

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

In the Matter of the Accusation Against:

**MOLINO PHARMACY INC., ANDREW MENG-HONG QUACH,
SHAREHOLDER/CEO/TREASURER/CFO/PHARMACIST-IN-CHARGE,
BARBARA HON, SHAREHOLDER/PRESIDENT/SECRETARY,
Pharmacy Permit No. PHY 54954; and**

**ANDREW MENG-HONG QUACH,
Pharmacist License No. RPH 49741; and**

**BARBARA HON,
Pharmacist License No. RPH 50020,**

Respondents

Agency Case No. 6667

OAH No. 2020040507

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order for Public Repeval 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 December 23, 2020.

It is so ORDERED on November 23, 2020.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Greg M. Lippe", is written over a horizontal line.

By

Greg Lippe
Board President

XAVIER BECERRA
Attorney General of California
MARC D. GREENBAUM
Supervising Deputy Attorney General
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Attorneys for Complainant

**BEFORE THE
BOARD OF PHARMACY
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STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**MOLINO PHARMACY INC., ANDREW
MENG-HONG QUACH,
SHAREHOLDER/CEO/TREASURER/CFO
/PHARMACIST-IN-CHARGE, BARBARA
HON,
SHAREHOLDER/PRESIDENT/SECRETARY
2540 E. Anaheim Street, #B
Long Beach, CA 90804
Pharmacy Permit No. PHY 54954,**

**ANDREW MENG-HONG QUACH
2875 Huntington Dr.
San Marino, CA 91108
Pharmacist License No. RPH 49741,**

and

**BARBARA HON
2875 Huntington Drive
San Marino, CA 91108
Pharmacist License No. RPH 50020**

Respondents.

Case No. 6667

OAH No. 2020040507

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC
REPROVAL AS TO ANDREW MENG-
HONG QUACH AND BARBARA HON**

**STIPULATED SURRENDER OF
LICENSE AND ORDER AS TO MOLINO
PHARMACY INC**

[Bus. & Prof. Code § 495]

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

1 **PARTIES**

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

6 2. Respondent Molino Pharmacy Inc., with Andrew Meng-Hong Quach as shareholder,
7 treasurer, chief financial officer, and pharmacist-in-charge and Barbara Hon as shareholder,
8 president, and secretary; respondent Andrew Meng-Hong Quach, individually and respondent
9 Barbara Hon individually are collectively represented in this proceeding by attorney Adam B.
10 Brown, whose address is: 3848 W. Carson Street, Suite 206, Torrance, California, 90503

11 3. On or about November 7, 2016, the Board issued Pharmacy Permit Number PHY
12 54954 to Respondent Molino Pharmacy Inc. with Andrew Meng-Hong Quach as shareholder,
13 treasurer, chief financial officer, and pharmacist-in-charge, and Barbara Hon as shareholder,
14 president, and secretary (Respondent Molino Pharmacy). The Pharmacy Permit was canceled on
15 May 21, 2018 due to a discontinuance of business.

16 4. On or about September 2, 1997, the Board issued Pharmacist License Number RPH
17 49741 to Respondent Andrew Meng-Hong Quach (Respondent Quach). The Pharmacist License
18 was in full force and effect at all times relevant to the charges brought herein and will expire on
19 February 28, 2021, unless renewed.

20 5. On or about April 13, 1998, the Board issued Pharmacist License Number RPH
21 50020 to Respondent Barbara Hon (Respondent Hon). The Pharmacist License was in full force
22 and effect at all times relevant to the charges brought herein and will expire on July 31, 2021,
23 unless renewed.

24 **JURISDICTION**

25 6. Accusation No. 6667 was filed before the Board of Pharmacy (Board), Department of
26 Consumer Affairs and is currently pending against Respondents. The Accusation and all other
27 statutorily required documents were properly served on Respondents on January 23, 2020.
28

1 Respondents timely filed their Notice of Defense contesting the Accusation. A copy of
2 Accusation No. 6667 is attached as exhibit A and incorporated herein by reference.

3 **ADVISEMENT AND WAIVERS**

4 7. Respondents have carefully read, fully discussed with counsel, and understand the
5 charges and allegations in Accusation No. 6667. Respondents have also carefully read, fully
6 discussed with counsel, and understand the effects of this Stipulated Settlement and Disciplinary
7 Order for Public Reprimand as to Respondents Quach and Hon and the Stipulated Surrender as to
8 Respondent Molino Pharmacy.

