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

In the Matter of the Accusation Against: **BRUCE AND LEE INC., dba BRUCE PHARMACY; LY KUONG LIM, OWNER** 73 W. March Lane, Suite D Stockton, CA 95207 **Pharmacy Permit No. PHY 55523,** **BUNNAUN BRUCE UCH, dba ANGKOR PHARMACY** 4555 N. Pershing Avenue, Suite 7 Stockton, CA 95207 **Pharmacy Permit No. PHY 53262,** **BUNNAUN BRUCE UCH** 5361 Pasadena Drive Stockton, CA 95219 **Pharmacist License No. RPH 48460,** **BRUCE ENTERPRISE LLC, dba DOWNTOWN STOCKTON PHARMACY; TOUCH LIM UCH, Manager, Member, and Pharmacist-In-Charge** 123 S. Commerce St., Ste. A Stockton, CA 95202 **Pharmacy Permit No. PHY 56892,**	Case No. 6698 **DEFAULT DECISION AND ORDER** **[BRUCE AND LEE INC., DBA BRUCE PHARMACY ONLY]** [Gov. Code, §11520]

TOUCH LIM UCH
10619 Wishon Dr.
Stockton, CA 95219

Pharmacist License No. RPH 49009,

Respondents.

FINDINGS OF FACT

1. On or about November 15, 2019, Complainant Anne Sodergren, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 6698 against Bruce and Lee Inc., dba Bruce Pharmacy before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about March 10, 2017, the Board issued Pharmacy Permit Number PHY 55523 to Bruce and Lee Inc., dba Bruce Pharmacy, located at 73 West March Lane, Suite D, in the city of Stockton (Respondent Bruce Pharmacy), with Respondent Bruce Uch as Pharmacist-in-Charge (PIC) from March 10, 2017 to August 28, 2017. David Colahan Norris was PIC from October 28, 2017 to November 14, 2018. The Pharmacy Permit expired on November 14, 2018, and has not been renewed.

3. On or about November 21, 2019, Respondent was served by Certified and First Class Mail copies of the Accusation No. 6698, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code section 4100, is required to be reported and maintained with the Board. Respondent's address of record was and is:

73 W. March Lane, Suite D

Stockton, CA 95207.

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

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

> (c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense . . . and the notice shall be deemed a specific denial of all parts of the accusation . . . not expressly admitted. Failure to file a notice of defense

> . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

6. The Board takes official notice of its records and the fact that Respondent failed to file a Notice of Defense within 15 days after service upon them of the Accusation, and therefore waived their right to a hearing on the merits of Accusation No. 6698.

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

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

8. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter, as well as taking official notice of all the investigatory reports, exhibits and statements contained therein on file at the Board's offices regarding the allegations contained in Accusation No. 6698, finds that the charges and allegations in Accusation No. 6698, are separately and severally, found to be true and correct by clear and convincing evidence.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Bruce and Lee Inc., dba Bruce Pharmacy, has subjected its Pharmacy Permit No. PHY 55523 to discipline.

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

3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Permit based upon the following violations alleged in the Accusation, which are supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this case:

a. Business and Professions Code sections 4113 and 4301, subd. (j); California Code of Regulations, title 16, section 1717, subd. (c) – [Ninth Cause for Discipline for Unprofessional Conduct];

b. Business and Professions Code sections 4113 and 4301, subd. (j); California Code of Regulations, title 16, section 1714, subd. (b) – [Tenth Cause for Discipline for Operational Standards];

c. Business and Professions Code sections 4113 and 4301, subd. (j); Code of Federal Regulations, title 21, sections 1303.05, 1311.10, 1311.25 and 1311.45 – [Eleventh Cause for Discipline for Unauthorized Ordering of Schedule II Controlled Substances];

d. Business and Professions Code sections 4113, 4115, subds. (a) and (f)(1), and 4301, subd. (j) – [Twelfth Cause for Discipline for Pharmacist-Technician Ratios]; and

e. Business and Professions Code sections 4113 and 4301, subd. (j); California Code of Regulations, title 16, section 1718 as defined by CFR section 1304.11, subds. (a) and (c) – [Thirteenth Cause for Discipline for Biennial Inventory].

ORDER

IT IS SO ORDERED that Pharmacy Permit No. PHY 55523, issued to Respondent Bruce and Lee Inc., dba Bruce Pharmacy, is revoked.

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

This Decision shall become effective at 5:00 p.m. on July 14, 2021.

It is so ORDERED on June 14, 2021.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

Seung W. Oh, Pharm.D.
Board President

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

XAVIER BECERRA
Attorney General of California
KENT D. HARRIS
Supervising Deputy Attorney General
JOSHUA B. EISENBERG
Deputy Attorney General
State Bar No. 279323
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 210-6115
Facsimile: (916) 327-8643
Attorneys for Complainant

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

In the Matter of the Amended Accusation Against**:** **BRUCE AND LEE INC., dba BRUCE PHARMACY; LY KUONG LIM, OWNER** 73 W. March Lane, Suite D Stockton, CA 95207 **Pharmacy Permit No. PHY 55523,** **BUNNAUN BRUCE UCH, dba ANGKOR PHARMACY** 4555 N. Pershing Avenue, Suite 7 Stockton, CA 95207 **Pharmacy Permit No. PHY 53262,** **BUNNAUN BRUCE UCH** 5361 Pasadena Drive Stockton, CA 95219 **Pharmacist License No. RPH 48460,** **BRUCE ENTERPRISE LLC, dba DOWNTOWN STOCKTON PHARMACY; TOUCH LIM UCH, Manager, Member, and Pharmacist-In-Charge** 123 S. Commerce St., Ste. A Stockton, CA 95202 **Pharmacy Permit No. PHY 56892,**	Case No. 6698 **AMENDED ACCUSATION**

TOUCH LIM UCH
10619 Wishon Dr.
Stockton, CA 95219

Pharmacist License No. RPH 49009,

Respondents.

PARTIES

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

Bunnaun Bruce Uch (RPH 48460) – Respondent Bruce Uch

2. On or about March 5, 1996, the Board issued Pharmacist License Number RPH 48460 to Bunnaun Bruce Uch (Respondent Bruce Uch). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2021, unless renewed.

Touch Lim Uch (RPH 49009) – Respondent Touch Uch

3. On or about August 21, 1996, the Board issued Pharmacist License Number RPH 49009 to Touch Lim Uch (Respondent Touch Uch). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2022, unless renewed.

Bruce and Lee, Inc., dba Bruce Pharmacy (PHY 55523) – Respondent Bruce Pharmacy

4. On or about March 10, 2017, the Board issued Pharmacy Permit Number PHY 55523 to Bruce and Lee Inc., dba Bruce Pharmacy, located at 73 West March Lane, Suite D, in the city of Stockton (Respondent Bruce Pharmacy), with Respondent Bruce Uch as Pharmacist-in-Charge (PIC) from March 10, 2017 to August 28, 2017. David Colahan Norris was PIC from October 28, 2017 to November 14, 2018. The Pharmacy Permit expired on November 14, 2018, and has not been renewed.

5. From March 10, 2017 through August 14, 2017, Respondent Bruce Pharmacy was owned 50% by Respondent Bruce Uch and 50% by Ly Kuong Lim. During this time,

Respondent Bruce Uch was the President of Respondent Bruce Pharmacy, and Ly Kuong Lim was Secretary of Respondent Bruce Pharmacy. From September 14, 2017 through November 14, 2018, Respondent Bruce Pharmacy was owned 100% by Ly Kuong Lim.

Angkor Pharmacy (PHY 53262) – Respondent Angkor Pharmacy

6. On or about March 26, 2015, the Board issued Pharmacy Permit Number PHY 53262 to Respondent Bruce Uch dba Angkor Pharmacy, located at 4555 North Pershing Avenue, Suite 7, in the city of Stockton (Respondent Angkor Pharmacy). Respondent Bruce Uch has been the Individual Licensed Owner and PIC since March 26, 2015. The Pharmacy Permit was in full force and effect at all times relevant to the charges brought herein, and will expire on March 1, 2021, unless renewed.

Bruce Enterprise LLC, dba Downtown Stockton Pharmacy (PHY 56892) – Respondent DSP

7. On or about January 23, 2019, the Board issued Pharmacy Permit Number PHY 56892 to Bruce Enterprise LLC, dba Downtown Stockton Pharmacy, located at 123 S. Commerce St., Ste. A, in the city of Stockton (Respondent DSP), with Respondent Touch Lim Uch (Respondent Touch Uch) as PIC. Respondent Touch Uch has been a Member and Manager of Respondent DSP since January 23, 2019. The Pharmacy Permit will expire on January 1, 2021, unless renewed.

JURISDICTION

8. Complainant brings this Accusation before the Board under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

9. Section 4011 of the Code provides that the Board shall administer and enforce both the Pharmacy Law (Business and Professions Code sections 4400, et seq.) and the Uniform Controlled Substances Act (Health and Safety Code sections 11000, et seq.).

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

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

(b) The board shall discipline the holder of any license issued by the board,

whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:

(1) Suspending judgment.

