

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

**In the Matter of the Accusation Against:**

**APHA DRUGSTORE, INC., DBA APHA DRUGSTORE, DANH HUU DANG,  
MICHAEL DANG,**

**Pharmacy Permit No. PHY 51665;**

**DANH HUU DANG,**

**Pharmacist License No. RPH 45368;**

**MICHAEL DANG**

**Pharmacy Technician Registration No. TCH 63245**

**Respondents**

**Agency Case No. 6468**

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order for Public Reprimand 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 March 5, 2021.

It is so ORDERED on February 3, 2021.

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

XAVIER BECERRA  
Attorney General of California  
THOMAS L. RINALDI  
Supervising Deputy Attorney General  
CRISTINA FELIX  
Deputy Attorney General  
State Bar No. 195663  
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*Attorneys for Complainant*

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

In the Matter of the Accusation Against:

**APHA DRUGSTORE, INC. DBA APHA  
DRUGSTORE, DANH HUU DANG,  
MICHAEL DANG  
1011 Amador St.  
Claremont, CA 91711**

**Permit No. PHY 51665,**

**DANH HUU DANG  
1011 Amador Street  
Claremont, CA 91711**

**Pharmacist License No. RPH 45368,**

**and**

**MICHAEL DANG  
901 W. Arrow Hwy  
Claremont, CA 91711**

**Pharmacy Technician Registration No. TCH  
63245**

Respondents.

Case No. 6468

OAH No. 2019120719

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER FOR PUBLIC  
REPROVAL AS TO DANH HUU DANG  
ONLY**

**[Bus. & Prof. Code § 495]**

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

3 **PARTIES**

4 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy  
5 (Board). She brought this action solely in her official capacity and is represented in this matter by  
6 Xavier Becerra, Attorney General of the State of California, by Cristina Felix, Deputy Attorney  
7 General.

8 2. Respondent Danh Huu Dang (Respondent) is represented in this proceeding by  
9 attorney Michael Tran, Esq. whose address is: Michael Tran, Esq., Khouri Law Firm, 2222  
10 Martin, Suite 215, Irvine CA 92612-1406.

11 **JURISDICTION**

12 3. On or about July 14, 1992, the Board of Pharmacy issued Pharmacist License  
13 Number RPH 45368 to Respondent. The license was in full force and effect at all relevant times,  
14 and will expire on December 31, 2021, unless renewed.

15 4. Accusation No. 6468 was filed before the Board of Pharmacy (Board), Department of  
16 Consumer Affairs and is currently pending against Respondent. The Accusation and all other  
17 statutorily required documents were properly served on Respondent on August 12, 2019.  
18 Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation  
19 No. 6468 is attached as exhibit A and incorporated herein by reference.

20 **ADVISEMENT AND WAIVERS**

21 5. Respondent has carefully read, fully discussed with counsel, and understands the  
22 charges and allegations in Accusation No. 6468. Respondent has also carefully read, fully  
23 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary  
24 Order for Public Repeal.

25 6. Respondent is fully aware of his legal rights in this matter, including the right to a  
26 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at  
27 his own expense; the right to confront and cross-examine the witnesses against him; the right to  
28 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel

1 the attendance of witnesses and the production of documents; the right to reconsideration and  
2 court review of an adverse decision; and all other rights accorded by the California  
3 Administrative Procedure Act and other applicable laws.

4 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
5 every right set forth above.

#### 6 **CULPABILITY**

7 8. Respondent understands and agrees that the charges and allegations in Accusation  
8 No. 6468, if proven at a hearing, constitute cause for imposing discipline upon his pharmacist  
9 license.

10 9. For the purpose of resolving the Accusation without the expense and uncertainty of  
11 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual  
12 basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest  
13 those charges.

14 10. Respondent agrees that his pharmacist license is subject to discipline and he agrees to  
15 be bound by the Disciplinary Order below.