9 8. Respondents are fully aware of their legal rights in this matter, including the right to a
10 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
11 their own expense; the right to confront and cross-examine the witnesses against them; the right
12 to present evidence and to testify on their own behalf; the right to the issuance of subpoenas to
13 compel the attendance of witnesses and the production of documents; the right to reconsideration
14 and court review of an adverse decision; and all other rights accorded by the California
15 Administrative Procedure Act and other applicable laws.

16 9. Respondents voluntarily, knowingly, and intelligently waive and give up each and
17 every right set forth above.

18 **CULPABILITY**

19 10. Respondents understand and agree that the charges and allegations in Accusation No.
20 6667, if proven at a hearing, constitute cause for imposing discipline upon their respective
21 Pharmacy Licenses and Pharmacy Permit.

22 11. For the purpose of resolving the Accusation without the expense and uncertainty of
23 further proceedings, Respondents agree that, at a hearing, Complainant could establish a factual
24 basis for the charges in the Accusation, and that Respondents hereby give up their right to contest
25 those charges.

26 12. Respondents agree that their respective Pharmacy Licenses and Pharmacy Permit
27 are subject to discipline and they agree to be bound by the Disciplinary Order below.

28 ///

CONTINGENCY

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

14. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order for Public Reproval as to Respondents Quach and Hon and the Stipulated Surrender as to Respondent Molino Pharmacy including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

15. This Stipulated Settlement and Disciplinary Order for Public Reproval as to Respondents Quach and Hon and the Stipulated Surrender as to Respondent Molino Pharmacy 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 Reproval as to Respondents Quach and Hon and the Stipulated Surrender as to Respondent Molino Pharmacy may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

16. 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:

1 **DISCIPLINARY ORDER AS TO RESPONDENT ANDREW MENG-HONG QUACH**

2 IT IS HEREBY ORDERED that Pharmacist License Number RPH 49741 issued to
3 Respondent Andrew Meng-Hong Quach (Respondent Quach) shall be publicly reprovved by the
4 Board of Pharmacy under Business and Professions Code section 495 in resolution of Accusation
5 No. 6667, attached as exhibit A.

6 17. **Remedial Education.** No later than six months from the effective date of the public
7 reprovall, Respondent Quach, at his own expense, shall enroll, successfully complete and submit
8 verification of twelve (12) hours of courses relevant to the practice of prescription drug abuse
9 prevention, corresponding responsibility and pharmacy law. A portion of this requirement must
10 include completion of the Board's CE program, entitled, "Prescription Drug Abuse and Diversion
11 What a Pharmacist Needs to Know." Respondent Quach shall obtain prior approval from the
12 Board before enrolling in the courses. Respondent Quach shall submit to the Board the original
13 transcripts or certificates of completion for the above-required courses.

14 18. **Ethics Course.** Within sixty (60) calendar days of the effective date of this decision,
15 Respondent Quach shall enroll in a course in ethics, at his own expense, approved in advance by
16 the Board or its designee that complies with Title 16 California Code of Regulations section
17 1773.5. Respondent Quach shall provide proof of enrollment upon request. Within five (5) days
18 of completion, Respondent Quach shall submit a copy of the certificate of completion to the
19 Board or its designee.

20 19. **Cost Recovery.** Respondent Quach shall pay \$2,000.00 to the Board for its costs
21 associated with the investigation and enforcement of this matter. Respondent Quach shall be
22 permitted to pay these costs in a payment plan approved by the Board. If Respondent Quach fails
23 to pay the Board costs as ordered, Respondent Quach shall not be allowed to renew his
24 Pharmacist License Number RPH 49741 until he pays costs in full.

25 20. **Full Compliance.** As a resolution of the charges in Accusation No. 6667, this
26 stipulated settlement is contingent upon Respondent Quach's full compliance with all conditions
27 of this Order. If Respondent Quach fails to satisfy any of these conditions, such failure to comply
28 constitutes cause for discipline, including outright revocation, of Respondent Quach's Pharmacist

License Number RPH 49741. Moreover, upon a failure by Respondent Quach to satisfy any of the aforementioned conditions, all of the charges and allegations contained in Accusation No. 6667 shall be deemed to be true, correct, and admitted by Respondent Quach in an action to restrict or discipline Respondent Quach's Pharmacy License.