(2) Placing him or her upon probation.

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

(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.

. . .

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

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

11. 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.

STATUTORY PROVISIONS

12. Section 4036.5 of the Code states: "'Pharmacist-in-charge' means a pharmacist proposed by a pharmacy and approved by the board as the supervisor or manager responsible for ensuring the pharmacy's compliance with all state and federal laws and regulations pertaining to the practice of pharmacy."

13. Section 4040 of the Code states:

(a) "Prescription" means an oral, written, or electronic transmission order that is both of the following:

(1) Given individually for the person or persons for whom ordered that includes all of the following:

(A) The name or names and address of the patient or patients.

(B) The name and quantity of the drug or device prescribed and the directions for use.

(C) The date of issue.

(D) Either rubber stamped, typed, or printed by hand or typeset, the name, address, and telephone number of the prescriber, his or her license classification, and his or her federal registry number, if a controlled substance is prescribed.

(E) A legible, clear notice of the condition or purpose for which the drug is being prescribed, if requested by the patient or patients.

(F) If in writing, signed by the prescriber issuing the order, or the certified nurse-midwife, nurse practitioner, physician assistant, or naturopathic doctor who issues a drug order pursuant to Section 2746.51, 2836.1, 3502.1, or 3640.5, respectively, or the pharmacist who issues a drug order pursuant to Section 4052.1, 4052.2, or 4052.6.

(2) Issued by a physician, dentist, optometrist, podiatrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7 or, if a drug order is issued pursuant to Section 2746.51, 2836.1, 3502.1, or 3460.5, by a certified nurse-midwife, nurse practitioner, physician assistant, or naturopathic doctor licensed in this state, or pursuant to Section 4052.1, 4052.2, or 4052.6 by a pharmacist licensed in this state.

(b) Notwithstanding subdivision (a), a written order of the prescriber for a dangerous drug, except for any Schedule II controlled substance, that contains at least the name and signature of the prescriber, the name and address of the patient in a manner consistent with paragraph (2) of subdivision (a) of Section 11164 of the Health and Safety Code, the name and quantity of the drug prescribed, directions for use, and the date of issue may be treated as a prescription by the dispensing pharmacist as long as any additional information required by subdivision (a) is readily retrievable in the pharmacy. In the event of a conflict between this subdivision and Section 11164 of the Health and Safety Code, Section 11164 of the Health and Safety Code shall prevail.

(c) “Electronic transmission prescription” includes both image and data prescriptions. “Electronic image transmission prescription” means any prescription order for which a facsimile of the order is received by a pharmacy from a licensed prescriber. “Electronic data transmission prescription” means any prescription order, other than an electronic image transmission prescription, that is electronically transmitted from a licensed prescriber to a pharmacy.

(d) The use of commonly used abbreviations shall not invalidate an otherwise valid prescription.

(e) Nothing in the amendments made to this section (formerly Section 4036) at the 1969 Regular Session of the Legislature shall be construed as expanding or limiting the right that a chiropractor, while acting within the scope of his or her license, may have to prescribe a device.

14. Section 4076 of the Code states:

(a) A pharmacist shall not dispense any prescription except in a container that meets the requirements of state and federal law and is correctly labeled with all of the following:

(1) Except where the prescriber or the certified nurse-midwife who functions pursuant to a standardized procedure or protocol described in Section 2746.51, the nurse practitioner who functions pursuant to a standardized procedure described in Section 2836.1, or protocol, or the physician assistant who functions pursuant to Section 3502.1, the naturopathic doctor who functions pursuant to a standardized procedure or protocol described in Section 3640.5, or the pharmacist who functions pursuant to a policy, procedure, or protocol pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052 orders otherwise, either the manufacturer's trade name of the drug or the generic name and the name of the manufacturer. Commonly used abbreviations may be used. Preparations containing two or more active ingredients may be identified by the manufacturer's trade name or the commonly used name or the principal active ingredients.

(2) The directions for the use of the drug.

(3) The name of the patient or patients.

(4) The name of the prescriber or, if applicable, the name of certified nurse-midwife who functions pursuant to a standardized procedure or protocol described in Section 2746.51, the nurse practitioner who functions pursuant to a standardized procedure described in Section 2836.1, or protocol, the physician assistant who functions pursuant to Section 3502.1., the naturopathic doctor who functions pursuant to a standardized procedure or protocol described in Section 3640.5, or the pharmacist who functions pursuant to a policy, procedure, or protocol pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052.

(5) The date of issue.

(6) The name and address of the pharmacy, and prescription number or other means of identifying the prescription.

(7) The strength of the drug or drugs dispensed.

(8) The quantity of the drug or drugs dispensed.

(9) The expiration date of the effectiveness of the drug dispensed.

(10) The condition for which the drug was prescribed if requested by the patient and the condition is indicated on the prescription.

(11)(A) Commencing January 1, 2006, the physical description of the dispensed medication, including its color, shape, and any identification code that appears on the tablets or capsules, except as follows:

(i) Prescriptions dispensed by a veterinarian.

(ii) An exemption from the requirements of this paragraph shall be granted to a new drug for the first 120 days that the drug is on the market and for the 90 days during which the national reference file has no description on file.

(iii) Dispensed medications for which no physical description exists in any commercially available database.

(B) This paragraph applies to outpatient pharmacies only.

(C) The information required by this paragraph may be printed on an auxiliary label that is affixed to the prescription container.

(D) This paragraph shall not become operative if the board, prior to January 1, 2006, adopts regulations that mandate the same labeling requirements set forth in this paragraph.

(b) If a pharmacist dispenses a prescribed drug by means of a unit dose medication system, as defined by administrative regulation, for a patient in a skilled nursing, intermediate care, or other health care facility, the requirements of this section will be satisfied if the unit dose medication system contains the aforementioned information or the information is otherwise readily available at the time of drug administration.

(c) If a pharmacist dispenses a dangerous drug or device in a facility licensed pursuant to Section 1250 of the Health and Safety Code, it is not necessary to include on individual unit dose containers for a specific patient, the name of the certified nurse-midwife who functions pursuant to a standardized procedure or protocol described in Section 2746.51, the nurse practitioner who functions pursuant to a standardized procedure described in Section 2836.1, the physician assistant who functions pursuant to Section 3502.1, the naturopathic doctor who functions pursuant to a standardized procedure or protocol described in Section 3640.5, or the pharmacist who functions pursuant to a policy, procedure, or protocol pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052,

(d) If a pharmacist dispenses a prescription drug for use in a facility licensed pursuant to Section 1250 of the Health and Safety Code, it is not necessary to include the information required in paragraph (11) of subdivision (a) when the prescription drug is administered to a patient by a person licensed under the Medical Practice Act (Chapter 5 (commencing with Section 2000), the Nursing Practice Act (Chapter 6 (commencing with Section 2700), or the Vocational Nursing Act (Chapter 6.5 (commencing with Section 2840), who is acting within his or her scope of practice.

15. Section 4081 of the Code states:

(a) All records of manufacture and of sale, acquisition, or disposition of dangerous drugs or dangerous devices shall be at all times during business hours open to inspection by authorized officers of the law, and shall be preserved for at least three years from the date of making. A current inventory shall be kept by every manufacturer, wholesaler, pharmacy, veterinary food-animal drug retailer, physician, dentist, podiatrist, veterinarian, laboratory, clinic, hospital, institution, or establishment holding a currently valid and unrevoked certificate, license, permit, registration, or exemption under Division 2 (commencing with Section 1200) of the Health and Safety Code or under Part 4 (commencing with Section 16000) of

Division 9 of the Welfare and Institutions Code who maintains a stock of dangerous drugs or dangerous devices.

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

(c) The pharmacist-in-charge or representative-in-charge shall not be criminally responsible for acts of the owner, officer, partner, or employee that violate this section and of which the pharmacist-in-charge or representative-in-charge had no knowledge, or in which he or she did not knowingly participate.

16. Section 4081 of the Code states:

(a) All records or other documentation of the acquisition and disposition of dangerous drugs and dangerous devices by any entity licensed by the board shall be retained on the licensed premises in a readily retrievable form.

(b) The licensee may remove the original records or documentation from the licensed premises on a temporary basis for license-related purposes. However, a duplicate set of those records or other documentation shall be retained on the licensed premises.

(c) The records required by this section shall be retained on the licensed premises for a period of three years from the date of making.

17. Section 4113 of the Code states 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 . . ."

18. Section 4115 of the Code states in pertinent part:

(a) A pharmacy technician may perform packaging, manipulative, repetitive, or other nondiscretionary tasks only while assisting, and while under the direct supervision and control of, a pharmacist. The pharmacist shall be responsible for the duties performed under his or her supervision by a technician.

…

(e) A person shall not act as a pharmacy technician without first being licensed by the board as a pharmacy technician.

