

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

In the Matter of the Accusation Against:

T & G HEALTHCARE, INC.
dba EL MONTE PHARMACY,
KHANH-LONG THAI, PRESIDENT
BRIAN TRACY GARNER, VICE PRESIDENT
3948 N. Peck Rd., Unit A1-2
El Monte, CA 91732

Pharmacy Permit No. PHY 48958,

and

QUANG KHANH THAI
1431 Walnut Street
San Gabriel, CA 91776

Pharmacist License No. RPH 65617,

Respondents.

Case No. 6373

OAH No. 2019031138

DECISION AND ORDER

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

This Decision shall become effective at 5:00 p.m. on January 23, 2020.

It is so ORDERED on December 24, 2019.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Greg M. Lippe".

By

Greg Lippe
Board President

1 XAVIER BECERRA
Attorney General of California
2 THOMAS L. RINALDI
Supervising Deputy Attorney General
3 DESIREE TULLENERS
Deputy Attorney General
4 State Bar No. 157464
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6298
6 Facsimile: (916) 731-2126
Attorneys for Complainant
7

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

12 In the Matter of the Accusation Against:
13 **T & G HEALTHCARE, INC.**
dba EL MONTE PHARMACY,
14 **KHANH-LONG THAI, PRESIDENT**
BRIAN TRACY GARNER, VICE PRESIDENT
15 3948 N. Peck Rd, Unit A1-2
El Monte, CA 91732
16 **Pharmacy Permit No. PHY 48958,**
17
and
18 **QUANG KHANH THAI**
19 1431 Walnut St
San Gabriel, CA 91776
20 **Original Pharmacist License No. RPH 65617**
21
22 Respondents.

Case No. 6373

OAH No. 2019031138

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

**[T&G HEALTHCARE, INC.
dba EL MONTE PHARMACY
ONLY]**

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

26 **PARTIES**

27 1. Anne Sodergren (Complainant) is the Interim Executive Officer of the Board of
28 Pharmacy (Board). She brought this action solely in her official capacity and is represented in

1 this matter by Xavier Becerra, Attorney General of the State of California, by Desiree Tulleners,
2 Deputy Attorney General.

3 2. Respondent T&G Healthcare, Inc. dba El Monte Pharmacy, Khanh-Long Thai,
4 President, Brian Tracy Garner, Vice President (Respondent) is represented in this proceeding by
5 attorney Luis Andre P. Vizcocho, RPh, J.D., Of Counsel – California Pharmacy Lawyers, 49
6 Discovery, Suite 240, Irvine, CA 92618-6713, Phone: (949) 336-7854 Ext. 105; Fax: (949) 336-
7 2314.

8 3. On or about May 22, 2008, the Board issued Pharmacy Permit No. PHY 48958 to
9 Respondent. The Permit was in full force and effect at all times relevant to the charges brought in
10 Accusation No. 6373, and will expire on May 1, 2020, unless renewed.

11 **JURISDICTION**

12 4. Accusation No. 6373 was filed before the Board, and is currently pending against
13 Respondent. The Accusation and all other statutorily required documents were properly served
14 on Respondent on September 18, 2018. Respondent timely filed its Notice of Defense contesting
15 the Accusation.

16 5. A copy of Accusation No. 6373 is attached as Exhibit A, and incorporated herein by
17 reference.

18 **ADVISEMENT AND WAIVERS**

19 6. Respondent has carefully read, fully discussed with counsel, and understands the
20 charges and allegations in Accusation No. 6373. Respondent has also carefully read, fully
21 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
22 Order.

23 7. Respondent is fully aware of its legal rights in this matter, including the right to a
24 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
25 the witnesses against them; the right to present evidence and to testify on its own behalf; the right
26 to the issuance of subpoenas to compel the attendance of witnesses and the production of
27 documents; the right to reconsideration and court review of an adverse decision; and all other
28 rights accorded by the California Administrative Procedure Act and other applicable laws.

1 respondent's license or which is related to the practice of pharmacy or the
2 manufacturing, obtaining, handling, distributing, billing, or charging for any drug,
3 device or controlled substance.