DISCIPLINARY ORDER AS TO RESPONDENT BARBARA HON

IT IS HEREBY ORDERED that Pharmacist License Number RPH 50020 issued to Respondent Barbara Hon (Respondent Hon) shall be publicly reprovved by the Board of Pharmacy under Business and Professions Code section 495 in resolution of Accusation No. 6667, attached as exhibit A.

21. **Remedial Education.** No later than six months from the effective date of the public reprovval, Respondent Hon, at her own expense, shall enroll, successfully complete and submit verification of twelve (12) hours of courses relevant to the practice of prescription drug abuse prevention, corresponding responsibility and pharmacy law. A portion of this requirement must include completion of the Board's CE program, entitled, "Prescription Drug Abuse and Diversion What a Pharmacist Needs to Know." Respondent Hon shall obtain prior approval from the Board before enrolling in the courses. Respondent Hon shall submit to the Board the original transcripts or certificates of completion for the above-required courses.

22. **Ethics Course.** Within sixty (60) calendar days of the effective date of this decision, Respondent Hon shall enroll in a course in ethics, at her own expense, approved in advance by the Board or its designee that complies with Title 16 California Code of Regulations section 1773.5. Respondent Hon shall provide proof of enrollment upon request. Within five (5) days of completion, Respondent Hon shall submit a copy of the certificate of completion to the Board or its designee.

23. **Cost Recovery.** Respondent Hon shall pay \$2,000.00 to the Board for its costs associated with the investigation and enforcement of this matter. Respondent Hon shall be permitted to pay these costs in a payment plan approved by the Board. If Respondent Hon fails to pay the Board costs as ordered, Respondent Quach shall not be allowed to renew her Pharmacist License Number RPH 50020 until she pays costs in full.

24. **Full Compliance.** As a resolution of the charges in Accusation No. 6667, this stipulated settlement is contingent upon Respondent Hon's full compliance with all conditions of this Order. If Respondent Hon fails to satisfy any of these conditions, such failure to comply constitutes cause for discipline, including outright revocation, of Respondent Hon's Pharmacist License Number RPH 50020. Moreover, upon a failure by Respondent Hon to satisfy any of the aforementioned conditions, all of the charges and allegations contained in Accusation No. 6667 shall be deemed to be true, correct, and admitted by Respondent Hon in an action to restrict or discipline Respondent Hon's Pharmacy License.

STIPULATED SURRENDER AS TO RESPONDENT MOLINO PHARMACY

IT IS HEREBY ORDERED that Pharmacy Permit Number PHY 54954 issued to Respondent Molino Pharmacy Inc. with Andrew Meng-Hong Quach as shareholder, treasurer, chief financial officer, and pharmacist-in-charge, and Barbara Hon as shareholder, president, and secretary (Respondent Molino Pharmacy) is surrendered and accepted by the Board.

The surrender of Respondent Molino Pharmacy's Pharmacy Permit and the acceptance of the surrendered permit by the Board shall constitute the imposition of discipline against Respondent Molino Pharmacy. This stipulation constitutes a record of the discipline and shall become a part of Respondent Molino Pharmacy's license history with the Board.

25. Respondent Molino Pharmacy shall lose all rights and privileges as a Pharmacy in California as of the effective date of the Board's Decision and Order.

26. Respondent Molino Pharmacy shall cause to be delivered to the Board its pocket license and, if one was issued, its wall certificate on or before the effective date of the Decision and Order.

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

28. If Molino Pharmacy ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent Molino Pharmacy must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in

1 Accusation No. 6667 shall be deemed to be true, correct and admitted by Respondent Molino
2 Pharmacy when the Board determines whether to grant or deny the application or petition.

3 29. If Respondent Molino Pharmacy should ever apply or reapply for a new license or
4 certification, or petition for reinstatement of a license, by any other health care licensing agency
5 in the State of California, all of the charges and allegations contained in Accusation, No. 6667
6 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement
7 of Issues or any other proceeding seeking to deny or restrict licensure.