#### 16 **CONTINGENCY**

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

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

13. This Stipulated Settlement and Disciplinary Order for Public Reprimand is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order for Public Reprimand may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

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

## DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Pharmacist License Number RPH 45368 issued to Respondent Danh Huu Dang shall be publicly reprovod by the Board of Pharmacy under Business and Professions Code section 495 in resolution of Accusation No. 6468, attached as exhibit A.

**Coursework.** No later than six months from the effective date of this Decision and Order, Respondent shall enroll, successfully complete and submit verification of an appropriate program related to pharmacy operations and pharmacy law. The program of remedial education shall consist of at least ten (10) hours, which shall be completed at Respondent's own expense. At least 50% of the total hours must be in person or live webinar. All remedial education shall be in addition to, and shall not be credited toward, continuing education (CE) courses used for license renewal purposes for pharmacists. Respondent shall obtain prior approval from the Board before enrolling in the course(s). Respondent shall submit to the Board the original transcripts or certificates of completion for the above-required course(s).

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1           **Cost Recovery.** No later than one year from the effective date of this Decision and Order,  
2 Respondent shall pay \$15,000 to the Board for its costs associated with the investigation and  
3 enforcement of this matter pursuant to Business and Professions Code Section 125.3. If  
4 Respondent fails to pay the Board costs as ordered, Respondent shall not be allowed to renew his  
5 license until Respondent pays costs in full. In addition, the Board may enforce this order for  
6 payment of its costs in any appropriate court, in addition to any other rights the Board may have.  
7 Respondent is jointly and severally responsible with APHA Drugstore, Inc. dba APHA Drugstore  
8 and Michael Dang for a total payment of \$15,000 in costs.

9           **Full Compliance.** As a resolution of the charges in Accusation No. 6468, this stipulated  
10 settlement is contingent upon Respondent's full compliance with all conditions of this Decision  
11 and Order. If Respondent fails to satisfy any of these conditions, such failure to comply  
12 constitutes cause for discipline, including outright revocation, of Respondent's Pharmacist  
13 License Number RPH 45368.

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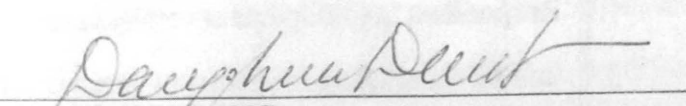


ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order for Public Repeval and have fully discussed it with my attorney, Michael Tran, Esq. I understand the stipulation and the effect it will have on my Permit. I enter into this Stipulated Settlement and Disciplinary Order for Public Repeval voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED:

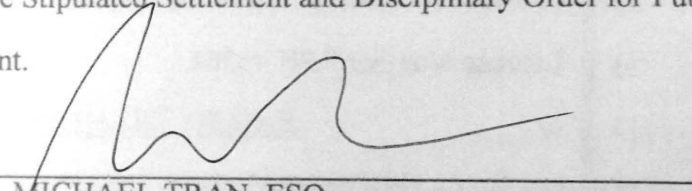
11/17/2020

  
DANH HUU DANG  
Respondent

I have read and fully discussed with Respondent Danh Huu Dang the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order for Public Repeval. I approve its form and content.

DATED:

11/17/2020

  
MICHAEL TRAN, ESQ.  
KHOURI LAW FIRM  
Attorney for Respondent

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**ENDORSEMENT**

The foregoing Stipulated Settlement and Disciplinary Order for Public Reapproval is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: \_\_\_\_\_

Respectfully submitted,

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

CRISTINA FELIX  
Deputy Attorney General  
*Attorneys for Complainant*

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**ENDORSEMENT**

The foregoing Stipulated Settlement and Disciplinary Order for Public Reapproval is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: \_\_\_\_\_11/17/2020\_\_\_\_\_