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

5 **3. Report to the Board**

6 Respondent shall report to the board quarterly, on a schedule as directed by the board or its
7 designee. The report shall be made either in person or in writing, as directed. Among other
8 requirements, respondent shall state in each report under penalty of perjury whether there has
9 been compliance with all the terms and conditions of probation.

10 Failure to submit timely reports in a form as directed shall be considered a violation of
11 probation. Any period(s) of delinquency in submission of reports as directed may be added to the
12 total period of probation. Moreover, if the final probation report is not made as directed,
13 probation shall be automatically extended until such time as the final report is made and accepted
14 by the board.

15 **4. Interview with the Board**

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

21 **5. Cooperate with Board Staff**

22 Respondent shall timely cooperate with the board's inspection program and with the board's
23 monitoring and investigation of respondent's compliance with the terms and conditions of it's
24 probation, including but not limited to: timely responses to requests for information by board
25 staff; timely compliance with directives from board staff regarding requirements of any term or
26 condition of probation; and timely completion of documentation pertaining to a term or condition
27 of probation. Failure to timely cooperate shall be considered a violation of probation.

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1 **6. Reimbursement of Board Costs**

2 As a condition precedent to successful completion of probation, respondent shall pay to the
3 board its costs of investigation and prosecution in the amount of \$8,146.20.

4 Respondent shall be permitted to pay these costs in a payment plan approved by the board
5 or its designee, so long as full payment is completed no later than one (1) year prior to the end
6 date of probation.

7 **7. Probation Monitoring Costs**

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

12 **8. Status of License**

13 Respondent shall, at all times while on probation, maintain an active, current pharmacy
14 permit with the board, including any period during which suspension or probation is tolled.
15 Failure to maintain an active, current pharmacy permit shall be considered a violation of
16 probation.

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

21 **9. License Surrender While on Probation**

22 Following the effective date of this decision, should respondent wish to discontinue
23 business, respondent may tender the premises license to the board for surrender. The board or its
24 designee shall have the discretion whether to grant the request for surrender or take
25 any other action it deems appropriate and reasonable. Upon formal acceptance of the
26 surrender of the license, respondent will no longer be subject to the terms and conditions of
27 probation.

28 Respondent may not apply for any new license from the board for three (3) years from the

1 effective date of the surrender. Respondent shall meet all requirements applicable to the
2 license sought as of the date the application for that license is submitted to the board.

3 Respondent further stipulates that it shall reimburse the board for its costs of investigation
4 and prosecution prior to the acceptance of the surrender.

5 **10. Sale or Discontinuance of Business**

6 During the period of probation, should respondent sell, trade or transfer all or part of the
7 ownership of the licensed pharmacy, discontinue doing business under the license issued to
8 respondent, or should practice at that location be assumed by another full or partial owner,
9 person, firm, business, or pharmacy, under the same or a different premises license number, the
10 board or its designee shall have the sole discretion to determine whether to exercise continuing
11 jurisdiction over the licensed location, under the current or new premises license number, and/or
12 carry the remaining period of probation forward to be applicable to the current or new premises
13 license number of the new owner.

14 **11. Notice to Employees**

15 Respondent shall, upon or before the effective date of this decision, ensure that all
16 employees involved in permit operations are made aware of all the terms and conditions of
17 probation, either by posting a notice of the terms and conditions, circulating such notice, or both.
18 If the notice required by this provision is posted, it shall be posted in a prominent place and shall
19 remain posted throughout the probation period. Respondent shall ensure that any employees
20 hired or used after the effective date of this decision are made aware of the terms and conditions
21 of probation by posting a notice, circulating a notice, or both. Additionally, respondent shall
22 submit written notification to the board, within fifteen (15) days of the effective date of this
23 decision, that this term has been satisfied. Failure to timely provide such notification to
24 employees, or to timely submit such notification to the board shall be considered a violation of
25 probation.

26 "Employees" as used in this provision includes all full-time, part-time, volunteer, temporary
27 and relief employees and independent contractors employed or hired at any time during
28 probation.