8 30. Respondent Molino Pharmacy shall pay the agency its costs of investigation and
9 enforcement in the amount of \$13,000.00 prior to issuance of a new or reinstated license.

10 **ACCEPTANCE**

11 I have carefully read the above Stipulated Settlement and Disciplinary Order for Public
12 Reproval as to my Pharmacist License Number RPH 49741 and have fully discussed it with my
13 attorney, Adam B. Brown. I understand the stipulation and the effect it will have on my
14 Pharmacist License Number RPH 49741. I enter into this Stipulated Settlement and Disciplinary
15 Order for Public Reproval voluntarily, knowingly, and intelligently, and agree to be bound by the
16 Decision and Order of the Board of Pharmacy.

17
18 DATED: _____
19 ANDREW MENG-HONG QUACH

20 I have carefully read the above Stipulated Settlement and Disciplinary Order for Public
21 Reproval as to my Pharmacist License Number RPH 50020 and have fully discussed it with my
22 attorney, Adam B. Brown. I understand the stipulation and the effect it will have on my
23 Pharmacist License Number RPH 50020. I enter into this Stipulated Settlement and Disciplinary
24 Order for Public Reproval voluntarily, knowingly, and intelligently, and agree to be bound by the
25 Decision and Order of the Board of Pharmacy.

26
27 DATED: _____
28 BARBARA HON

1 Accusation No. 6667 shall be deemed to be true, correct and admitted by Respondent Molino
2 Pharmacy when the Board determines whether to grant or deny the application or petition.

3 29. If Respondent Molino Pharmacy should ever apply or reapply for a new license or
4 certification, or petition for reinstatement of a license, by any other health care licensing agency
5 in the State of California, all of the charges and allegations contained in Accusation, No. 6667
6 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement
7 of Issues or any other proceeding seeking to deny or restrict licensure.

8 30. Respondent Molino Pharmacy shall pay the agency its costs of investigation and
9 enforcement in the amount of \$13,000.00 prior to issuance of a new or reinstated license.

10 ACCEPTANCE

11 I have carefully read the above Stipulated Settlement and Disciplinary Order for Public
12 Reproval as to my Pharmacist License Number RPH 49741 and have fully discussed it with my
13 attorney, Adam B. Brown. I understand the stipulation and the effect it will have on my
14 Pharmacist License Number RPH 49741. I enter into this Stipulated Settlement and Disciplinary
15 Order for Public Reproval voluntarily, knowingly, and intelligently, and agree to be bound by the
16 Decision and Order of the Board of Pharmacy.

17
18 DATED: 09/17/2020


19 ANDREW MENG-HONG QUACH

20 I have carefully read the above Stipulated Settlement and Disciplinary Order for Public
21 Reproval as to my Pharmacist License Number RPH 50020 and have fully discussed it with my
22 attorney, Adam B. Brown. I understand the stipulation and the effect it will have on my
23 Pharmacist License Number RPH 50020. I enter into this Stipulated Settlement and Disciplinary
24 Order for Public Reproval voluntarily, knowingly, and intelligently, and agree to be bound by the
25 Decision and Order of the Board of Pharmacy.

26
27 DATED: 9-17-20


28 BARBARA HON

1 I have carefully read the above Stipulated Surrender of License and Order as to Molino
2 Pharmacy Inc. and have fully discussed it with my attorney, Adam B. Brown. I understand the
3 stipulation and the effect it will have on Pharmacy Permit Number PHY 54954. I enter into this
4 Stipulated Surrender of License and Order as to Molino Pharmacy Inc voluntarily, knowingly,
5 and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

6
7 DATED: _____

MOLINO PHARMACY INC., by
Andrew Meng-Hong Quach as
Shareholder/CEO/Treasurer/CFO/Pharmacist-In-
Charge

10
11 DATED: _____

MOLINO PHARMACY INC., by
BARBARA HON as
Shareholder/President/Secretary

14
15
16 I have read and fully discussed with Respondent Molino Pharmacy Inc., Andrew Meng-
17 Hong Quach, individually and as Shareholder/CEO/Treasurer/CFO/Pharmacist-In-Charge of
18 Molino Pharmacy Inc and Barbara Hon individually, and as Shareholder/President/Secretary of
19 Molino Pharmacy Inc. the terms and conditions and other matters contained in the above
20 Stipulated Settlement and Disciplinary Order for Public Reproval as to Andrew Meng Hong
21 Quach and Barbara Hon and the Stipulated Surrender of License and Order as to Molino
22 Pharmacy Inc. I approve its form and content.