Respectfully submitted,

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



CRISTINA FELIX  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 6468**

XAVIER BECERRA  
Attorney General of California  
THOMAS L. RINALDI  
Supervising Deputy Attorney General  
CRISTINA FELIX  
Deputy Attorney General  
State Bar No. 195663  
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*Attorneys for Complainant*

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

In the Matter of the Accusation Against:

Case No. 6468

**APHA DRUGSTORE, INC. DBA APHA  
DRUGSTORE,  
MICHAEL DANG, President, Director and  
50% Shareholder  
DANH HUU DANG, CEO, Vice- President  
and 50% Shareholder  
1011 Amador St.  
Claremont, CA 91711**

**A C C U S A T I O N**

**Permit No. PHY 51665**

**DANH HUU DANG  
1011 Amador Street  
Claremont, CA 91711**

**Pharmacist License No. RPH 45368**

**MICHAEL DANG  
901 W. Arrow Hwy.  
Claremont, CA 91711**

**Pharmacy Technician License No. TCH  
63245**

Respondents.

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1 Complainant alleges:

2 **PARTIES**

3 1. Anne Sodergren (Complainant) brings this Accusation solely in her official capacity  
4 as the Interim Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

5 2. On or about January 13, 2014, the Board of Pharmacy issued Permit Number PHY  
6 51665 to APHA Drugstore, Inc. dba APHA Drugstore, Danh Huu Dang, CEO, Vice-President,  
7 Secretary, Treasurer/CFP, and Shareholder, and Michael Dang, President, Director, Shareholder  
8 (Respondent APHA). The license was in full force and effect at all relevant times, and will expire  
9 on January 1, 2020, unless renewed. Danh Huu Dang, is and has been the Pharmacist-in-Charge  
10 since January 13, 2014.

11 3. On or about July 14, 1992, the Board of Pharmacy issued Pharmacist License  
12 Number RPH 45368 to Danh Huu Dang (Respondent PIC Dang). The license was in full force  
13 and effect at all relevant times, and will expire on December 31, 2019, unless renewed.

14 4. On or about June 14, 2005, the Board of Pharmacy issued Pharmacy Technician  
15 Number TCH 63245 to Michael Dang (Respondent TCH Dang). The license was in full force  
16 and effect at all relevant times, and will expire on May 31, 2019, unless renewed.

17 **JURISDICTION**

18 5. 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 6. 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 default  
24 has been entered or whose case has been heard by the board and found guilty, by any of the  
25 following methods:

26 (1) Suspending judgment.

27 (2) Placing him or her upon probation.

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

1 (4) Revoking his or her license.

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

4 (c) The board may refuse a license to any applicant guilty of unprofessional conduct. The  
5 board may, in its sole discretion, issue a probationary license to any applicant for a license who is  
6 guilty of unprofessional conduct and who has met all other requirements for licensure. The board  
7 may issue the license subject to any terms or conditions not contrary to public policy, including,  
8 but not limited to, the following:

9 (1) Medical or psychiatric evaluation.

10 (2) Continuing medical or psychiatric treatment.

11 (3) Restriction of type or circumstances of practice.

12 (4) Continuing participation in a board-approved rehabilitation program.

13 (5) Abstention from the use of alcohol or drugs.

14 (6) Random fluid testing for alcohol or drugs.

15 (7) Compliance with laws and regulations governing the practice of pharmacy.

16 (d) The board may initiate disciplinary proceedings to revoke or suspend any probationary  
17 certificate of licensure for any violation of the terms and conditions of probation. Upon  
18 satisfactory completion of probation, the board shall convert the probationary certificate to a  
19 regular certificate, free of conditions.

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

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

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

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

9 (b) "Manager, administrator, owner, member, officer, director, associate, partner, or any  
10 other person with management or control of a license" as used in this section and Section 4308,  
11 may refer to a pharmacist or to any other person who serves in such capacity in or for a licensee.