(f)(1) A pharmacy with only one pharmacist shall have no more than one pharmacy technician performing the tasks specified in subdivision (a). The ratio of pharmacy technicians performing the tasks specified in subdivision (a) to any additional pharmacist shall not exceed 2:1, except that this ratio shall not apply to personnel performing clerical functions pursuant to Section 4116 or 4117. This ratio is applicable to all practice settings, except for an inpatient of a licensed health facility, a patient of a licensed home health agency, as specified in paragraph (2), an inmate of a correctional facility of the Department of Corrections and Rehabilitation, and for a person receiving treatment in a facility operated by the State Department of

State Hospitals, the State Department of Developmental Services, or the Department of Veterans Affairs.

19. Section 4126.5 of the Code states in pertinent part, "(a) a pharmacy may furnish dangerous drugs only to the following: (4) Another pharmacy or wholesaler to alleviate a temporary shortage of a dangerous drug that could result in the denial of health care. A pharmacy furnishing dangerous drugs pursuant to this paragraph may only furnish a quantity sufficient to alleviate the temporary shortage.

20. Section 4301 of the Code provides, 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:
>
> (a) Procurement of a license by fraud or misrepresentation.
>
> …
>
> (f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.
>
> (g) Knowingly making or signing any certificate or other document that falsely represents the existence or nonexistence of a state of facts.
>
> …
>
> (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.
>
> …
>
> (q) Engaging in any conduct that subverts or attempts to subvert an investigation of the board.
>
> …

21. Code section 4306.5 states:

> 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.

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

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

22. Code section 4307(a) states:

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

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

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

23. Health and Safety Code section 111260 states:

Any drug or device is adulterated if the methods, facilities, or controls used for its manufacture, processing, packing, or holding do not conform to, or are not operated or administered in conformity with current good manufacturing practice to assure that the drug or device meets the requirements of this part as to safety and has the identity and strength, and meets the quality and purity characteristics that it purports or is represented to possess.

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

25. Health and Safety Code section 111330 states that "any drug or device is misbranded if its labeling is false or misleading in any particular."

26. Health and Safety Code section 111440 states that "it is unlawful for any person to manufacture, sell, deliver, hold, or offer for sale any drug or device that is misbranded."

CALIFORNIA REGULATORY PROVISIONS

27. California Code of Regulations ("CCR"), title 16, section 1707.1, subdivision (a) states: "A pharmacy shall maintain medication profiles on all patients who have prescriptions filled in that pharmacy except when the pharmacist has reasonable belief that the patient will not continue to obtain prescription medications from that pharmacy."

28. CCR, title 16, section 1707.2, subdivision (b)(2) states: "When the patient or agent is not present (including but not limited to a prescription drug that was shipped by mail) a pharmacy shall ensure that the patient receives written notice: (A) of his or her right to request a consultation; and (B) a telephone number from which the patient may obtain oral consultation from a pharmacist who has ready access to the patient's record."

29. CCR, title 16, section 1714 states:

> (a) All pharmacies (except hospital inpatient pharmacies as defined by Business and Professions Code section 4029 which solely or predominantly furnish drugs to inpatients of the hospital) shall contain an area which is suitable for confidential patient counseling.
>
> (b) 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. The pharmacy shall be of sufficient size and unobstructed area to accommodate the safe practice of pharmacy.
>
> (c) The pharmacy and fixtures and equipment shall be maintained in a clean and orderly condition. The pharmacy shall be dry, well-ventilated, free from rodents and insects, and properly lighted. The pharmacy shall be equipped with a sink with hot and cold running water for pharmaceutical purposes.
>
> (d) Each pharmacist while on duty shall be responsible for the security of the prescription department, including provisions for effective control against theft or diversion of dangerous drugs and devices, and records for such drugs and devices. Possession of a key to the pharmacy where dangerous drugs and controlled substances are stored shall be restricted to a pharmacist.
>
> (e) The pharmacy owner, the building owner or manager, or a family member of a pharmacist owner (but not more than one of the aforementioned) may possess a key to the pharmacy that is maintained in a tamper evident container for the purpose of 1) delivering the key to a pharmacist or 2) providing access in case of emergency. An emergency would include fire, flood or earthquake. The signature of the pharmacist-in-charge shall be present in such a way that the pharmacist may readily determine whether the key has been removed from the container.
>
> (f) The board shall require an applicant for a licensed premise or for renewal of that license to certify that it meets the requirements of this section at the time of licensure or renewal.

(g) A pharmacy shall maintain a readily accessible restroom. The restroom shall contain a toilet and washbasin supplied with running water.

30. CCR, title 16, section 1717 states:

(a) No medication shall be dispensed on prescription except in a new container which conforms with standards established in the official compendia.

Notwithstanding the above, a pharmacist may dispense and refill a prescription for non-liquid oral products in a clean multiple-drug patient medication package (patient med pak), provided:

(1) a patient med pak is reused only for the same patient;

(2) no more than a one-month supply is dispensed at one time; and

(3) each patient med pak bears an auxiliary label which reads, store in a cool, dry place.

(b) In addition to the requirements of Section 4040, Business and Professions Code, the following information shall be maintained for each prescription on file and shall be readily retrievable:

(1) The date dispensed, and the name or initials of the dispensing pharmacist. All prescriptions filled or refilled by an intern pharmacist must also be initialed by the supervising pharmacist before they are dispensed.

(2) The brand name of the drug or device; or if a generic drug or device is dispensed, the distributor's name which appears on the commercial package label; and

(3) If a prescription for a drug or device is refilled, a record of each refill, quantity dispensed, if different, and the initials or name of the dispensing pharmacist.

(4) A new prescription must be created if there is a change in the drug, strength, prescriber or directions for use, unless a complete record of all such changes is otherwise maintained.

(c) Promptly upon receipt of an orally transmitted prescription, the pharmacist shall reduce it to writing, and initial it, and identify it as an orally transmitted prescription. If the prescription is then dispensed by another pharmacist, the dispensing pharmacist shall also initial the prescription to identify him or herself.

All orally transmitted prescriptions shall be received and transcribed by a pharmacist prior to compounding, filling, dispensing, or furnishing.

Chart orders as defined in Section 4019 of the Business and Professions Code are not subject to the provisions of this subsection.

(d) A pharmacist may furnish a drug or device pursuant to a written or oral order from a prescriber licensed in a State other than California in accordance with Business and Professions Code Section 4005.

(e) A pharmacist may transfer a prescription for Schedule III, IV, or V controlled substances to another pharmacy for refill purposes in accordance with Title 21, Code of Federal Regulations, section 1306.26.

Prescriptions for other dangerous drugs which are not controlled substances may also be transferred by direct communication between pharmacists or by the receiving pharmacist's access to prescriptions or electronic files that have been created or verified by a pharmacist at the transferring pharmacy. The receiving pharmacist shall create a written prescription; identifying it as a transferred prescription; and record the date of transfer and the original prescription number. When a prescription transfer is accomplished via direct access by the receiving pharmacist, the receiving pharmacist shall notify the transferring pharmacy of the transfer. A pharmacist at the transferring pharmacy shall then assure that there is a record of the prescription as having been transferred, and the date of transfer. Each pharmacy shall maintain inventory accountability and pharmacist accountability and dispense in accordance with the provisions of section 1716 of this Division. Information maintained by each pharmacy shall at least include:

(1) Identification of pharmacist(s) transferring information;

(2) Name and identification code or address of the pharmacy from which the prescription was received or to which the prescription was transferred, as appropriate;

(3) Original date and last dispensing date;

(4) Number of refills and date originally authorized;

(5) Number of refills remaining but not dispensed;

(6) Number of refills transferred.

(f) The pharmacy must have written procedures that identify each individual pharmacist responsible for the filling of a prescription and a corresponding entry of information into an automated data processing system, or a manual record system, and the pharmacist shall create in his/her handwriting or through hand-initializing a record of such filling, not later than the beginning of the pharmacy's next operating day. Such record shall be maintained for at least three years.

31. CCR, title 16, section 1718 states:

"Current Inventory" as used in Sections 4081 and 4332 of the Business and Professions Code shall be considered to include complete accountability for all dangerous drugs handled by every licensee enumerated in Sections 4081 and 4332.

The controlled substances inventories required by Title 21, CFR, Section 1304 shall be available for inspection upon request for at least 3 years after the date of the inventory.

32. CCR, title 16, section 1793.2 states:

"Nondiscretionary tasks" as used in Business and Professions Code section 4115, include:

(a) removing the drug or drugst from stock;

(b) counting, pouring, or mixing pharmaceuticals;

(c) placing the product into a container;

(d) affixing the label or labels to the container;

(e) packaging and repackaging.

FEDERAL REGULATORY PROVISIONS

33. Code of Federal Regulations ("CFR"), title 21, section 1301.52, subdivision (d) states in pertinent part:

…

(d) Any registrant desiring to discontinue business activities altogether or with respect to controlled substance (by transferring such business activities to another person) shall submit in person or by registered or certified mail, return receipt requested, to the Special Agent in Charge in his/her area, at least 14 days in advance of the date of the proposed transfer (unless the Special Agent in Charge waives this time limitation in individual instances), the following information:

(1) The name, address, registration number, and authorized business activity of the registrant discontinuing the business (registrant-transferor);

(2) The name, address, registration number, and authorized business activity of the person acquiring the business (registrant-transferee);

(3) Whether the business activities will be continued at the location registered by the person discontinuing business, or moved to another location (if the latter, the address of the new location should be listed);

(4) Whether the registrant-transferor has a quota to manufacture or procure any controlled substance listed in Schedule I or II (if so, the basic class or class of the substance should be indicated); and

(5) The date on which the transfer of controlled substances will occur.