23 DATED: _____

ADAM B. BROWN
Attorney for Respondents

26 ///

27 ///

1 I have carefully read the above Stipulated Surrender of License and Order as to Molino
2 Pharmacy Inc. and have fully discussed it with my attorney, Adam B. Brown. I understand the
3 stipulation and the effect it will have on Pharmacy Permit Number PHY 54954. I enter into this
4 Stipulated Surrender of License and Order as to Molino Pharmacy Inc voluntarily, knowingly,
5 and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

6
7 DATED: 09/17/2020


MOLINO PHARMACY INC., by
Andrew Meng-Hong Quach as
Shareholder/CEO/Treasurer/CFO/Pharmacist-In-
Charge

8
9
10
11 DATED: 9-17-20


MOLINO PHARMACY INC., by
BARBARA HON as
Shareholder/President/Secretary

12
13
14
15
16 I have read and fully discussed with Respondent Molino Pharmacy Inc., Andrew Meng-
17 Hong Quach, individually and as Shareholder/CEO/Treasurer/CFO/Pharmacist-In-Charge of
18 Molino Pharmacy Inc and Barbara Hon individually, and as Shareholder/President/Secretary of
19 Molino Pharmacy Inc. the terms and conditions and other matters contained in the above
20 Stipulated Settlement and Disciplinary Order for Public Reproval as to Andrew Meng Hong
21 Quach and Barbara Hon and the Stipulated Surrender of License and Order as to Molino
22 Pharmacy Inc. I approve its form and content.

23 DATED: 9-18-2020


ADAM B. BROWN
Attorney for Respondents

24
25
26 ///

27 ///

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order for Public Reapproval as to Andrew Meng Hong Qusah and Barbara Hon and the Stipulated Surrender of License and Order as to Molino Pharmacy Inc. 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
MARC D. GREENBAUM
Supervising Deputy Attorney General

GILLIAN E. FRIEDMAN
Deputy Attorney General
Attorneys for Complainant

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ENDORSEMENT

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DATED: September 17, 2020

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
MARC D. GREENBAUM
Supervising Deputy Attorney General



GILLIAN E. FRIEDMAN
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 6667

XAVIER BECERRA
Attorney General of California
DAVID E. BRICE
Supervising Deputy Attorney General
MALISSA N. SIEMANTEL
Deputy Attorney General
State Bar No. 240157
1300 I Street, Suite 125
P.O. Box 944255
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Attorneys for Complainant

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BARBARA HON,
SHAREHOLDER/PRES/SECRETARY
2540 E. Anaheim Street, #B
Long Beach, CA 90804**

ACCUSATION

Pharmacy Permit No. PHY 54954,

**ANDREW MENG-HONG QUACH
2875 Huntington Drive
San Marino, CA 91108**

Pharmacist License No. RPH 49741

and

**BARBARA HON
2875 Huntington Drive
San Marino, CA 91108**

Pharmacist License No. RPH 50020

Respondents.

///

1 **PARTIES**

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

5 2. On or about November 7, 2016, the Board issued Pharmacy Permit Number PHY
6 54954 to Molino Pharmacy (“Respondent Molino Pharmacy”), with Andrew Meng-Hong Quach
7 (“Respondent Quach”) as shareholder, treasurer, chief financial officer, and pharmacist-in-charge
8 (“PIC”), and Barbara Hon (“Respondent Hon”) as shareholder, president, and secretary. The
9 Pharmacy Permit was canceled on May 21, 2018 due to a discontinuance of business.

10 3. On or about September 2, 1997, the Board issued Pharmacist License Number RPH
11 49741 to Respondent Quach. The Pharmacist License was in full force and effect at all times
12 relevant to the charges brought herein and will expire on February 28, 2021, unless renewed.

13 4. On or about April 13, 1998, the Board issued Pharmacist License Number RPH
14 50020 to Respondent Hon. The Pharmacist License was in full force and effect at all times
15 relevant to the charges brought herein and will expire on July 31, 2021, unless renewed.