12 (c) The provisions of subdivision (a) may be alleged in any pleading filed pursuant to  
13 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code.  
14 However, no order may be issued in that case except as to a person who is named in the caption,  
15 as to whom the pleading alleges the applicability of this section, and where the person has been  
16 given notice of the proceeding as required by Chapter 5 (commencing with Section 11500) of Part  
17 1 of Division 3 of the Government Code. The authority to proceed as provided by this subdivision  
18 shall be in addition to the board's authority to proceed under Section 4339 or any other provision  
19 of law."

20 10. Section 4312, subdivision (a), as states:

21 "The board may cancel the license of a wholesaler, third-party logistics provider, pharmacy,  
22 veterinary food-animal drug retailer, or outsourcing facility if the licensed premises remain  
23 closed, as defined in subdivision (e), other than by order of the board. For good cause shown, the  
24 board may cancel a license after a shorter period of closure. To cancel a license pursuant to this  
25 subdivision, the board shall make a diligent, good faith effort to give notice by personal service  
26 on the licensee. If a written objection is not received within 10 days after personal service is made  
27 or a diligent, good faith effort to give notice by personal service on the licensee has failed, the  
28 board may cancel the license without the necessity of a hearing. If the licensee files a written

1 objection, the board shall file an accusation based on the licensee remaining closed. Proceedings  
2 shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of  
3 Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted in  
4 that chapter.”

5 11. Section 4059.5, subdivision (a), states:

6 “Except as otherwise provided in this chapter, dangerous drugs or dangerous devices may  
7 only be ordered by an entity licensed by the board and shall be delivered to the licensed premises  
8 and signed for and received by a pharmacist. Where a licensee is permitted to operate through a  
9 designated representative, or in the case of a reverse distributor a designated representative-  
10 reverse distributor, that individual shall sign for and receive the delivery.”

### 11 **REGULATORY PROVISIONS**

12 12. California Code of Regulations, title 16, section 1715, states:

13 “The pharmacist-in-charge of each pharmacy as defined under section 4029 or section  
14 4037 of the Business and Professions Code shall complete a self-assessment of the pharmacy's  
15 compliance with federal and state pharmacy law. The assessment shall be performed before July 1  
16 of every odd-numbered year. The primary purpose of the self-assessment is to promote  
17 compliance through self-examination and education.”

### 18 **COST RECOVERY**

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

### 23 **FACTS-JANUARY 2018 INSPECTION**

24 14. On November 14, 2017 Respondent PIC Dang changed his address of record with  
25 the Board from 901 W. Arrow Highway, Claremont, CA 91711 (which was the address of record  
26 for Respondent TCH Dang) to 1011 Amador Street, Claremont, California, 91711 (which was the  
27 same address the Board had on record for Respondent APHA).  
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1           15. On January 29, 2018, at 9:45 a.m. Board Inspectors Anna Yamada (Inspector  
2 Yamada) and Ellie Delune (Inspector Delune) went to APHA to conduct an inspection. At 10:00  
3 a.m., they approached the front entrance and observed a sign on the door stating it was closed.  
4 An inspector rang the doorbell, knocked on the door and called the pharmacy number numerous  
5 times without response.

6           16. While Inspector Yamada was there, she tried to call Respondent PIC Dang and  
7 Respondent TCH Dang on their cell phones, without success.

8           17. For another hour, the inspectors rang the doorbell and knocked on APHA's doors  
9 and the residence without any response. However, the inspectors heard noises coming from  
10 within the building. The inspectors left after no one opened the door and their phone calls were  
11 not returned.

12           18. On that same day at 4:00 p.m., Respondent PIC Dang left a message on the  
13 inspector's voicemail.

14           19. On February 15 and February 22, 2018, Inspector Yamada called the pharmacy,  
15 Respondent PIC Dang and Respondent TCH Dang without success.

16           20. On February 23, 2018, Respondent PIC Dang called after hours and left a message  
17 stating he was sick and he would be calling back and left the pharmacy number. Two days later  
18 on a Sunday, Respondent PIC Dang left another message indicating that his health was in bad  
19 shape and his physician told him to rest and not to work too hard.