…

34. CFR, title 21, section 1304.11 states in pertinent part:

(a) General requirements. Each inventory shall contain a complete and accurate record of all controlled substances on hand on the date the inventory is taken, and shall be maintained in written, typewritten, or printed form at the registered location. An inventory taken by use of an oral recording device must be promptly transcribed. Controlled substances shall be deemed to be "on hand" if they are in the possession of or under the control of the registrant, including substances returned by a customer, ordered by a customer but not yet invoiced, stored in a warehouse on behalf of the registrant, and substances in the possession of employees of the registrant and intended for distribution as complimentary samples. A separate inventory shall be

made for each registered location and each independent activity registered, except as provided in paragraph (e)(4) of this section. In the event controlled substances in the possession or under the control of the registrant are stored at a location for which he/she is not registered, the substances shall be included in the inventory of the registered location to which they are subject to control or to which the person possessing the substance is responsible. The inventory may be taken either as of opening of business or as of the close of business on the inventory date and it shall be indicated on the inventory.

…

(c) Biennial inventory date. After the initial inventory is taken, the registrant shall take a new inventory of all stocks of controlled substances on hand at least every two years. The biennial inventory may be taken on any date which is within two years of the previous biennial inventory date.

…

35. CFR, title 21, section 1305.05 states:

(a) A registrant may authorize one or more individuals, whether or not located at his or her registered location, to issue orders for Schedule I and II controlled substances on the registrant's behalf by executing a power of attorney for each such individual, if the power of attorney is retained in the files, with executed Forms 222 where applicable, for the same period as any order bearing the signature of the attorney. The power of attorney must be available for inspection together with other order records.

(b) A registrant may revoke any power of attorney at any time by executing a notice of revocation.

(c) The power of attorney and notice of revocation must be similar to the following format:

CONTROLLED SUBSTANCES & DANGEROUS DRUGS

36. Section 4021 of the Code provides that a "controlled substance" means any substance listed in Schedules I through V contained in Health and Safety Code section 11053 *et seq.*

37. Section 4022 of the Code states:

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

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

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

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

38. This Accusation contains references to the following controlled substances and dangerous drugs:

a. *Abilify* is the brand name for the drug aripiprazole, and is a dangerous drug under Code section 4022.

b. *Ativan* is the brand name for the drug lorazepam, a Schedule IV controlled substance under Health and Safety Code section 11057, subdivision (d)(16), and is a dangerous drug under Code section 4022.

c. *Azithromycin* is a dangerous drug under Code section 4022.

d. *Banzel* is the brand name for the drug rufinamide, and is a dangerous drug under Code section 4022.

e. *Cefuroxime* is a dangerous drug under Code section 4022.

f. *Cipro* is the brand name for the drug ciprofloxacin, and is a dangerous drug under Code section 4022.

g. *Clozapine* is a dangerous drug under Code section 4022.

h. *Colchicine* is a dangerous drug under Code section 4022.

i. *Diltiazem* is a dangerous drug under Code section 4022.

j. *Doxycycline* is a dangerous drug under Code section 4022.

k. *Firoinal* is the brand name for the drug butalbital/aspirin/caffeine, a Schedule III controlled substance under Health and Safety Code section 11056, subdivision (c)(3), and a dangerous drug under Code section 4022.

l. *Gabapentin* is a dangerous drug under Code section 4022.

m. *Levothyroxine* is a dangerous drug under Code section 4022.

n. Linzess is the brand name for the drug lineclotide, and is a dangerous drug under Code section 4022.

o. *Norco* is the brand name for the drug hydrocodone with acetaminophen, a Schedule II controlled substance under Health and Safety Code section 11055, subdivision (b)(1)(l), and a dangerous drug under Code section 4022.

p. *Promethazine Plain* is a dangerous drug under Code section 4022.

q. *Seroquel* is the brand name for the drug quetiapine, and is a dangerous drug under Code section 4022.

r. *Singulair* is the brand name for the drug montelukast, and is a dangerous drug under Code section 4022.

s. *Symbicort* is a dangerous drug under Code section 4022.

t. *Triavil* is the brand name for the drug amitriptyline/perphenazine, and is a dangerous drug under Code section 4022.

u. *Tylenol with Codeine* is the brand name for acetaminophen with codeine, a Schedule III controlled substance under Health and Safety Code section 11056, subdivision (e), and a dangerous drug under Code section 4022.

v. *Ultram* is the brand name for the drug tramadol, a Schedule IV controlled substance under 21 CFR 1308.14, subdivision (b)(3), and is a dangerous drug under Code section 4022.

w. *Xiidra* is the brand name for the drug liftigrast, and is a dangerous drug under Code section 4022.

x. *Vimpat* is the brand name for the drug lacosamide, a Schedule V controlled substance under 21 CFR 1308.15, subdivision (e)(1) and a dangerous drug under Code section 4022.

COST RECOVERY

39. Section 125.3 of the Code states, in pertinent part, that the Board may request the administrative law judge to direct a licentiate 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.

FACTUAL ALLEGATIONS

February 21, 2018 Inspection of Respondent Bruce Pharmacy

40. On February 21, 2018, Board Inspectors P.P. and D.P. inspected Respondent Bruce Pharmacy, located at 73 West March Lane, Suite D, in the city of Stockton.

Pharmacist / Technician Ratios

41. PIC Norris and three Pharmacy Technicians were present during the inspection. During this time, the Inspectors observed two Pharmacy Technicians perform packaging, filling of prescription bottles, and labeling at the same time under the supervision of one pharmacist – Respondent Norris.

Return of Previously Sold Medication to Stock for Resale Without Reversing Charges

42. The Inspectors found five bottles of prescription medication that had been returned to stock, but, as of the date of inspection, the charges to the insurance companies paying for the medication had not been reversed, including:

a. RX1386394 for doxycycline 100mg[1] dated December 4, 2017;

b. RX 1393267 for Tylenol with Codeine 30/300mg[2] dated January 30, 2018;

c. RX1394251 for Montelukast chew 5mg dated February 6, 2018;

d. RX1391396 for a Multivitamin/Fluoride .25mg dated February 15, 2018; and

e. RX1393866 for Cefuroxime 500mg dated February 2, 2018.

43. Additionally, the Inspectors found the labels for at least 29 prescription bottles that had been returned to stock, and where the charges to the insurance companies paying for the medication had not been reversed.

Controlled Substance Purchases and CSOS

44. During the inspection, PIC Norris stated he could not locate a Power-of-Attorney, and could not remember ever obtaining a controlled substances ordering system (CSOS) certificate.

[1] "mg" is an abbreviation for milligrams.

[2] "30/300mg" indicates this drug is formulated with 30mg of codeine and 300mg of acetaminophen.

Instead, PIC Norris stated that Respondent Bruce Uch allowed PIC Norris to use Respondent Uch's CSOS password for ordering controlled substances.

Failure to Notify DEA of Registration Change

45. During the inspection, the Inspectors verified that Respondent Bruce Uch was still the registrant of record with the United States Drug Enforcement Administration, despite the fact he had apparently transferred his entire ownership interest in Respondent Bruce Pharmacy to Ly Kuong Lim on or about September 14, 2017.

Incomplete Biennial Report

46. PIC Norris provided the Inspectors an inventory purportedly conducted on June 30, 2017. However, the report did not list any hydrocodone products, despite the fact that the Inspectors observed hydrocodone bottles on the shelf. Additionally, a CURES report for Respondent Bruce Pharmacy from March 10, 2017 to February 20, 2018 confirmed that Respondent Bruce Pharmacy dispensed 84 prescriptions for Hydrocodone/apap 10/325mg,[3] 24 prescriptions for Hydrocodone/apap 5/325mg, and 8 prescriptions for Hydrocodone/apap 7.5/325mg.

Pharmacy Keys

47. During the inspection, PIC Norris informed the Inspectors that PIC Norris and Ly Kuong Lim each had a key and security code to the pharmacy.

February 21, 2018 Inspection of Respondent Angkor Pharmacy

48. On February 21, 2018, Inspector P.P. inspected Respondent Angkor Pharmacy, located at 4555 North Pershing Avenue, Suite 7, in the city of Stockton.

Falsified Records

49. During the inspection on February 21, 2018, Inspector P.P. obtained a dispensing report from Respondent Angkor Pharmacy for all brand and generic Abilify 10 and 15mg for the period from March 5, 2014 through February 21, 2018. On March 15, 2018, Inspector P.P.

