

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

In the Matter of the Accusation Against:

CHANG HO YOO, DBA PCH MEDICAL PHARMACY,

Pharmacy Permit No. PHY 44527;

CHANG HO YOO,

Pharmacist License No. RPH 42018;

and

SEUNG PIL SUN,

Pharmacist License No. RPH 72473;

Respondents

Agency Case No. 6826

OAH No. 2020020246

DECISION AND ORDER

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

This Decision shall become effective at 5:00 p.m. on October 15, 2020.

It is so ORDERED on September 15, 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

1 XAVIER BECERRA
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 STEPHANIE J. LEE
Deputy Attorney General
4 State Bar No. 279733
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6185
6 Facsimile: (916) 731-2126
Attorneys for Complainant
7

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

12 In the Matter of the Accusation Against:

13 **CHANG HO YOO, DBA PCH MEDICAL**
14 **PHARMACY**

306 E. Pacific Coast Hwy, 101
Long Beach, CA 90806

15 **Pharmacy Permit No. PHY 44527,**

16 **CHANG HO YOO**

20509 Bind Court
Walnut, CA 91789

18 **Pharmacist License No. RPH 42018,**

19 **and**

20 **SEUNG PIL SUN**

839 Lorraine Blvd.
Los Angeles, CA 90005

22 **Pharmacist License No. RPH 72473**

23 Respondents.
24

Case No. 6826

OAH No. 2020020246

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

As to Respondent Chang Ho Yoo, dba PCH
Medical Pharmacy only

25 In the interest of a prompt and speedy settlement of this matter, consistent with the public
26 interest and the responsibility of the Board of Pharmacy of the Department of Consumer Affairs,
27 the parties hereby agree to the following Stipulated Settlement and Disciplinary Order which will
28 ///

1 be submitted to the Board for approval and adoption as the final disposition of the Accusation
2 solely with respect to Respondent Chang Ho Yoo, dba PCH Medical Pharmacy.

3 **PARTIES**

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

8 2. Respondent Chang Ho Yoo, dba PCH Medical Pharmacy (Respondent) is represented
9 in this proceeding by attorney Patric Hooper, whose address is: 1875 Century Park East, Suite
10 1600, Los Angeles, CA 90067.

11 3. On or about January 13, 2000, the Board issued Pharmacy Permit No. PHY 44527 to
12 Chang Ho Yoo, dba PCH Medical Pharmacy (Respondent). Chang Ho Yoo, individually, is the
13 Individual Licensed Owner and was the Pharmacist-in-Charge from January 31, 2016 to August
14 1, 2018. The Pharmacy Permit was in full force and effect at all times relevant to the charges
15 brought in Accusation No. 6826, and will expire on January 1, 2021, unless renewed.

16 **JURISDICTION**

17 4. Accusation No. 6826 was filed before the Board, and is currently pending against
18 Respondent. The Accusation and all other statutorily required documents were properly served
19 on Respondent on December 6, 2019. Respondent timely filed his Notice of Defense contesting
20 the Accusation.

21 5. A copy of Accusation No. 6826 is attached as Exhibit A and incorporated herein by
22 reference.

23 **ADVISEMENT AND WAIVERS**

24 6. Respondent has carefully read, fully discussed with counsel, and understands the
25 charges and allegations in Accusation No. 6826. Respondent has also carefully read, fully
26 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
27 Order.

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

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

CULPABILITY

9. Respondent understands and agrees that the charges and allegations in Accusation No. 6826, if proven at a hearing, constitute cause for imposing discipline upon its Pharmacy Permit.

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

11. Respondent agrees that its Pharmacy Permit is subject to discipline and they agree to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

12. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent understands and agrees 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 Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his 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 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.

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

14. This Stipulated Settlement and Disciplinary Order 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 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Pharmacy Permit No. PHY 44527 issued to Respondent Chang Ho Yoo, dba PCH Medical Pharmacy is revoked. However, the revocation is stayed and Respondent is placed on probation for two (2) years on the following terms and conditions.

1. Definition: Respondent

For the purposes of these terms and conditions, “Respondent” shall refer to Chang Ho Yoo, dba PCH Medical Pharmacy. All terms and conditions stated herein shall bind and be applicable to the licensed premises and to all owners, managers, officers, administrators, members, directors, trustees, associates, or partners thereof. For purposes of compliance with any term or condition, any report, submission, filing, payment, or appearance required to be made by Respondent to or before the Board or its designee shall be made by an owner or executive officer with authority to act on behalf of and legally bind the licensed entity.

2. Obey All Laws

Respondent shall obey all state and federal laws and regulations.