20           21. On March 1, 2018, Inspector Yamada called Respondent PIC Dang and the person  
21 that answered the line hung up. No one answered again, despite repeated calls. Inspector  
22 Yamada left messages for Respondent APHA, Respondent PIC Dang, and Respondent TCH  
23 Dang advising that not returning her calls could result in unprofessional conduct for subverting an  
24 investigation.

25           22. Later that day, Respondent PIC Dang called and left a message stating that he was not  
26 feeling well and was unable to meet with the inspector and would call her back when he felt  
27 better.

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1           23. On March 2, 2018, Inspector Yamada called and left messages for all Respondents  
2 informing them that she needed to inspect the pharmacy. Later that day at 4:50 p.m., Respondent  
3 PIC Dang called advising his health was bad, that Respondent APHA was still open and that he  
4 came to work every day but he was not feeling well. He also stated that he had last dispensed a  
5 prescription about two to three months ago and there were no patients currently. He also stated  
6 that he wanted to keep the pharmacy license and was planning to change location but had not  
7 submitted a change in location application and would probably submit an application the  
8 following week. Inspector Yamada advised Respondent PIC Dang that he or Respondent TCH  
9 Dang needed to call her on Thursday at 10:00 a.m.

10           24. On March 7, 2018, Respondent PIC Dang faxed Inspector Yamada a copy of a  
11 pharmacy self-assessment and controlled substance inventory. The next day, Respondent PIC  
12 Dang faxed Inspector Yamada a letter confirming that he faxed the self-assessment and inventory  
13 and advising that he was advised by his doctor to not work. He also provided additional  
14 documents to the inspector.

15           25. On March 19, 2018, PIC Dang advised the inspector that he was not in good health  
16 and wanted to temporarily close the pharmacy. PIC Dang was advised that a pharmacy permit  
17 holder was expected to operate the pharmacy. Also, PIC Dang advised the inspector that she  
18 could not inspect the pharmacy at that time as he was allegedly suffering from a skin disorder.

19           26. The inspector was unsuccessful in her attempts to contact Respondent TCH Dang.

20           27. On March 20, 2018, PIC Dang provided a doctor's note indicating that PIC Dang  
21 should be off work from March 5, 2018 to June 4, 2018.

22           28. On March 29, 2018, Inspector Yamada attempted to inspect Respondent APHA and  
23 found that it was closed. She was able to view and take pictures of the backyard.

24           29. On April 7, 2018, Respondent PIC Dang admitted that some of the clinics near the  
25 pharmacy closed and he did not have any patients. However, he also stated that he came to work  
26 everyday, that the pharmacy was fully operational and that he was looking for a location change.

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30. Inspector Yamada contacted various companies to determine drug purchases by Respondents. Her investigation revealed that the last time Respondent APHA purchased any dangerous drugs was on June 15, 2017 and that it has not dispensed any prescriptions since at least January 1, 2017.

## FIRST CAUSE OF ACTION

### **(Unprofessional Conduct: Subverting an Investigation)**

(Respondent APHA, Respondent PIC Dang and Respondent TCH Dang)

31. Respondent APHA, Respondent PIC Dang and Respondent TCH Dang are subject to discipline for violation of Business and Professions Code section 4301, subdivision (q), in that from January 29, 2018 to March 29, 2018, board inspectors attempted to inspect Respondent APHA, however, the pharmacy was closed and access was not provided despite requests to Respondent PIC Dang and Respondent TCH Dang to inspect the pharmacy. Complainant refers to, and by this reference incorporates the allegations set forth above in paragraphs 14 through 30, as though fully set forth herein.

