEVENTEENTH CAUSE FOR DISCIPLINE**

8 **AS TO 1010 PHARMACY ONLY**

9 **(Failure to Maintain Records of Acquisition and Disposition in Licensed Facility)**

10 80. Respondent 1010 Pharmacy is subject to disciplinary action under Code section  
11 4301(o) in conjunction with section 4333 in that Respondent 1010 Pharmacy failed to maintain  
12 records of acquisition and disposition of drugs in a board-licensed facility as set forth in  
13 paragraphs 78 – 79 above and incorporated by this reference as though set forth in full.

14 **EIGHTEENTH CAUSE FOR DISCIPLINE**

15 **AS TO JACQUELINE NGUYEN ONLY**

16 **(Transfer From Unauthorized Persons)**

17 81. Respondent Nguyen is subject to disciplinary action under Code section 4301(o) in  
18 conjunction with Code sections 4113(c) and 4169(a)(1) for transferring dangerous drugs from  
19 CHJ Pharmacoare on or about February 13, 2014 and on or about May 30, 2014, Respondent  
20 Nguyen transferred dangerous drugs to 1010 Pharmacy as set forth in paragraphs 36 – 42 above  
21 and incorporated herein. Nguyen was not a licensed wholesaler or pharmacy.

22 **NINETEENTH CAUSE FOR DISCIPLINE**

23 **AS TO JACQUELINE NGUYEN ONLY**

24 **(Adulteration of Dangerous Drugs)**

25 82. Respondent Nguyen is subject to disciplinary action under Code section 4301(j) in  
26 conjunction with Code section 4113(c) and Health and Safety Code section 111300 for  
27 adulterating drugs, as defined by Health and Safety Code section 111255, in that from February  
28 13, 2014 to May 30, 2014, Respondent Nguyen stored dangerous drugs in a garage thereby

1 adulterating the dangerous drugs, as set forth in paragraphs 36 – 38 above and incorporated  
2 herein.

3 **TWENTIETH CAUSE FOR DISCIPLINE**

4 **AS TO JACQUELINE NGUYEN ONLY**

5 **(Unlawful Holding and Offering for Sale of Adulterated Dangerous Drugs)**

6 83. Respondent Nguyen is subject to disciplinary action under Code section 4301,  
7 subdivisions (j) and (o), in conjunction with Code sections 4113(c) and 4169(a)(2) and Health and  
8 Safety Code section 111295, for holding, selling, distributing or transferring dangerous drugs that  
9 are adulterated. From February 13, 2014 to May 30, 2014, Respondent Nguyen held adulterated  
10 dangerous drugs. On or about May 30, 2014, Respondent Nguyen transferred the adulterated  
11 drugs to 1010 Pharmacy and from on or about May 29, 2014 to November 10, 2014, Respondent  
12 Nguyen compounded and dispensed at least 76 adulterated drugs while working at 1010  
13 Pharmacy, as set forth in paragraphs 36 – 42 above and incorporated herein.

14 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

15 **AS TO JACQUELINE NGUYEN ONLY**

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

17 84. Respondent Nguyen is subject to disciplinary action under Code sections 4301(d) and  
18 4113(c) for the clearly excessive furnishing of controlled substances in violation of subdivision  
19 (a) of Section 11153 of the Health and Safety Code. From July 15, 2014 to January 7, 2015,  
20 Respondent Nguyen excessively furnished controlled substances that lacked legitimate medical  
21 purpose. This excessive furnishing included but was not limited to 43 prescriptions for a total of  
22 4,620 tablets of oxycodone 30 mg written by Dr. A.A., as set forth in paragraphs 51 – 59 above  
23 and incorporated herein.