[3] "apap" is another term for acetaminophen. A prescription for "hydrocodone/apap 10/325mg" indicates a medication consisting of 10mg hydrocodone and 325mg acetaminophen.

received another dispensing report from Respondent Angkor Pharmacy for the period from December 22, 2015 through February 21, 2018. The reports had the following inconsistencies:

		2/21/18 report		3/27/18 report	
Patient	Drug	Date filled	RX #	date filled:	RX 2
J.A.	aripiprazole 10mg	not on record	N/a	10/13/2017	332232
J.A.		not on record	N/a	11/16/2017	332232
J.A.	aripiprazole 10mg	not on record	N/a	12/10/2017	332232
J.B.	aripiprazole 10mg	not on record	N/a	12/18/2017	347688
S.D.	aripiprazole 10mg	not on record	N/a	12/5/2017	337886
S.D.	aripiprazole 10mg	not on record	N/a	1/4/2018	338686
S.D.	aripiprazole 10mg	not on record	N/a	1/2/2018	337886
K.L.	aripiprazole 10mg	not on record	N/a	10/18/2017	327625
K.L.	aripiprazole 10mg	not on record	N/a	11/13/2017	327625
K.L.	aripiprazole 10mg	not on record	N/a	1/17/2018	339954
S.T.	aripiprazole 10mg	not on record	N/a	5/25/2017	311387
S.T.	aripiprazole 10mg	not on record	N/a	6/22/2017	311387
S.T.	aripiprazole 10mg	not on record	N/a	9/1/2017	319898
S.T.	aripiprazole 10mg	not on record	N/a	10/10/2017	319898
S.T.	aripiprazole 10mg	not on record	N/a	12/6/2017	331335
S.T.	aripiprazole 10mg	2/12/2018	331335	2/15/2017	345795

September 5, 2018 Inspection of Respondent Angkor Pharmacy

50. On September 5, 2018, the Inspectors inspected Respondent Angkor Pharmacy, located at 4555 North Pershing Avenue, Suite 7, in the city of Stockton. During this inspection, the Inspectors received dispensing reports and acquisition records. Respondent Angkor Pharmacy provided additional records on or about September 20, 2018, through counsel.

Dispensing Generic Aripiprazole for Brand Abilify

51. During the inspection, at least 10 bubble packs were labeled as Abilify 15mg, which did not appear to contain Abilify, but instead appeared to match aripiprazole 15mg. When the Inspector questioned Respondent Bruce Uch about the discrepancy, a Pharmacy Technician interrupted and said the 10 bubble packs were her "mistakes" because she had filled them. Respondent Bruce Uch failed to answer the Inspector when she asked him whether he had checked these 10 bubble packs.

52. In auditing and reviewing the records obtained during and after the inspection, the Inspector observed the following information, indicating that Respondent Angkor Pharmacy had been selling aripiprazole in place of Abilify:

Drug	Begin Inventory 12/22/15	ACQ from WLS	ACQ from Waterfront	Total ACQ	Dispensed	Returns	End Inventory	Total Disp.	Variance	Notes
Abilify 10mg	30	360	30	420	1663	30	30	1723	-1303	More Abilify sold than purchased
Abilify 15mg	30	780 + 150	0	930	2160	0	60	2220	-1290	More Abilify sold than purchased
aripiprazole 10mg	0	2670 + 30	120	2820	930	0	210	1140	1680	More generic purchased than sold
aripiprazole 15mg	0	1770	0	1770	670	0	120	790	980	More generic purchased than sold

Failure to Label Dangerous Drugs

53. During the inspection, the Inspectors observed plastic bags containing bubble-packs[4] of dangerous drugs bound by a rubber band. On top of each rubber-banded pack was a sheet with the name of a patient, the care home, and a list of the drugs inside the bubble packs. At the bottom of each sheet were the initials of Pharmacist Joseph M. Huante. The Inspectors observed:

a. Many sheets had no directions.

[4] A "bubble-pack" or "blister-pack" is a small package enclosing drugs in transparent dome-shaped plastic on a flat cardboard backing.

b. The sheets bound with a rubber band could fall off, thereby leaving the contents of the dangerous drugs with no identification.

c. None of the bubble-packs had a current date of dispensing on the sheets. Some had dates from years ago.

d. The sheets did not contain any quantities of what was dispensed. A patient would not know from the sheets what they were supposed to have received. Respondents were not keeping a record of what was sent and how much was owed to a patient.

54. Both Respondent Bruce Uch and Pharmacist Joseph M. Huante confirmed the bubble-packs were ready for delivery to individual care homes. None of the bubble-packs contained labels. Respondent Bruce Uch confirmed that Respondents had been sending out bubble-packs of dangerous drugs with no labels since at least February 21, 2018.

Failure and Refusal to Demonstrate Filling and Delivery Process

55. During the inspection, the Inspectors asked Respondent Bruce Uch if anyone could show them the filling and delivery process for prescriptions. Respondent Bruce Uch failed and refused to respond to this request from the Inspectors.

Transfer Prescription Documents

56. During the inspection, the Inspectors pulled transfer prescription documents from the prescription folders, and observed the following areas of non-compliance:

a. No identification of the pharmacist who received the transfer at Respondent Angkor Pharmacy.

b. Many had no name of the pharmacist who sent the prescription from the transferring pharmacy.

c. The transfers did not indicate what quantity was prescribed.

d. There was a refill of a prescription that was clearly marked “expired.”

e. No documentation of a prescriber was called to verify the prescription before dispensing.

f. No initials or signature of the pharmacist from Respondent Angkor Pharmacy who verified the prescription.

g. When dispensed, the dates would reflect a date as far back as 2015 as the written date.

h. The transfer prescription did not state what quantity was originally written by the prescriber.

i. The back-tag did not show what quantity dispensed, but when the dispensing reports were checked, they showed a quantity dispensed.

Hard Copy Prescriptions

57. During the inspection, the Inspectors observed that Respondent Angkor Pharmacy received prescriptions from care homes, and not directly from the prescriber. The following prescriptions were identified at Respondent Angkor Pharmacy as their designated hard copy, but each one was not received from the prescriber either by hard copy, verbally, or by electronic transmission. Instead, Respondent Angkor received prescriptions from care homes.

Patient	**Drug and Quantity**	**Hard copy?**
D.E.	Azithromycin 250mg #6	No
K.H.	Gabapentin 100mg #90	No
K.V.	Xiidro, no quantity stated	No
C.P.	Mucinex 600mg, quantity illegible	No
M.L.	Ibuprofen 600mg #56	No

Orally Transmitted Prescriptions

58. During the inspection, the Inspectors observed that Respondent Angkor Pharmacy had dispensed the following prescriptions pursuant to verbal prescriptions that were not reduced to writing, initialed, or identified as an orally transmitted prescriptions:

Patient and Prescription Number	**Dangerous Drug**	**Quantity**
L.B. 277211	Levothyroxine 50mcg	Unknown
L.B. 377217	Diltiazem 30mg	Unknown
H.A. 377310	Symbicort 160 – 4.5mcg	10.2gm
A.R. 377260	Xiidra	1 month supply

Failure to Maintain Accurate Inventory

59. During the inspection, the Inspectors observed that Respondent Angkor Pharmacy failed to maintain an accurate inventory. Specifically, an audit conducted of 46 dangerous drugs identified 35 drugs that had a positive variance, or there were no records for more drug sales than acquired. The Inspectors identified eleven drugs with a negative variance, indicating there was no disposition record for all the drugs purchased, meaning either the drugs were missing, or prescription documents were missing.

Failure to Secure Dangerous Drugs

60. Respondent Angkor Pharmacy failed to maintain security at the pharmacy, as demonstrated by the loss of the following dangerous drugs:

a. Seroquel 50mg: #32;

b. Quetiapine 50mg: #264;

c. Quetiapine 300mg: #658;

d. Quetiapine 25mg: #1439

e. Promethazine plain syrup: 268628ml;

f. Colchicine .6mg: #3580;

g. Clozapine 100mg: #621;

h. Aripiprazole 5mg: #1749;

i. Aripiprazole 30mg: #805;

j. Aripiprazole 20mg: #176;

k. Aripiprazole 15mg: #1000; and

l. Aripiprazole 10mg: #1134.

October 16, 2019 Inspection of Respondent Angkor Pharmacy

61. On October 16, 2019, the Inspectors P.P. and J.F. inspected Respondent Angkor Pharmacy, located at 4555 North Pershing Avenue, Suite 7, in the city of Stockton. During this inspection, Inspector J.F. concentrated his inspection the retail side of Angkor Pharmacy while Inspector P.P. focused her inspection in the bubble-packing area of the pharmacy.

Misbranded and Adulterated Medications

62. During the inspection, Inspector P.P. discovered over twenty different prescription medications contained in bubble-packs and prescription vials that were being held in the Pharmacy's bubble-packing active prescription stock storage area, with significant errors on the labeling including:

1. no label identifying the medication contained in the prescription vial;

2. prescription labeled medications with incorrect medications contained inside the packaging;

3. labels missing medication manufacture National Drug Code (NDC) numbers, lot number, and expiration dates;

4. packages labeled with incorrect quantities;

5. prescription vials with defaced labels and re-used vials of previously dispensed medications.