1 **12. Owners and Officers: Knowledge of the Law**

2 Respondent shall provide, within thirty (30) days after the effective date of this decision,
3 signed and dated statements from its owners, including any owner or holder of ten percent (10%)
4 or more of the interest in respondent or respondent's stock, and all of its officer, stating under
5 penalty of perjury that said individuals have read and are familiar with state and federal laws and
6 regulations governing the practice of pharmacy. The failure to timely provide said statements
7 under penalty of perjury shall be considered a violation of probation.

8 **13. Premises Open for Business**

9 Respondent shall remain open and engaged in its ordinary business as a pharmacy license
10 type] in California for a minimum of 120 hours per calendar month. Any month during which
11 this minimum is not met shall toll the period of probation, i.e., the period of probation shall be
12 extended by one month for each month during with this minimum is not met. During any such
13 period of tolling of probation, respondent must nonetheless comply with all terms and conditions
14 of probation, unless respondent is informed otherwise in writing by the board or its designee. If
15 respondent is not open and engaged in its ordinary business as a pharmacy for a minimum of 120
16 hours in any calendar month, for any reason (including vacation), respondent shall notify the
17 board in writing within ten (10) days of the conclusion of that calendar month. This notification
18 shall include at minimum all of the following: the date(s) and hours respondent was open; the
19 reason(s) for the interruption or why business was not conducted; and the anticipated date(s) on
20 which respondent will resume business as required. Respondent shall further notify the board in
21 writing with ten (10) days following the next calendar month during which respondent is open
22 and engaged in its ordinary business as a pharmacy in California for a minimum of 120
23 hours. Any failure to timely provide such notification(s) shall be considered a violation of
24 probation.

25 **14. Posted Notice of Probation**

26 Respondent shall prominently post a probation notice provided by the board or its designee
27 in a place conspicuous to and readable by the public within two (2) days of receipt thereof from
28

1 the board or its designee. Failure to timely post such notice, or to maintain the posting during the
2 entire period of probation, shall be considered a violation of probation.

3 Respondent shall not, directly or indirectly, engage in any conduct or make any statement
4 which is intended to mislead or is likely to have the effect of misleading any patient, customer,
5 member of the public, or other person(s) as to the nature of and reason for the probation of the
6 licensed pharmacy.

7 **15. Quarterly Inventory Reconciliation of Controlled Substances Reports**

8 During the term of probation, Respondent Pharmacy shall perform a quarterly inventory
9 and inventory reconciliation to detect and prevent the loss of all federal Schedule II-V controlled
10 substances. The pharmacist-in-charge shall review all inventory and inventory reconciliation
11 reports taken, and establish and maintain secure methods to prevent losses of controlled drugs.
12 Written policies and procedures shall be developed for performing the inventory reconciliation
13 reports in compliance with this term, as set forth in California Code of Regulations, title 16,
14 section 1715.65.

15 The compilation shall include: (1) A physical count, not an estimate, of all quantities of
16 federal Schedule II-V controlled substances. The biennial inventory of controlled substances
17 required by federal law may serve as one of the mandated inventories in compliance with this
18 term in the year where the federal biennial inventory is performed, provided the biennial
19 inventory was taken no more than three months from the last inventory required by this term; (2)
20 A review of all acquisitions and dispositions of federal Schedule II-V controlled substances since
21 the last inventory reconciliation report; (3) A comparison of (1) and (2) to determine if there are
22 any variances; (4) All records used to compile each inventory reconciliation report shall be
23 maintained in the pharmacy for at least three years in a readily retrievable form; and (5) Possible
24 causes of overages shall be identified in writing and incorporated into the inventory reconciliation
25 report.

26 Respondent Pharmacy shall report in writing identified losses and known causes to the
27 board within 30 days of discovery unless the cause of the loss is theft, diversion, or self-use in
28 which case the report shall be made within 14 days of discovery. If Respondent Pharmacy is

1 unable to identify the cause of the loss, further investigation shall be undertaken to identify the
2 cause and actions necessary to prevent additional losses of controlled substances.