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**TWENTY-SECOND CAUSE FOR DISCIPLINE**

**AS TO JACQUELINE NGUYEN ONLY**

**(Failure to Comply with Corresponding Responsibility for  
Legitimate Controlled Substance Prescriptions)**

85. Respondent Nguyen is subject to disciplinary action under Code section 4301, subdivisions (j) and (o), in conjunction with Code section 4113(c) and Health and Safety Code section 11153(a) and title 16, CCR, section 1761(b), for unprofessional conduct in that Respondent Nguyen failed to comply with her corresponding responsibility to ensure that controlled substances are dispensed for a legitimate medical purpose when, from the period July 15, 2014 to January 7, 2015, Respondent Nguyen failed to evaluate the totality of the circumstances (information from the patient, physician and other sources) to determine the prescription's legitimate medical purpose in light of irregularities on the face of the prescription itself; all patients received oxycodone 30 mg, all of Dr. A.A.'s prescriptions were paid for with cash; the prescriptions were written for an unusually large quantity of drugs; initial prescriptions were written for strong opiates; and prescriptions were written for medications with no logical connection to an illness or condition; among other things.

86. These controlled substance prescriptions included, but were not limited to 43 prescriptions for a total of 4,620 tablets of oxycodone 30 mg written by Dr. A.A., as set forth in paragraphs 51 - 59 above and incorporated herein.

**TWENTY-THIRD CAUSE FOR DISCIPLINE**

**AS TO JACQUELINE NGUYEN ONLY**

**(Unprofessional Conduct Involving Acts Involving Dishonesty, Fraud, or Deceit)**

87. Respondent Nguyen is subject to disciplinary action under Code sections 4301(f) for unprofessional conduct for the commission of any act involving moral turpitude, dishonesty, fraud, or deceit in that on February 14, 2014, Respondent Nguyen placed a telephone order for dangerous drugs with Medisca, a drug wholesaler, by misrepresenting herself as "Beatrice", the Pharmacy Technician at CHJ Pharmacare, to the Medisca salesperson, as set forth in paragraphs 36 - 40 above and incorporated herein.

1 TWENTY-FOURTH CAUSE FOR DISCIPLINE

2 AS TO JACQUELINE NGUYEN ONLY

3 (Incorrectly Labeled Compounded Drug Products)

4 88. Respondent Nguyen is subject to disciplinary action under Code sections 4113(c) and  
5 4301(o) in conjunction with title 16, CCR, sections 1735.2(i) and 1735.4(a) for failure to include  
6 the generic name(s) of the principal active ingredient(s) on the labels of compounded drug  
7 products in that Respondent Nguyen wrote only the first letter of each ingredient was printed on  
8 the label and, while supervising compounding at 1010 Pharmacy, allowed at least 214  
9 prescriptions for compounded drug products to be dispensed where only the first letter of each  
10 ingredient was included on the labels, as set forth in paragraph 46 above and incorporated herein.

11 TWENTY-FIFTH CAUSE FOR DISCIPLINE

12 AS TO JACQUELINE NGUYEN ONLY

13 (Lacking Master Formula)

14 89. Respondent Nguyen is subject to disciplinary action under Code sections 4113(c) and  
15 4301(o) in conjunction with title 16, CCR, section 1735.2, subdivisions (d) and (i), in that  
16 Respondent Nguyen, while supervising compounding at 1010 Pharmacy, allowed the  
17 compounding of drugs without first preparing a master formula, as set forth in paragraph 45 above  
18 and incorporated herein.

19 TWENTY-SIXTH CAUSE FOR DISCIPLINE

20 AS TO JACQUELINE NGUYEN ONLY

21 (Lacking Records for Compounded Products)

22 90. Respondent Nguyen is subject to disciplinary action under Code sections 4113(c) and  
23 4301(o) in conjunction with title 16, CCR, sections 1735.2(i) and 1735.3(a)(7) (formerly section  
24 1735.3(a)(8)), in that Respondent Nguyen, while supervising compounding at 1010 Pharmacy,  
25 failed to assign, or failed to ensure the assignment of, a unique pharmacy lot number for at least  
26 32 compounded drug products, as set forth in paragraph 47 above and incorporated herein.

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1 product and the prescribers, as set forth in paragraphs 36 – 43 above and incorporate herein as  
2 though set forth in full.