Inappropriate Furnishing of Dangerous Drugs

63. During the inspection, Inspectors P.P. and J.F. located pedigree[5] invoices documenting forty-nine (49) separate incidents, between June – August, 2019, of the sale/exchange/trading of over four-hundred and eighty-six (486) different dangerous drugs and supplies between Respondent Angkor Pharmacy, Respondent Downtown Stockton Pharmacy and Stockton Clinic Pharmacy (SCP).

Fraudulent Billing of Prescriptions

64. During the inspection, Inspectors P.P. and J.F. conducted an audit of generic Fiornial capsules, a Schedule III controlled substance, and Vimpat 100mg tablets, a Schedule V controlled substance, from December 8, 2017 to October 16, 2019. The audit revealed that Angkor Pharmacy dispensed and billed for one-hundred and forty (140) capsules of generic Fiornial and two-hundred and nineteen (219) tablets of Vimpat 100 mg without having sufficient inventory. Additionally, an audit of Xiidra 5% eye drops from July 1, 2016 to February 28, 2020, revealed

[5] A drug pedigree is a record of each distribution of a prescription drug from its sale by a manufacturer through acquisition and sale by any wholesale distributor until final sale to a pharmacy or other authorized person administering or dispensing the prescription drug.

that Angkor Pharmacy dispensed and billed for two-hundred and forty-one (241) bottles of Xiidra 5% eye drops without sufficient inventory.

October 21, 2019 Inspection of Respondent DSP

65. On October 21, 2019, the Inspectors P.P. and J.F. inspected Respondent DSP, located at 123 South Commerce Street, Suite #A, in the city of Stockton. During this inspection, the Inspectors were initially assisted by Staff Pharmacist J.T. and Respondent Miranda. Throughout the inspection, neither J.T. nor Respondent Miranda demonstrated significant knowledge and experience with the Pharmacy's computer system when asked about reports and delivery receipts. Within two hours of beginning the inspection, a pharmacy technician from Respondent Angkor Pharmacy came to assist with the inspection.

Inappropriate Furnishing of Dangerous Drugs

66. During the inspection, the Inspectors discovered pedigree invoices documenting twenty-six (26) separate incidents between May-July, 2019 of the sale/exchange/trading of over three-hundred and thirty-three (333) different dangerous drugs and supplies between Respondent DSP and Respondent Angkor Pharmacy.

Failure to Maintain Prescription Documents

67. The inspection revealed that Respondent Angkor Pharmacy retained the original prescription hardcopy documents for Respondent DSP's RX #s: 600148, 600149, 600150, 600152, 600160, 600161, 600153, 600154.

Failure to Maintain Accurate Electronic Patient Prescription Records

68. During the inspection, it was discovered that daily Pharmacy prescription reports documented Pharmacy Technician staff members as being the "Pharmacist" or "Dispensing Pharmacist" on five-hundred and twenty-eight (528) prescription records.

Failure to Maintain Accurate Prescription Transfer Records

69. Documents acquired during the inspection revealed twenty (20) prescriptions that were transferred to Respondent DSP, recording inaccurate information about the receiving and/or filling Pharmacist of record.

Fraudulent Billing of Prescription

70. During the inspection, a "returned" partial filled prescription of Linzess 145mg, Rx # 600184, was located on the Respondent DSP's active drug stock shelves marked as containing a quantity of sixty (60) capsules of the original billed quantity of ninety (90) capsules. A review of the patient's profile documented the prescription remained billed to the patient's insurance for quantity of ninety (90) when only thirty (30) capsules had been dispensed to the patient.

Duty to Provide an Offer of Consultation on Delivered Prescriptions

71. During the inspection, a review of prescription and delivery receipt documents showed a failure to provide sufficient offers of consultation.

Unlicensed Pharmacy Technician Activity

72. During the inspection, it was discovered that a current Pharmacy staff member, M.M. was working, counting, pouring, and placing medications into containers, as a Pharmacy Technician with an expired Pharmacy Technician license.

Altering Pharmacy Self-Assessment Document with Incorrect Information

73. During the inspection, Respondent DSP's Self-Assessment document was reviewed, and it was noted that two staff members had been whited-out with the handwritten words "no longer work here." The two staff members, one pharmacist and one pharmacy technician, were discovered to have active profiles in Respondent DSP's prescription processing system and the pharmacy technician assisted with the inspection of Respondent DSP.

Inspections of Respondent Angkor Pharmacy, Respondent DSP, and SCP Between October 16 -24, 2019

Hidden Ownership of Pharmacies

74. On October 24, 2019, Inspector J.F. conducted an inspection of Stockton Clinic Pharmacy (SCP). The inspections conducted at Respondent Angkor Pharmacy, Respondent DSP, and SCP between October 16-24, 2019 revealed the following:

- Respondent Angkor Pharmacy was in possession of Respondent DSP's unopened envelope of DEA 222 controlled substance ordering forms;

- Respondent Angkor Pharmacy maintained copies of SCP's Power of Attorney and electronic controlled substance ordering (CSOS) application;
- Respondent Angkor Pharmacy was in possession of original prescription hardcopy RX #s: 600148, 600149, 600150, 600152, 600160, 600161, 600153, 600154, originally filled at Respondent DSP;
- Respondent Angkor Pharmacy inappropriately furnished over four-hundred and eighty-six (486) dangerous drugs to both Respondent DSP and SCP;
- Respondent Angkor Pharmacy utilized both Respondent DSP and SCP to purchase over three-hundred and thirty-five (335) dangerous drugs for use at Respondent Angkor Pharmacy;
- Respondent Bunnaun Uch purchased a License Protection Handbook of policies and procedures for SCP and was listed as the main contact person for professional liability insurance at SCP;

Invalid Execution of DEA Power of Attorney

75. During the October 16, 2019 inspection of Respondent Angkor Pharmacy, copies of SCP's DEA Power of Attorney paperwork were obtained. On November 7, 2019, additional copies of SCP's DEA Power of Attorney paperwork were obtained from Respondent Touch Uch, the Pharmacy owner and DEA Registrant of SCP. The documentation showed that R.G., the Pharmacist-In-Charge at SCP, and not Touch Uch, the DEA Registrant, executed a DEA Power of Attorney for a pharmacy technician staff member.

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Respondent Angkor Pharmacy and Respondent Bruce Uch)

76. Respondent Angkor Pharmacy and Respondent Uch are subject to disciplinary action under Code section 4113; and Code section 4301, subdivisions (f), (g), (j) and (q), for engaging in unprofessional conduct. The circumstances are that:

a. As set forth in paragraph 49, Respondent Angkor Pharmacy falsified its dispensing records. The dispensing records were not the same when produced on February 27,

2017, and again on February 21, 2018, thereby indicating that at least one set of these records had been falsified by Respondent Angkor Pharmacy.

b. As set forth in paragraphs 51-52, Respondent Angkor dispensed generic aripiprazole in the place of Abilify, thereby committing fraud and deceit.

c. As set forth in paragraph 45, Respondent Uch failed to notify the DEA that he no longer owns Respondent Bruce Pharmacy, but continues to act as the legal registrant for Respondent Bruce Pharmacy for purposes of ordering controlled substances.

d. As set forth in paragraphs 53-54, Respondents placed consumers at risk of harm by failing to label dispensed medications with directions for use and identification of contents.

e. As set forth in paragraph 55, Respondents failed and refused to demonstrate how a prescription was filled from beginning to end.

f. As set forth in paragraphs 52 and 59, Respondents could not account for all inventory losses or overages.

SECOND CAUSE FOR DISCIPLINE
(Overages and Shortages of Dangerous Drugs – Respondent Angkor Pharmacy and Respondent Uch)

77. Respondent Angkor Pharmacy and Respondent Uch are subject to disciplinary action under Code section 4081, as it relates to CCR, title 16, section 1718; Code section 4113; and Code section 4301, subdivision (j). The circumstances are that, as set forth in paragraph 60, Respondents failed to maintain adequate security measures, thereby leading to substantial losses of at least eleven dangerous drugs.

THIRD CAUSE FOR DISCIPLINE
(Loss of Dangerous Drugs – Respondent Angkor Pharmacy and Respondent Bruce Uch)

78. Respondent Angkor Pharmacy and Respondent Bruce Uch are subject to disciplinary action under CCR, title 16, section 1714, subdivision (b), as it relates to Code section 4081 and CCR, title 16, section 1718; Code section 4113; and Code section 4301, subdivision (j). As set forth in paragraph 52, at the inspection on February 21, 2018, Respondent Angkor Pharmacy had a shortage/loss of 1680 tablets of aripiprazole 10mg and 980 tablets of aripiprazole 15mg.

Respondent Angkor Pharmacy failed to provide evidence to justify the shortages of this dangerous drug.

FOURTH CAUSE FOR DISCIPLINE
(Failure to Notify DEA of Registration Change – Respondent Bruce Uch)

79. Respondent Bruce Uch is subject to disciplinary action under Code section 4301, subdivision (j); and CFR, title 21, section 1301.52, subdivision (d). As set forth in paragraph 45, from at least February 21, 2018 to August 2018, Respondent Bruce Uch was still the registrant of record with the DEA, and had failed to notify the DEA of the change in ownership of Respondent Bruce Pharmacy.