3 The inventory reconciliation report shall be dated and signed by the individual(s)
4 performing the inventory, and countersigned by the pharmacist-in-charge and be readily
5 retrievable in the pharmacy for three years. A countersignature is not required if the pharmacist-
6 in-charge personally completed the inventory reconciliation report.

7 A new pharmacist-in-charge of Respondent Pharmacy shall complete an inventory
8 reconciliation report within 30 days of becoming pharmacist-in-charge. An outgoing pharmacist-
9 in-charge must also complete an inventory reconciliation report, as required by this term.

10 The first quarterly report described herein is due within 90 days of the effective date of the
11 Decision and Order adopting this stipulation. Failure to comply with any requirement of this term
12 shall be considered a violation of probation. The quarterly inventory reconciliation requirement
13 for Schedule III-V controlled substances may be decreased by the Board Designee.

14 **16. Violation of Probation**

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

21 If respondent violates probation in any respect, the board, after giving respondent notice
22 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
23 was stayed. If a petition to revoke probation or an accusation is filed against respondent during
24 probation, or the preparation of an accusation or petition to revoke probation is requested from
25 the Office of the Attorney General, the board shall have continuing jurisdiction and the period of
26 probation shall be automatically extended until the petition to revoke probation or accusation is
27 heard and decided.

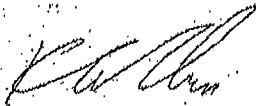
28 **17. Completion of Probation**

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

3 ACCEPTANCE


4 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
5 discussed it with my attorney. I understand the stipulation and the effect it will have on my
6 pharmacy permit. I enter into this Stipulated Settlement and Disciplinary Order voluntarily,
7 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of
8 Pharmacy.

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11 DATED: 07/29/2019



T & G HEALTHCARE, INC.
dba EL MONTE PHARMACY,
KHANH-LONG THAI, President
Respondent

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15 DATED: 7-30-19



T & G HEALTHCARE, INC.
dba EL MONTE PHARMACY,
BRIAN TRACY GARNER, Vice President
Respondent

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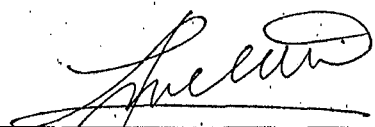
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23 I have read and fully discussed with Respondent T & G Healthcare, Inc. dba El Monte
24 Pharmacy, Khanh-Long Thai, President, Brian Tracy Garner, Vice President, the terms and
25 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
26 I approve its form and content.

27
28 DATED: _____

7/30/2019


LUIS ANDRE P. VIZCOCHO, R.Ph., J.D.
Attorney for Respondent

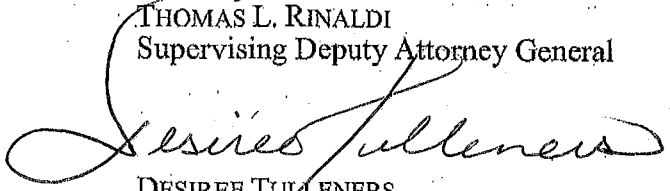
ENDORSEMENT

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

DATED: 7-31-19

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
THOMAS L. RINALDI
Supervising Deputy Attorney General


DESIREE TULLENERS
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 6373

1 XAVIER BECERRA
Attorney General of California
2 THOMAS L. RINALDI
Supervising Deputy Attorney General
3 DESIREE TULLENERS
Deputy Attorney General
4 State Bar No. 157464
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6298
6 Facsimile: (213) 897-2804
Attorneys for Complainant
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8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 6373

12 **T & G HEALTHCARE, INC.**
13 **dba EL MONTE PHARMACY,**
KHANH-LONG THAI, PRESIDENT
14 **BRIAN TRACY GARNER, VICE PRESIDENT**
3948 N. Peck Rd, Unit A1-2
El Monte, CA 91732

A C C U S A T I O N

15 **Permit No. PHY 48958**

16 and

17 **QUANG KHANH THAI**
18 1431 Walnut Street
San Gabriel, CA 91776

19 **Pharmacist License No. RPH 65617**

20 Respondents.
21

22
23 Complainant alleges:

24 PARTIES

- 25 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
26 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
- 27 2. On or about May 22, 2008, the Board of Pharmacy ("Board") issued Pharmacy
28 Permit Number PHY 48958 to T & G Healthcare, Inc., dba El Monte Pharmacy, with Khanh-

1 Long Thai, President, and Brian Tracy Garner, Vice President (Respondent Pharmacy). The
2 Pharmacy Permit was in full force and effect at all times relevant to the charges brought herein,
3 and will expire on May 1, 2019, unless renewed.