16 **JURISDICTION**

17 5. This Accusation is brought before the Board under the authority of the following
18 laws. All section references are to the Business and Professions Code (“Code”) unless otherwise
19 indicated.

20 6. Section 4300 of the Code states, in pertinent part:

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

22 (b) The board shall discipline the holder of any license issued by the board, whose
23 default has been entered or whose case has been heard by the board and found
24 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 year.

28 (4) Revoking his or her license.

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

7. Section 4300.1 of the Code states:

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

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

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

...

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

...

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

9. Section 4307 of the Code states:

(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, partner, or any other person with management or control of any partnership, corporation, trust, 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, partner, or any other person with management or control had knowledge of or knowingly participated in any conduct for which the license was denied, revoked, suspended, or placed on probation, shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, partner, or in any other position 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.

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

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

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

11 **STATUTORY PROVISIONS**

12 10. Section 4022 of the Code states:

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

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

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

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

23 11. Section 4113 of the Code states, in pertinent part:

24 (a) Every pharmacy shall designate a pharmacist-in-charge ...

25 ...

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

///

///

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

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

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

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

...

13. Section 11153 of the Health and Safety Code states, in pertinent part:

(a) A prescription for a controlled substance shall only be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his or her professional practice. The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription. Except as authorized by this division, the following are not legal prescriptions: (1) an order purporting to be a prescription which is issued not in the usual course of professional treatment or in legitimate and authorized research; or (2) an order for an addict or habitual user of controlled substances, which is issued not in the course of professional treatment or as part of an authorized narcotic treatment program, for the purpose of providing the user with controlled substances, sufficient to keep him or her comfortable by maintaining customary use.

14. Section 11164 of the Health and Safety Code states, in pertinent part:¹

[N]o person shall prescribe a controlled substance, nor shall any person fill, compound, or dispense a prescription for a controlled substance, unless it complies with the requirements of this section.

(a) Each prescription for a controlled substance classified in Schedule II, III, IV, or V, except as authorized by subdivision (b), shall be made on a controlled substance prescription form as specified in Section 11162.1 and shall meet the following requirements:

(1) The prescription shall be signed and dated by the prescriber in ink and shall contain the prescriber's address and telephone number; the name of the ultimate user or research subject, or contact information as determined by the Secretary of

¹ Effective March 11, 2019, Health and Safety Code section 11164 was amended. The language stated in this Accusation was in effect at all times relevant to the charges brought herein.

the United States Department of Health and Human Services; refill information, such as the number of refills ordered and whether the prescription is a first-time request or a refill; and the name, quantity, strength, and directions for use of the controlled substance prescribed.

15. Section 11162.1 of the Health and Safety Code states, in pertinent part:²

(a) The prescription forms for controlled substances shall be printed with the following features:

...

(2) A watermark shall be printed on the backside of the prescription blank; the watermark shall consist of the words "California Security Prescription."

REGULATORY PROVISIONS

16. California Code of Regulations, title 16, section 1761, ("16 CCR 1761") states:

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

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

COST RECOVERY

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

CONTROLLED SUBSTANCES

18. Carisoprodol is a Schedule IV controlled substance as designated by Code of Federal Regulations, title 21, section 1308.14, subdivision (c)(6), a dangerous drug pursuant to Code section 4022, and is sold under the brand name Soma.

² Effective March 11, 2019, Health and Safety Code section 11162.1 was amended. The language stated in this Accusation was in effect at all times relevant to the charges brought herein.

19. Oxycodone is a Schedule II controlled substance as designated by Health and Safety Code section 11055, subdivision (b)(1)(M), and is sold under the brand name Roxicodone.

20. Promethazine/codeine is a Schedule V controlled substance as designated by Health and Safety Code section 11058, subdivision (c)(1), and is sold under the brand name Phenergan with Codeine Syrup.