3 THIRTIETH CAUSE FOR DISCIPLINE

4 AS TO NAZLEILA HOJJATI ONLY

5 (Failure to Report to CURES)

6 94. Respondent Hojjati is subject to disciplinary action under Code sections 4113(c) and  
7 4301(j) in conjunction with Health and Safety Code section 11165(d) for failing to report to the  
8 Department of Justice, not more than seven days after the date a controlled substance is  
9 dispensed, the name, address, telephone number, date of birth, the prescriber's information, the  
10 pharmacy prescription number, National Drug Code ("NDC") number of the controlled substance  
11 dispensed, the quantity dispensed, the date of dispensing, among other things, of drugs dispensed  
12 by Respondent Hojjati or while Respondent Hojjati was the PIC of 1010 Pharmacy from  
13 November 12, 2013 through May 5, 2014, as set forth in paragraphs 50 and 57 above and  
14 incorporated herein.

15 THIRTY-FIRST CAUSE FOR DISCIPLINE

16 AS TO NAZLEILA HOJJATI ONLY

17 (Excessive Furnishing of Controlled Substances)

18 95. Respondent Hojjati is subject to disciplinary action under Code sections 4113(c) and  
19 4301(d) for the clearly excessive furnishing of controlled substances in violation of subdivision  
20 (a) of Section 11153 of the Health and Safety Code. From November 19, 2013 to February 18,  
21 2014, Respondent Hojjati excessively furnished controlled substances that lacked legitimate  
22 medical purpose. This excessive furnishing included but was not limited to 57 prescriptions for a  
23 total of 6,030 tablets of oxycodone 30 mg written by Dr. A.A., as set forth in paragraphs 51 – 59  
24 above and incorporated herein.

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THIRTY-SECOND CAUSE FOR DISCIPLINE

AS TO NAZLEILA HOJJATI ONLY

(Failure to Comply with Corresponding Responsibility for  
Legitimate Controlled Substance Prescriptions)

96. Respondent Hojjati is subject to disciplinary action under Code sections 4113(c) and 4301, subdivisions (j) and (o), in conjunction with Health and Safety Code section 11153(a) and title 16, CCR, section 1761(b), for unprofessional conduct in that Respondent Hojjati failed to comply with her corresponding responsibility to ensure that controlled substances are dispensed for a legitimate medical purpose when, from the period November 19, 2013 to February 18, 2014, Respondent Hojjati failed to evaluate the totality of the circumstances (information from the patient, physician and other sources) to determine the prescription's legitimate medical purpose in light of irregularities on the face of the prescription itself; all patients received oxycodone 30 mg, all of Dr. A.A.'s prescriptions were paid for with cash; the prescriptions were written for an unusually large quantity of drugs; initial prescriptions were written for strong opiates; and prescriptions were written for medications with no logical connection to an illness or condition; among other things.

97. These controlled substance prescriptions included, but were not limited to the following:

a. 57 prescriptions for a total of 6,030 tablets of oxycodone 30 mg written by Dr. A.A., as set forth in paragraphs 51 -- 59 above and incorporated herein.

b. Prescription numbers 400130, 600337 and 600388 written by Dr. A.A. to Patient G.M. on February 10, 2014 and prescription numbers 400133, 600350 and 600351 written by Dr. A.A. to Patient A.M. on February 10, 2014, as set forth in paragraph 57 above and incorporated herein.

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1 knowledge of or knowingly participated in any conduct for which Pharmacy Permit Number PHY  
2 51478 was revoked, suspended, or placed on probation, Respondent Saketkhou shall be  
3 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,  
4 or partner of a licensee of the Board.

5 106. Pursuant to Section 4307, if Pharmacist License Number RPH 65213 issued to  
6 Ramona Saketkhou is suspended or revoked, Respondent Sakethkou shall be prohibited from  
7 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a  
8 licensee.

9 107. Pursuant to Section 4307, if Pharmacy Permit Number PHY 45334 to issued to CHJ  
10 Pharmacare Inc., dba CHJ Pharmacare is suspended, revoked or placed on probation, and  
11 Respondent Cho, while acting as the manager, administrator, owner, member, officer, director,  
12 associate, or partner, had knowledge of or knowingly participated in any conduct for which  
13 Pharmacy Permit Number PHY 45334 was revoked, suspended, or placed on probation,  
14 Respondent Cho shall be prohibited from serving as a manager, administrator, owner, member,  
15 officer, director, associate, or partner of a licensee of the Board.