## SECOND CAUSE OF ACTION

**(Closed Pharmacy)**

**(Respondent APHA)**

32. Respondent APHA is subject to discipline for violation of Business and Professions Code section 4312, subdivision (a), in that, although it has renewed its license, Respondent APHA has not engaged in the practice of pharmacy and has not purchased any dangerous drugs since June 15, 2017, and has not dispensed any prescriptions for dangerous drugs since at least January 1, 2017. Complainant refers to, and by this reference incorporates the allegations set forth above in paragraphs 14 through 30 as though fully set forth herein.

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1 **FACTS- 2016 INSPECTIONS**

2 **APHA Inspection**

3 33. On October 24, 2016, Board Inspectors Anna Yamada and Elham Delune attempted  
4 to inspect APHA twice and found the pharmacy to be closed. It was located inside a residential  
5 home and in a residential area. Inspector Yamada called the pharmacy and left a message  
6 requesting a call back.

7 34. Three days later, Respondent PIC Dang called the inspector back and advised her  
8 that he worked at the pharmacy every day from 10:00 a.m. to 5:00 p.m.

9 35. On November 7, 2016, at approximately 10:00 a.m., Inspector Yamada and Inspector  
10 Delune attempted to inspect APHA but a sign indicated that the pharmacy was closed and would  
11 open at 11:15 a.m. After Inspector Yamada called Respondent PIC Dang and left a voicemail, he  
12 arrived at the pharmacy, and the inspectors were able to inspect the pharmacy.

13 36. During the inspection, Respondent PIC Dang admitted that the pharmacy was owned  
14 by his son, Respondent TCH Dang, and himself, and that Respondent TCH Dang owned the  
15 house wherein the pharmacy was located. However, Respondent PIC Dang provided conflicting  
16 information as to who had access to, lived at, or stayed at the residence. Respondent PIC Dang  
17 also stated that Respondent TCH Dang did not work at the pharmacy.

18 37. When questioned regarding medication deliveries, Respondent PIC Dang admitted  
19 that family members may have signed for deliveries.

20 38. During the inspection, the Board inspector reviewed prescription records and found  
21 prescriptions for Respondent PIC Dang or his family members. The inspector also found a  
22 number of yellow colored paper prescriptions that were printed with Sam's Club Pharmacy 10-  
23 6614 (Sam's Club)<sup>1</sup> information on it. Respondent PIC Dang admitted that the documents were  
24 brought to the pharmacy by Respondent TCH Dang and that Respondent TCH Dang worked at  
25 Sam's Club. When questioned regarding the prescriptions, Respondent PIC Dang gave conflicting

26 \_\_\_\_\_  
27 <sup>1</sup> On or about April 8, 2009, the Board of Pharmacy issued Permit Number PHY 49887  
28 to Sam's West Inc. to do business as Sam's Club Pharmacy 10-6614 (Sam's Club). The license  
expires on February 1, 2019, unless renewed. Thinh Nguyen (PIC Nguyen) is and has been the  
Pharmacist-in-Charge since May 2, 2009.

1 information, including alleging that he transferred the prescription from Sam's Club but did not  
2 document the transfer. In a subsequent written statement, Respondent PIC Dang stated the patient  
3 gave him the list of medications he is currently taking and he called the doctor's office to verify  
4 the prescriptions and he used the yellow sheet as a reference.

5 39. Respondent PIC Dang completed a self-assessment on January 14, 2014 but did not  
6 complete a new self-assessment by July 1, 2015. Respondent PIC Dang admitted to a Board  
7 inspector that he did not complete a new self-assessment as required.

8 40. At the time of the inspection, Respondent PIC Dang also informed the Board  
9 inspector that it had been over six to seven months since the last time any drugs were ordered.