FIFTH CAUSE FOR DISCIPLINE
(Labeling – Respondent Angkor Pharmacy and Respondent Bruce Uch)

80. Respondent Angkor Pharmacy and Respondent Bruce Uch are subject to disciplinary action under Code section 4076, subdivision (a)(2-9, 11); Code section 4113; and Code section 4301, subdivision (j). The circumstances are that, as set forth in paragraphs 53-55, Respondents dispensed dangerous drugs without proper labeling, and which instead contained sheets that were easily lost, and which did not contain the identification of the contents, or the expiration dates of the effectiveness of the drugs. Many also failed to contain directions for administration of the medication.

SIXTH CAUSE FOR DISCIPLINE
(Transfer of Prescriptions – Respondent Angkor Pharmacy and Respondent Bruce Uch)

81. Respondent Angkor Pharmacy and Respondent Bruce Uch are subject to disciplinary action under CFR, title 21, section 1306.25; CCR, title 16, section 1716; Code section 4113; and Code section 4301, subdivision (j). The circumstances are that, as set forth in paragraph 56, Respondents transferred prescriptions from other pharmacies and failed to transfer the prescriptions in compliance with the above statutes and regulations.

SEVENTH CAUSE FOR DISCIPLINE
(Hard Copy Prescriptions – Respondent Angkor Pharmacy and Respondent Bruce Uch)

82. Respondent Angkor Pharmacy and Respondent Uch are subject to disciplinary action under Code section 4040, subdivision (a); Code section 4113; and Code section 4301, subdivision

(j). The circumstances are that, as set forth in paragraph 57, Respondents dispensed prescriptions without a valid hard copy of the prescription from the prescriber.

EIGHTH CAUSE FOR DISCIPLINE
(Verbal Prescriptions – Respondent Angkor Pharmacy and Respondent Bruce Uch)

83. Respondent Angkor Pharmacy and Respondent Uch are subject to disciplinary action under CCR, title 16, section 1717, subdivision (c); Code section 4113; and Code section 4301, subdivision (j). The circumstances are that, as set forth in paragraph 58, Respondents dispensed prescriptions pursuant to verbal prescriptions that were not reduced to writing, initialed, or identified as an orally transmitted prescription.

NINTH CAUSE FOR DISCIPLINE
(Unprofessional Conduct – Respondent Bruce Pharmacy)

84. Respondent Bruce Pharmacy is subject to disciplinary action under Code section 4113; and Code section 4301, subdivisions (f) and (g) for engaging in unprofessional conduct. The circumstances are that, as set forth in paragraphs 42-43, Respondents had returned previously sold bottles of prescription medication to common drug stock with the intent of reselling the prescription medication to other consumers.

TENTH CAUSE FOR DISCIPLINE
(Operational Standards – Respondent Bruce Pharmacy)

85. Respondent Bruce Pharmacy is subject to disciplinary action under CCR, title 16, section 1714, subdivision (b); Code section 4113; and Code section 4301, subdivision (j). The circumstances are that, as set forth in paragraph 47, Respondent Bruce Pharmacy failed to maintain security in the pharmacy. Specifically, Ly Kuong Lim, the owner and technician carried the keys to the pharmacy on his key ring, and used the security code with the keys to the pharmacy to gain access to the pharmacy.

ELEVENTH CAUSE FOR DISCIPLINE
(Unauthorized Ordering of Schedule II Controlled Substances – Respondent Bruce Pharmacy and Respondent Bruce Uch)

86. Respondent Bruce Pharmacy and Respondent Bruce Uch are subject to disciplinary action under CFR, title 21, section 1305.05, as it relates to CFR sections 1311.45, 1311.25 and 1311.10; Code section 4113; and Code section 4301, subdivision (j). The circumstances are that, as set forth in paragraph 44, at the inspection on February 21, 2018, Respondents failed to provide a Power of Attorney for PIC Norris, had allowed pharmacists to use the registrants' CSOS private key to order controlled substances, and failed to register PIC Norris with the DEA as an authorized CSOS user.

TWELFTH CAUSE FOR DISCIPLINE
(Pharmacist / Technician Ratios – Respondent Bruce Pharmacy)

87. Respondent Bruce Pharmacy is subject to disciplinary action under Code section 4115, subdivisions (a) and (f)(1); Code section 4113; and Code section 4301, subdivision (j). The circumstances are that, as set forth in paragraph 41, at the inspection on February 21, 2018, Respondent Bruce Pharmacy allowed two pharmacy technicians to perform packaging, filling of prescription bottles, and labeling, at the same time, under the supervision of one pharmacist.

THIRTEENTH CAUSE FOR DISCIPLINE
(Biennial Inventory – Respondent Bruce Pharmacy)

88. Respondent Bruce Pharmacy is subject to disciplinary action under CCR, title 16, section 1718 as defined by CFR section 1304.11, subdivisions (a) and (c); Code section 4113; and Code section 4301, subdivision (j). The circumstances are that, as set forth in paragraph 59, at the inspection on February 21, 2018, a biennial inventory allegedly conducted by Respondent Bruce Pharmacy on June 30, 2017 failed to include Schedule II controlled substances. Additionally, the inventory allegedly conducted on June 30, 2017 by Respondent Bruce Pharmacy failed to include Hydrocodone/apap 5/325mg, 7.5/325mg and 10/325mg tablets, which are Scheduled II controlled substances.

FOURTEENTH CAUSE FOR DISCIPLINE
(Misbranded and Adulterated Medications – Respondent Angkor Pharmacy and Respondent Bruce Uch)

89. Respondent Angkor Pharmacy and Respondent Bruce Uch are subject to disciplinary action under CCR, title 16, section 1717, subdivision (a), as defined by Health and Safety Code sections 111260, 111295, 111330, and 111440; Code section 4113; and Code section 4301, subdivision (j). The circumstances are that, as set forth in paragraph 62, at the inspection on October 16, 2019, over twenty different prescription medications contained in bubble-packs and prescription vials were being held in Respondent Angkor Pharmacy's bubble-packing active prescription stock storage area with significant errors on the labeling.

FIFTEENTH CAUSE FOR DISCIPLINE
(Inappropriate Furnishing of Dangerous Drugs – Respondent Angkor Pharmacy and Respondent Bruce Uch)

90. Respondent Angkor Pharmacy and Respondent Bruce Uch are subject to disciplinary action under Code section 4126.5, subdivision (a)(4); Code section 4113; and Code section 4301, subdivision (j). The circumstances are that, as set forth in paragraph 63, at the inspection on October 16, 2019, pedigree invoices were located documenting forty-nine (49) separate incidents, between June-August, 2019, of the sale/exchange/trading of over four-hundred and eighty-six (486) different dangerous drugs and supplies between Respondent Angkor Pharmacy, Respondent DSP, and SCP.

SIXTEENTH CAUSE FOR DISCIPLINE
(Fraudulent Billing of Prescriptions – Respondent Angkor Pharmacy and Respondent Bruce Uch)

91. Respondent Angkor Pharmacy and Respondent Bruce Uch are subject to disciplinary action under Code section 4301, subdivision (f). The circumstances are that, as set forth in paragraph 64, an audit conducted at Respondent Angkor Pharmacy of generic Fiorinal capsules and Vimpat 100mg tablets from December 8, 201-October 16, 2019 revealed that Respondents dispensed and billed for one-hundred and forty (140) capsules of generic Fiornial and two-hundred and nineteen (219) tablets of Vimpat 100 mg without sufficient inventory. Additionally, an audit of Xiidra 5% eye drops from July 1, 2016-February 28, 2020, revealed that Respondent

Angkor Pharmacy dispensed and billed for two-hundred and forty-one (241) bottles of Xiidra 5% eye drops without sufficient inventory.

SEVENTEENTH CAUSE FOR DISCIPLINE
(Inappropriate Furnishing of Dangerous Drugs – Respondent DSP and Respondent Touch Uch)

92. Respondent DSP and Respondent Touch Uch are subject to disciplinary action under Code section 4126.5, subdivision (a)(4); Code section 4113; and Code section 4301, subdivision (j). The circumstances are that, as set forth in paragraph 66, during the October 21, 2020 inspection, pedigree invoices were located documenting twenty-six (26) separate incidents between May-July, 2019 of the sale/exchange/trading of over three-hundred and thirty-three (333) different dangerous drugs and supplies between Respondent DSP and Respondent Angkor Pharmacy.

EIGHTEENTH CAUSE FOR DISCIPLINE
(Failure to Maintain Prescription Documents – Respondent DSP and Respondent Touch Uch)

93. Respondent DSP and Respondent Touch Uch are subject to disciplinary action under Code section 4081, subdivision (a) in combination with Code section 4105, subdivisions (a-c); Code section 4113; and Code section 4301, subdivision (j). The circumstances are that, as set forth in paragraph 67, the October 21, 2020 inspection revealed that Respondent DSP and Respondent Touch Uch failed to retain the original prescription hardcopy documents for Respondent DSP's RX #s: 600148, 600149, 600150, 600152, 600160, 600161, 600153, 600154.