Respondent Molino Pharmacy

FIRST CAUSE FOR DISCIPLINE

(Corresponding Responsibility for Legitimacy of Prescription)

21. Respondent Molino Pharmacy is subject to disciplinary action under Health and Safety Code section 11153 and 16 CCR 1761, by and through Code section 4301, subdivisions (j) and (o), in that Respondent Molino Pharmacy failed to fulfill its corresponding responsibility to ensure the proper prescribing and dispensing of controlled substances. The circumstances are as follows:

22. On or about July 31, 2018, during an investigation that reviewed dispensing data and records from January 23, 2017, to May 21, 2018, it was found that Respondent Molino Pharmacy dispensed controlled substance prescriptions, verified by Respondent Quach and Respondent Hon, with irregularities and red flags of abuse without ensuring the prescriptions were issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his or her professional practice. Respondent Molino Pharmacy dispensed controlled substances after ignoring, or not being aware of, objective factors that were irregular from medically legitimate prescriptions. The objective factors of illegitimacy, irregularity, and abuse included but were not limited to:

a. The invalid nature of prescription documents that did not have required features, were fraudulent, or not issued in the usual course of professional practice.

b. The prescribing profile of Dr. R.K., a general practitioner, had a small number of controlled substances accounting for a relatively large percentage of the total medications prescribed. Dr. R.K.'s prescribing profile consisted of nine (9) medications total. From January 23, 2017, to May 21, 2018, Dr. R.K. was the 25th top prescriber to prescribe any prescriptions,

1 and the number one (1) prescriber to prescribe oxycodone 30 mg tablets for Respondent Molino
2 Pharmacy. Additionally, 47 percent of Dr. R.K.'s prescriptions were written for oxycodone 30
3 mg tablets, and these prescriptions were approximately 55 percent of all oxycodone 30 mg
4 prescriptions dispensed by Respondent Molino Pharmacy.

5 c. Patients traveled excessive distances between the prescribing office and Respondent
6 Molina Pharmacy to obtain controlled substances. The address of the prescribing office printed
7 on the prescription documents was located approximately 45 miles from Respondent Molino
8 Pharmacy.

9 d. Unusually high doses of opioids for opioid naïve patients.

10 e. Seven (7) consecutive prescriptions were written under Dr. R.K.'s prescribing
11 authority and dispensed on the same day at Respondent Molino Pharmacy.

12 f. The prescribing of oxycodone with promethazine/codeine syrup was duplicative and
13 unusual as both controlled substances have an opioid, which would suppress a cough.

14 **SECOND CAUSE FOR DISCIPLINE**

15 (Requirements for Controlled Substance Prescriptions)

16 23. Respondent Molino Pharmacy is subject to disciplinary action under Health and
17 Safety Code section 11164, by and through Code section 4301, subdivisions (j) and (o), in that
18 Respondent Molino Pharmacy dispensed controlled substances using prescription forms that were
19 missing required features. The circumstances are as follows:

20 24. On or about January 23, 2017 and between May 21, 2018, Respondent Molino
21 Pharmacy dispensed controlled substance prescriptions for oxycodone 30 mg,
22 promethazine/codeine, and carisoprodol 350 mg pursuant to prescription forms written under the
23 prescribing authority of Dr. R.K that were missing a watermark printed on the back of the
24 prescription document stating "California Security Prescription." Respondent Quach and
25 Respondent Hon were involved in the verification of these prescriptions.

26 Respondent Quach

27 25. Respondent Quach has been the designated Pharmacist-In-Charge for Respondent
28 Molino Pharmacy under Code section 4113, subdivision (a), since from November 7, 2016, until

May 21, 2018. As pharmacist-in-charge for Respondent Molino Pharmacy, Respondent Quach was responsible for Respondent Molino Pharmacy's compliance with all state and federal laws and regulations pertaining to the practice of pharmacy under Code section 4113, subdivision (c).

THIRD CAUSE FOR DISCIPLINE

(Corresponding Responsibility for Legitimacy of Prescription)

26. Respondent Quach is subject to disciplinary action under Health and Safety Code section 11153 and 16 CCR 1761, by and through Code section 4301, subdivisions (j) and (o), in that Respondent Quach, as pharmacist and PIC, failed to fulfill his corresponding responsibility to ensure the proper prescribing and dispensing of controlled substances. The circumstances are set forth in paragraph 22 and its subparts, above.

FOURTH CAUSE FOR DISCIPLINE

(Requirements for Controlled Substance Prescriptions)

27. Respondent Quach is subject to disciplinary action under Health and Safety Code section 11164, by and through Code section 4301, subdivisions (j) and (o), in that Respondent Quach, as pharmacist and PIC, dispensed controlled substances using prescription forms that were missing required features. The circumstances are set forth in paragraph 24, above.

FIFTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

28. Respondent Quach is subject to disciplinary action under Code section 4301, subdivisions (j) and (o), in conjunction with Code section 4306.5, subdivisions (a) and (b), in that Respondent Quach, as pharmacist, PIC, and owner, inappropriately exercised his education, training, or experience as a pharmacist and failed to exercise or implement his best professional judgment or corresponding responsibility with regard to the dispensing or furnishing of controlled substances and dangerous drugs. The circumstances are set forth in paragraphs 22 and 24 and its subparts, above.

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Respondent Hon

SIXTH CAUSE FOR DISCIPLINE

(Corresponding Responsibility for Legitimacy of Prescription)

29. Respondent Hon is subject to disciplinary action under Health and Safety Code section 11153 and 16 CCR 1761, by and through Code section 4301, subdivisions (j) and (o), in that Respondent Hon failed to fulfill her corresponding responsibility to ensure the proper prescribing and dispensing of controlled substances. The circumstances are set forth in paragraph 22 and its subparts, above.

SEVENTH CAUSE FOR DISCIPLINE

(Requirements for Controlled Substance Prescriptions)

30. Respondent Hon is subject to disciplinary action under Health and Safety Code section 11164, by and through Code section 4301, subdivisions (j) and (o), in that Respondent Hon dispensed controlled substances using prescription forms that were missing required features. The circumstances are set forth in paragraph 24, above.

EIGHTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

31. Respondent Hon is subject to disciplinary action under Code section 4301, subdivisions (j) and (o), in conjunction with Code section 4306.5, subdivisions (a) and (b), in that Respondent Hon, as pharmacist and owner, inappropriately exercised her education, training, or experience as a pharmacist and failed to exercise or implement her best professional judgment or corresponding responsibility with regard to the dispensing or furnishing of controlled substances and dangerous drugs. The circumstances are set forth in paragraphs 22 and 24 and its subparts, above.

OTHER MATTERS

32. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number PHY 54954 issued to Molino Pharmacy, Molino Pharmacy shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for

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1 five years if Pharmacy Permit Number PHY 54954 is placed on probation or until Pharmacy
2 Permit Number PHY 54954 is reinstated if it is revoked.

3 33. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
4 PHY 54954 issued to Molino Pharmacy, while Andrew Meng-Hong Quach and/or Barbara Hon
5 have been an officer and owner and had knowledge of or knowingly participated in any conduct
6 for which the licensee was disciplined, Andrew Meng-Hong Quach and/or Barbara Hon shall be
7 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,
8 or partner of a licensee for five years if Pharmacy Permit Number PHY 54954 is placed on
9 probation or until Pharmacy Permit Number PHY 54954 is reinstated if it is revoked.

10 **PRAYER**

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

13 1. Revoking or suspending Pharmacy Permit Number PHY 54954, issued to Molino
14 Pharmacy;

15 2. Revoking or suspending Pharmacist License Number RPH 49741, issued to Andrew
16 Meng-Hong Quach;

17 3. Revoking or suspending Pharmacist License Number RPH 50020, issued to Barbara
18 Hon;

19 4. Prohibiting Molino Pharmacy from serving as a manager, administrator, owner,
20 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit
21 Number PHY 54954 is placed on probation or until Pharmacy Permit Number PHY 54954 is
22 reinstated if Pharmacy Permit Number 54954 issued to Molino Pharmacy is revoked;

23 5. Prohibiting Andrew Meng-Hong Quach from serving as a manager, administrator,
24 owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy
25 Permit Number PHY 54954 is placed on probation or until Pharmacy Permit Number PHY 54954
26 is reinstated if Pharmacy Permit Number 54954 issued to Molino Pharmacy is revoked;

27 6. Prohibiting Barbara Hon from serving as a manager, administrator, owner, member,
28 officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number

PHY 54954 is placed on probation or until Pharmacy Permit Number PHY 54954 is reinstated if Pharmacy Permit Number 54954 issued to Molino Pharmacy is revoked;

7. Ordering Molino Pharmacy, Andrew Meng-Hong Quach, and Barbara Hon 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,

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

DATED: January 21, 2020



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

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