16 108. Pursuant to Section 4307, if Pharmacist License Number RPH 50771 issued to  
17 Matthew Cho is suspended or revoked, Respondent Cho shall be prohibited from serving as a  
18 manager, administrator, owner, member, officer, director, associate, or partner of a licensee.

#### 19 DISCIPLINE CONSIDERATIONS

20 109. To determine the degree of discipline, if any, to be imposed on Respondent CHJ  
21 Pharmacare Inc. dba CHJ Pharmacare, Complainant alleges that on or about July 19, 2016,  
22 Complainant filed Accusation No. 5531 against Respondent CHJ Pharmacare Inc. dba CHJ  
23 Pharmacare in *The Matter of the Accusation Against CHJ Pharmacare Inc. dba CHJ Pharmacare*  
24 *and Matthew Cho*. Accusation No. 5531 is currently pending before the Board and is  
25 incorporated by reference as if fully set forth.

26 110. To determine the degree of discipline, if any, to be imposed on Respondent Cho,  
27 Complainant alleges that on or about July 19, 2016, Complainant filed Accusation No. 5531  
28 against Respondent Matthew Cho in *The Matter of the Accusation Against CHJ Pharmacare Inc.*

1 dba CHJ Pharmacare and Matthew Cho. Accusation No. 5531 is currently pending before the  
2 Board and is incorporated by reference as if fully set forth.

3 **PRAYER**

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

- 6 1. Revoking or suspending Pharmacy Permit Number PHY 51478 issued to 1010  
7 Pharmacy;
- 8 2. Prohibiting Sean Langenberg from serving as a manager, administrator, owner,  
9 member, officer, director, associate, or partner of a licensee of the Board;
- 10 3. Prohibiting Valton Eason from serving as a manager, administrator, owner, member,  
11 officer, director, associate, or partner of a licensee of the Board;
- 12 4. Prohibiting Nicholas F. Thomas from serving as a manager, administrator, owner,  
13 member, officer, director, associate, or partner of a licensee of the Board;
- 14 5. Revoking or suspending Pharmacist License Number RPH 50255 issued to Jacqueline  
15 Thao Nguyen;
- 16 6. Prohibiting Jacqueline Thao Nguyen from serving as a manager, administrator,  
17 owner, member, officer, director, associate, or partner of a licensee of the Board;
- 18 7. Revoking or suspending Pharmacist License Number RPH 63668 issued to Nazleila  
19 Hojjati;
- 20 8. Prohibiting Nazleila Hojjati from serving as a manager, administrator, owner,  
21 member, officer, director, associate, or partner of a licensee of the Board;
- 22 9. Revoking or suspending Pharmacist License Number RPH 65213 issued to Ramona  
23 Saketkhou;
- 24 10. Prohibiting Ramona Saketkhou from serving as a manager, administrator, owner,  
25 member, officer, director, associate, or partner of a licensee of the Board;
- 26 11. Revoking or suspending Pharmacy Permit Number PHY 45334 issued to CHJ  
27 Pharmacare, Inc. dba CHJ Pharmacare;

1           12. Prohibiting Robert Weber from serving as a manager, administrator, owner, member,  
2 officer, director, associate, or partner of a licensee of the Board;

3           13. Prohibiting Henry C. Balanza from serving as a manager, administrator, owner,  
4 member, officer, director, associate, or partner of a licensee of the Board;

5           14. Prohibiting Emil Muchtar from serving as a manager, administrator, owner, member,  
6 officer, director, associate, or partner of a licensee of the Board;

7           15. Revoking or suspending Pharmacist License Number 50771 issued to Matthew Cho;

8           16. Prohibiting Matthew Cho from serving as a manager, administrator, owner, member,  
9 officer, director, associate, or partner of a licensee of the Board;

10           17. Ordering 1010 Pharmacy; Jacqueline Thao Nguyen; Nazleila Hojjati; Ramona  
11 Saketkhou; CHJ Pharmacare, Inc. dba CHJ Pharmacare; and, Matthew Cho; jointly and severally,  
12 to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this  
13 case, pursuant to Business and Professions Code section 125.3; and,

14           18. Taking such other and further action as deemed necessary and proper.

15  
16 DATED: 11/2/16 Virginia Herold

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

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