NINETEENTH CAUSE FOR DISCIPLINE
(Failure to Maintain Accurate Electronic Patient Prescription Records – Respondent DSP and Respondent Touch Uch)

94. Respondent DSP and Respondent Touch Uch are subject to disciplinary action under CCR, title 16, sections 1707.1, subdivision (a) and 1717, subdivision (b)(1), (f); Code section 4113; and Code section 4301, subdivision (j). The circumstances are that, as set forth in paragraph 68, during the October 21, 2020 inspection, it was discovered that daily Pharmacy prescription reports documented Pharmacy Technician staff members as being the "Pharmacist" or "Dispensing Pharmacist" on five-hundred and twenty-eight (528) prescription records.

TWENTIETH CAUSE FOR DISCIPLINE

(Failure to Maintain Accurate Prescription Transfer Records – Respondent DSP and Respondent Touch Uch)

95. Respondent DSP and Respondent Touch Uch are subject to disciplinary action under CCR, title 16, section 1717, subdivision (d); Code section 4113; and Code section 4301, subdivision (j). The circumstances are that, as set forth in paragraph 69, documents acquired during the October 21, 2019 inspection revealed twenty (20) prescriptions that were transferred to Respondent DSP, recording inaccurate information about the receiving and/or filling Pharmacist of record.

TWENTY-FIRST CAUSE FOR DISCIPLINE

(Fraudulent Billing of Prescriptions – Respondent DSP and Respondent Touch Uch)

96. Respondent DSP and Respondent Touch Uch are subject to disciplinary action under Code section 4301, subdivision (f); Code section 4113. The circumstances are that, as set forth in paragraph 70, during the October 21, 2019 inspection, a "returned" partial filled prescription of Linzess 145mg, Rx # 600184, was located on the Respondent DSP's active drug stock shelves marked as containing a quantity of sixty (60) capsules of the original billed quantity of ninety (90) capsules. A review of the patient's profile documented the prescription remained billed to the patient's insurance for quantity of ninety (90) when only thirty (30) capsules had been dispensed to the patient.

TWENTY-SECOND CAUSE FOR DISCIPLINE

(Duty to Provide an Offer of Consultation on Delivered Prescriptions – Respondent DSP and Respondent Touch Uch)

97. Respondent DSP and Respondent Touch Uch are subject to disciplinary action under CCR, title 16, section 1707.2, subdivision (b)(2); Code section 4301, subdivision (j) and Code section 4113. The circumstances are that, as set forth in paragraph 71, during the October 21, 2019 inspection, a review of prescription and delivery receipt documents demonstrated Respondents' failure to provide sufficient offers of consultation.

TWENTY-THIRD CAUSE FOR DISCIPLINE

(Unlicensed Pharmacy Technician Activity – Respondent DSP and Respondent Touch Uch)

98. Respondent DSP and Respondent Touch Uch are subject to disciplinary action under Code section 4115, subdivisions (a) and (e) in conjunction with CCR, title 16, section 1793.2;

Code section 4113. The circumstances are that, as set forth in paragraph 72, during the October 21, 2019 inspection, it was discovered that pharmacy staff member M.M. was working, counting, pouring, and placing medications into containers, as a Pharmacy Technician with an expired Pharmacy Technician license.

TWENTY-FOURTH CAUSE FOR DISCIPLINE
(Altering Pharmacy Self-Assessment Document with Incorrect Information – Respondent Touch Uch)

99. Respondent Touch Uch is subject to disciplinary action under Code section 4301, subdivision (g). The circumstances are that, as set forth in paragraph 73, during the October 21, 2019 inspection, Respondent DSP's Self-Assessment document was reviewed, and it was noted that two staff members had been whited-out with the handwritten words "no longer work here." The two staff members, one pharmacist and one pharmacy technician, were discovered to have active profiles in Respondent DSP's prescription processing system and the pharmacy technician assisted with the inspection of Respondent DSP.

TWENTY-FIFTH CAUSE FOR DISCIPLINE
(Hidden Ownership – Respondent Bruce Uch and Respondent Touch Uch)

100. Respondent Bruce Uch and Respondent Touch Uch are subject to disciplinary action under Code section 4301, subdivisions (a) and (f). The circumstances are that Respondent Bruce Uch utilized Respondent Touch Uch's Pharmacy License to obtain Pharmacy Permit licenses for Respondent DSP and SCP, in an attempt to support and grow his own pharmacy, Respondent Angkor Pharmacy. Specifically, the inspections conducted between October 16-24, 2019 at Respondent Angkor Pharmacy, Respondent DSP, and SCP revealed that Respondent Angkor Pharmacy was in possession of Respondent DSP's unopened envelope of DEA 222 controlled substance ordering forms, Respondent Angkor Pharmacy maintained copies of SCP's Power of Attorney and electronic controlled substance ordering (CSOS) application, Respondent Angkor Pharmacy was in possession of original prescription hardcopy RX #s: 600148, 600149, 600150, 600152, 600160, 600161, 600153, 600154, originally filled at Respondent DSP, Respondent Angkor Pharmacy inappropriately furnished over four-hundred and eighty-six (486) medications to both Respondent DSP and SCP, Respondent Angkor Pharmacy utilized both Respondent DSP

and SCP to purchase over three-hundred and thirty-five (335) medications for use at Respondent Angkor Pharmacy, and Respondent Bunnaun Uch purchased a License Protection Handbook of policies and procedures for SCP and was listed as the main contact person for professional liability insurance at SCP;

DISCIPLINARY CONSIDERATIONS

101. To determine the degree of discipline, if any, to be imposed on Respondent Bruce Uch, Complainant alleges that on or about September 9, 2016, in a prior action entitled *In the Matter of the Citation Against Bunnaun Bruce Uch* before the Board of Pharmacy, in Case Number CI 2016 71918, the Board issued a citation to Respondent Bruce Uch for violations of state and federal regulations governing pharmacies.

OTHER MATTERS

102. Under Code section 4307, if Pharmacy Permit Number PHY 53262, issued to Respondent Bruce Uch, dba Angkor Pharmacy is suspended, revoked, or placed on probation, and Respondent Bruce Uch, while acting as the manager, administrator, owner, member, officer, director, associate, or partner, had knowledge of or knowingly participated in any conduct for which Pharmacy Permit Number PHY 53262 was revoked, suspended, or placed on probation, Respondent Bruch Uch shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associated, or partner of a licensee of the Board.

103. Under Code section 4307, if Pharmacy Permit Number PHY 55523 to Bruce and Lee Inc., dba Bruce Pharmacy is suspended, revoked, or placed on probation, and Respondent Bruce Uch, while acting as the manager, administrator, owner, member, officer, director, associate, or partner, had knowledge of or knowingly participated in any conduct for which Pharmacy Permit Number PHY 55523 was revoked, suspended, or placed on probation, Respondent Bruch Uch shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associated, or partner of a licensee of the Board.

104. Under Code section 4307, if Pharmacy Permit Number PHY 56892, issued to Downtown Stockton Pharmacy is suspended, revoked, or placed on probation, and Respondent Touch Uch, while acting as the manager, administrator, owner, member, officer, director,

associate, or partner, had knowledge of or knowingly participated in any conduct for which Pharmacy Permit Number PHY 56892 was revoked, suspended, or placed on probation, Respondent Touch Uch shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associated, or partner of a licensee of the Board.

105. Under Code section 4307, if Pharmacist License Number RPH 48460, issued to Respondent Bruce Uch, is suspended, revoked, or placed on probation, Respondent Bruce Uch shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee of the board.

106. Under Code section 4307, if Pharmacist License Number RPH 49009, issued to Respondent Touch Uch, is suspended, revoked, or placed on probation, Respondent Touch Uch shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee of the board.

107. Under Code section 4307, if Pharmacy Permit Number PHY 55523, issued to Bruce and Lee Inc., dba Bruce Pharmacy, is suspended, revoked, or placed on probation, and Ly Kuong Lim, while acting as the manager, administrator, owner, member, officer, director, associate, or partner, had knowledge of or knowingly participated in any conduct for which Pharmacy Permit Number PHY 55523 was revoked, suspended, or placed on probation, Ly Kuong Lim shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associated, or partner of a licensee of the Board.

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 Pharmacy Permit Number PHY 55523, issued to Bruce and Lee Inc., dba Bruce Pharmacy;

2. Revoking or suspending Pharmacy Permit Number PHY 53262, issued to Bunnaun Bruce Uch, dba Angkor Pharmacy;

3. Revoking or suspending Pharmacy Permit Number PHY 56892, issued to Downtown Stockton Pharmacy;

4. Revoking or suspending Pharmacist License Number RPH 48460, issued to Bunnaun Bruce Uch;

5. Revoking or suspending Pharmacist License Number RPH 49009, issued to Touch Uch;

6. Prohibiting Ly Kuong Lim from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee of the Board.

7. Prohibiting Bunnaun Bruce Uch from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee of the Board.

8. Prohibiting Touch Uch from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee of the Board.

9. Ordering Bunnaun Bruce Uch and Touch Uch, 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,

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

DATED: 10/12/2020

Signature on File

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