4 3. On or about August 3, 2011, the Board of Pharmacy issued Original Pharmacist
5 License No. RPH 65617 to Quang Khanh Thai (Respondent Thai). The Pharmacy Permit was in
6 full force and effect at all times relevant to the charges brought herein and will expire on February
7 28, 2019, unless renewed.

8 JURISDICTION

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

12 5. Section 4300 of the Code provides, in pertinent part:

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

14 6. Section 118, subdivision (b), of the Code provides that the expiration of a license
15 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period
16 within which the license may be renewed, restored, reissued or reinstated.

17 7. Section 4300.1 of the Code states:

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

23 8. Section 4301 of the Code provides, in pertinent part:

24 "The board shall take action against any holder of a license who is guilty of unprofessional
25 conduct. . . . Unprofessional conduct shall include, but is not limited to, any of the following:

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

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

9. Section 4113 of the Code provides in pertinent part:

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

10. Section 4307(a) of the Code provides, in pertinent part:

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, partner, or any other person with management or control 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 manger, administrator, owner, member, officer, director, associate, partner, or any other person with management or control had knowledge or knowingly participated in any conduct for which the license was denied, revoked, suspended, or placed on probation, shall be prohibited from serving as a manger, administrator, owner, member, officer, director, associate, partner, or any other person with management or control of a licensee as follows:

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

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

REGULATORY PROVISIONS

11. California Code of Regulation, title 16, section 1714, subdivision (b), provides:

“Each pharmacy licensed by the board shall maintain its facilities, space, fixtures, and equipment so that drugs are safely and properly prepared, maintained, secured and distributed.

1 The pharmacy shall be of sufficient size and unobstructed area to accommodate the safe practice
2 of pharmacy.”

3 COST RECOVERY

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

8 CONTROLLED SUBSTANCES

9 13. Pursuant to Health and Safety Code section 11058, Promethazine HCl and Codeine
10 Phosphate oral solution is a Schedule V controlled substance. Codeine is a narcotic. It is a pain
11 reliever and a cough suppressant. Promethazine is an antihistamine. It blocks the effects of the
12 naturally occurring chemical histamine in the human body. The pharmaceutically indicated¹ use
13 for the combination of codeine and promethazine is to treat cold or allergy symptoms such as
14 runny nose, sneezing, and cough.

15 FIRST CAUSE FOR DISCIPLINE

16 *(Failure to Comply with Operational Standards and Security)*

17 14. Respondent Pharmacy is subject to disciplinary action under California Code of
18 Regulations, title 16, section 1714, subdivision (b), in that it failed to maintain its facilities, space,
19 fixtures and equipment as required by pharmacy law. The circumstances are as follows:

20 15. Between October 21, 2014 and August 4, 2017, Respondent Pharmacy, located at
21 3948 North Peck Road, Unit A1-2 in El Monte California, lost 173,160 ml of promethazine with
22 codeine from inventory.

23 SECOND CAUSE FOR DISCIPLINE

24 *(Failure to Comply with Operational Standards and Security)*

25 _____
26 ¹ “Purple drank” is a slang term for the prescription-strength cough syrup containing
27 codeine and promethazine. The cough syrup, used in doses much higher than medically
28 recommended, is typically mixed with ingredients such as the soft drinks Sprite or Mountain Dew
and optionally “a Jolly Rancher hard fruit candy thrown in for extra sweetness. The purplish hue
of purple drank comes from dyes in the cough syrup. The amount of cough syrup used can exceed
up to 25 times the recommended dose.