10 41. Further investigation and a review of records also revealed that, from on or about  
11 March 24, 2014 to on or about June 8, 2017, Respondent APHA purchased dangerous drugs from  
12 drug wholesalers and distributors Amerisourcebergen Drug Corporation (Amerisourcebergen),<sup>2</sup>  
13 Paragon Enterprises, Inc. (Paragon),<sup>3</sup> Anda Inc. (Anda),<sup>4</sup> to Cardinal Health dba Parmed  
14 Pharmaceuticals, LLC (Cardinal Health),<sup>5</sup> HD Smith, LLC (HD Smith),<sup>6</sup> and Taiga Distribution,  
15 LLC<sup>7</sup>. However, the drugs were delivered to Respondent APHA and either left at the front door  
16 or not received or signed for by a pharmacist.

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17 <sup>2</sup> On or about, the Board of Pharmacy issued Out of State Distributor License Number  
18 OSD 5298 to Amerisourcebergen. The license was in full force and effect at all relevant times,  
19 and will expire on June 1, 2018, unless renewed. William Price is and has been the Designated  
20 Representative In Charge since January 19, 2016.

21 <sup>3</sup> On or about July 2, 2015, the Board of Pharmacy issued Out of State Distributor  
22 License Number OSD 6498 to Paragon. The license was in full force and effect at all relevant  
23 times, and will expire on July 1, 2018, unless renewed. Patrice Michel is, and has been, the  
24 Designated Representative In Charge since July 2, 2015.

25 <sup>4</sup> On or about July 9, 2003, the Board of Pharmacy issued Out of State Distributor License  
26 Number OSD 4277 to Anda. The license was in full force and effect at all relevant times, and  
27 was cancelled on May 22, 2017, pursuant to change in ownership. Michael Cochrane was the  
28 Designated Representative In Charge from February 27, 2006 to May 23, 2017.

<sup>5</sup> On or about May 10, 2007, the Board of Pharmacy issued Out of State Distributor  
License Number OSD 4895 to Cardinal Health. The license was in full force and effect at all  
relevant times, and will expire on May 1, 2018, unless renewed. Linda Dunkle is, and has been,  
the Designated Representative In Charge since September 21, 2015.

<sup>6</sup> On or about September 24, 2008, the Board of Pharmacy issued Wholesaler License  
Number WLS 5203 to HD Smith. The license was in full force and effect at all relevant times,  
and was cancelled. Raymond Martinez is, and has been, the Designated Representative In Charge  
since May 1, 2010.

<sup>7</sup> On or about March 7, 2016, the Board of Pharmacy issued Out of State Distributor  
License Number OSD 6820 to Taiga. The license was in full force and effect at all relevant

1           **Sam's Club Inspection**

2           42. On November 17, 2016, a Board inspector inspected Sam's Club and PIC Nguyen  
3 was present. PIC Nguyen confirmed that the prescription documents the inspector obtained at  
4 Respondent APHA's location belonged to Sam's Club and that the writing on the prescription  
5 request was Respondent TCH Dang's handwriting. Respondent PIC Nguyen also confirmed that  
6 Respondent TCH Dang did not have any authority to remove the prescription from the pharmacy  
7 and the prescriptions.

8                                   **THIRD CAUSE OF ACTION**

9                                   **(Self-Assessment by PIC)**

10                           **(Respondent APHA, and Respondent PIC Dang)**

11           43. Respondent APHA and Respondent PIC Dang are subject to discipline for violation  
12 of California Code of Regulations, title 16, section 1715, subdivision (a), in that PIC Dang last  
13 completed a pharmacy self-assessment on January 14, 2014 and did not complete a new self-  
14 assessment by July 1, 2015. Complainant refers to, and by this reference incorporates the  
15 allegations set forth above in paragraph 39, as though fully set forth herein.