1 Hernandez, O.D., an optometrist, (DEA #MH0678245), instead of the correct prescriber John M.
2 Hernandez, M.D., a medical doctor, (DEA #BH0428993), as follows:

- 3 a. Norco-Rx #820247 filled February 20, 2014;
- 4 b. Norco-Rx #834042 filled May 7, 2014;
- 5 c. Norco-Rx #892644 filled August 14, 2014;
- 6 d. Norco-Rx #933322 filled November 22, 2014;
- 7 e. Norco-Rx #959898 filled January 23, 2015;
- 8 f. Norco-Rx #979342 filled March 7, 2015;
- 9 g. Norco-Rx #1008202 filled May 13, 2015; and
- 10 h. Norco-Rx #1021462 filled June 12, 2015.

11 OTHER MATTERS

12 21. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
13 PHY 48958 issued to T & G Healthcare, Inc. dba El Monte Pharmacy, T & G Healthcare, Inc.
14 dba El Monte Pharmacy shall be prohibited from serving as a manager, administrator, owner,
15 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit
16 Number PHY 48958 is placed on probation or until Pharmacy Permit Number PHY 48958 is
17 reinstated if it is revoked.

18 22. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
19 PHY 48958 issued to T & G Healthcare, Inc. dba El Monte Pharmacy while Quang Khanh Thai
20 has been an officer and owner and had knowledge of or knowingly participated in any conduct
21 for which the licensee was disciplined, Quang Khanh Thai shall be prohibited from serving as a
22 manager, administrator, owner, member, officer, director, associate, or partner of a licensee for
23 five years if Pharmacy Permit Number PHY 48958 is placed on probation or until Pharmacy
24 Permit Number PHY 48958 is reinstated if it is revoked.

25 23. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License
26 Number RPH 65617 issued to Quang Khanh Thai, Quang Khanh Thai shall be prohibited from
27 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a
28

1 licensee for five years if Pharmacist License Number RPH 65617 is placed on probation or until
2 Pharmacist License Number RPH 65617 is reinstated if it is revoked.

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 48958, issued to T & G
7 Healthcare, Inc. dba El Monte Pharmacy, with Khanh-Long Thai, President, and Brian Tracy
8 Garner, Vice President;

9 2. Revoking or suspending Original Pharmacist Permit Number RPH 65617 issued to
10 Quang Khanh Thai;

11 3. Prohibiting T & G Healthcare, Inc. doing business as El Monte Pharmacy from
12 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a
13 licensee for five years if Pharmacy Permit Number PHY 48958 is placed on probation or until
14 Pharmacy Permit Number PHY 48958 is reinstated if Pharmacy Permit Number PHY 48958
15 issued to T & G Healthcare, Inc. doing business as El Monte Pharmacy is revoked;

16 4. Prohibiting Quang Khanh Thai from serving as a manager, administrator, owner,
17 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit
18 Number PHY 48958 is placed on probation or until Pharmacy Permit Number PHY 48958 is
19 reinstated if Pharmacy Permit Number PHY 48948 issued to T & G Healthcare, Inc. doing
20 business as El Monte Pharmacy is revoked;

21 5. Prohibiting Quang Khanh Thai from serving as a manager, administrator, owner,
22 member, officer, director, associate, or partner of a licensee for five years if Pharmacist License
23 Number RPH 65617 is placed on probation or until Pharmacist License Number RPH 65617 is
24 reinstated if Pharmacist License Number RPH 65617 issued to Quang Khanh Thai is revoked;

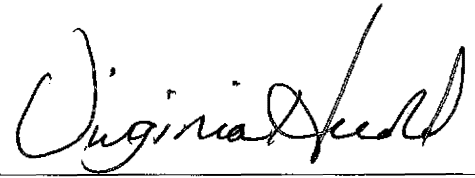
25 6. Ordering T & G Healthcare, Inc. doing business as El Monte Pharmacy and/or Quang
26 Khanh Thai to pay the Board of Pharmacy the reasonable costs of the investigation and
27 enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED: 9/2/18



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