16                                   **FOURTH CAUSE OF ACTION**

17                                   **(Drug Delivery Signed by Non-Pharmacists)**

18                                   **(Respondent APHA, Respondent PIC Dang)**

19           44. Respondent APHA and Respondent PIC Dang are subject to discipline for violation  
20 of Business and Professions Code section 4059.5, subdivision (a), in that, from on or about March  
21 24, 2014 to on or about June 8, 2017, Respondent APHA purchased dangerous drugs from drug  
22 wholesalers and distributors Amerisourcebergen, Sam's Club Pharmacy, Paragon, Anda, Cardinal  
23 Health, HD Smith, and Taiga Distribution LLC. The dangerous drugs were delivered to  
24 Respondent APHA by these companies and either left at the front door or received or signed for  
25 by a non- pharmacist. Complainant refers to, and by this reference incorporates the allegations  
26 set forth above in paragraphs 36-37 and 40 -42, as though fully set forth herein.

27 \_\_\_\_\_  
28 times, and will expire on March 1, 2020, unless renewed. Jaime Hale is, and has been, the  
Designated Representative In Charge since March 7, 2016.



1 **FIFTH CAUSE OF ACTION**

2 **(Unprofessional Conduct: Moral Turpitude, Dishonesty, Fraud, Deceit)**

3 **(Respondent TCH Dang)**

4 45. Respondent TCH Dang is subject to discipline for violation of Business and  
5 Professions Code section 4301, subdivision (f), in that from on or about January 19, 2015 to  
6 January 27, 2016, while working at Sam's Club Pharmacy, TCH Dang removed pharmacy  
7 prescription records from the pharmacy without authorization and provided the stolen  
8 prescriptions records to Respondent APHA. Complainant refers to, and by this reference  
9 incorporates the allegations set forth above in paragraphs 38 and 42, as though fully set forth  
10 herein.

11 **OWNERSHIP PROHIBITION**

12 46. As set forth above, section 4307, subdivision (a), provides, in pertinent part, that any  
13 person whose license has been revoked or is under suspension shall be prohibited from serving as  
14 a manager, administrator, owner, member, officer, director, associate or partner of a licensee.

15 47. Pursuant to section 4307, if Michael Dang had knowledge of, or knowingly  
16 participated in, any conduct for which Pharmacy Permit PHY 51665 was revoked, suspended or  
17 placed on probation, while acting as administrator, owner, officer, director, or any other person  
18 with management or control of Apha Drugstore, Inc. dba Apha Drugstore, he shall be prohibited  
19 from serving as administrator, owner, member, officer, director, associate, or partner of a licensee  
20 for five years if Pharmacy Permit Number PHY 51665 is placed on probation, or until Pharmacy  
21 Permit Number PHY 51665 is reinstated if Pharmacy Permit Number PHY 51665 is revoked.

22 48. Pursuant to section 4307, if Danh Huu Dang had knowledge of, or knowingly  
23 participated in, any conduct for which Pharmacy Permit PHY 51665 was revoked, suspended or  
24 placed on probation, while acting as administrator, owner, officer, director, or any other person  
25 with management or control of Apha Drugstor, Inc. dba Apha Drugstore, he shall be prohibited  
26 from serving as administrator, owner, member, officer, director, associate, or partner of a licensee  
27 for five years if Pharmacy Permit Number PHY 51665 is placed on probation, or until Pharmacy  
28 Permit Number PHY 51665 is reinstated if Pharmacy Permit Number PHY 51665 is revoked.

**PRAYER**

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

1. Revoking or suspending Permit Number PHY 51665, issued to APHA Drugstore, Inc. dba APHA Drugstore, Danh Huu Dang, Michael Dang;
2. Revoking or suspending Pharmacist License No. RPH 45368, issued to Danh Huu Dang;
3. Revoking or suspending Pharmacy Technician Number 63245, issued to Michael Dang;
4. Prohibiting Danh Huu Dang and Michael Dang from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 51665 is placed on probation or until Pharmacy Permit Number PHY 51665 is reinstated if Pharmacy Permit Number PHY 51665 is revoked;
5. Ordering APHA Drugstore, Danh Huu Dang and Michael Dang to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
6. Taking such other and further action as deemed necessary and proper.

DATED: August 1, 2019



ANNE SODERGREN  
Interim Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*

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