Respondent shall report any of the following occurrences to the Board, in writing, within seventy-two (72) hours of such occurrence:

- an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws;
- a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal criminal proceeding to any criminal complaint, information or indictment;
- a conviction of any crime; or
- discipline, citation, or other administrative action filed by any state or federal agency which involves Respondent's pharmacy permit or which is related to the practice of pharmacy or the manufacturing, obtaining, handling or distributing, billing, or charging for any dangerous drug, and/or dangerous device or controlled substance.

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

3. Report to the Board

Respondent shall report to the Board quarterly, on a schedule as directed by the Board or its designee. The report shall be made either in person or in writing, as directed. Among other requirements, Respondent shall state in each report under penalty of perjury whether there has been compliance with all the terms and conditions of probation. Failure to submit timely reports in a form as directed shall be considered a violation of probation. Any period(s) of delinquency in submission of reports as directed may be added to the total period of probation. Moreover, if the final probation report is not made as directed, probation shall be automatically extended until such time as the final report is made and accepted by the Board.

4. Interview with the Board

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

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1 **5. Cooperate with Board Staff**

2 Respondent shall timely cooperate with the Board's inspection program and with the
3 Board's monitoring and investigation of Respondent's compliance with the terms and conditions
4 of the probation, including but not limited to: timely responses to requests for information by
5 board staff; timely compliance with directives from board staff regarding requirements of any
6 term or condition of probation; and timely completion of documentation pertaining to a term or
7 condition of probation. Failure to timely cooperate shall be considered a violation of probation.

8 **6. Reimbursement of Board Costs**

9 As a condition precedent to successful completion of probation, Respondent shall pay to the
10 Board its costs of investigation and prosecution in the amount of \$8,491.25. Respondent shall be
11 permitted to pay these costs in a payment plan approved by the Board or its designee, so long as
12 full payment is completed no later than one (1) year prior to the end date of probation.

13 There shall be no deviation from this schedule absent prior written approval by the Board or
14 its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of
15 probation.

16 **7. Probation Monitoring Costs**

17 Respondent shall pay any costs associated with probation monitoring as determined by the
18 Board each and every year of probation. Such costs shall be payable to the Board on a schedule as
19 directed by the Board or its designee. Failure to pay such costs by the deadline(s) as directed shall
20 be considered a violation of probation.

21 **8. Status of License**

22 Respondent shall, at all times while on probation, maintain current pharmacy permit with
23 the Board. Failure to maintain current licensure shall be considered a violation of probation.

24 If Respondent's license expires or is cancelled by operation of law or otherwise at any time
25 during the period of probation, including any extensions thereof or otherwise, upon renewal or
26 reapplication Respondent's license shall be subject to all terms and conditions of this probation
27 not previously satisfied.

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1 **9. License Surrender While on Probation/Suspension**

2 Following the effective date of this decision, should Respondent wish to discontinue
3 business, Respondent may tender the premises license to the board for surrender. The Board or its
4 designee shall have the discretion whether to grant the request for surrender or take any other
5 action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the
6 license, Respondent will no longer be subject to the terms and conditions of probation.

7 Respondent may not apply for any new license from the Board for three (3) years from the
8 effective date of the surrender. Respondent shall meet all requirements applicable to the license
9 sought as of the date the application for that license is submitted to the Board.

10 Respondent further stipulates that it shall reimburse the Board for its costs of investigation
11 and prosecution prior to the acceptance of the surrender.

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

13 During the period of probation, should Respondent sell, trade or transfer all or part of the
14 ownership of the licensed entity, discontinue doing business under the license issued to
15 Respondent, or should practice at that location be assumed by another full or partial owner,
16 person, firm, business, or entity, under the same or a different premises license number, the Board
17 or its designee shall have the sole discretion to determine whether to exercise continuing
18 jurisdiction over the licensed location, under the current or new premises license number, and/or
19 carry the remaining period of probation forward to be applicable to the current or new premises
20 license number of the new owner.

21 **11. Notice to Employees**

22 Respondent shall, upon or before the effective date of this decision, ensure that all
23 employees involved in permit operations are made aware of all the terms and conditions of
24 probation, either by posting a notice of the terms and conditions, circulating such notice, or both.
25 If the notice required by this provision is posted, it shall be posted in a prominent place and shall
26 remain posted throughout the probation period. Respondent shall ensure that any employees hired
27 or used after the effective date of this decision are made aware of the terms and conditions of
28 probation by posting a notice, circulating a notice, or both. Additionally, Respondent shall submit

1 written notification to the Board, within fifteen (15) days of the effective date of this decision,
2 that this term has been satisfied. Failure to timely provide such notification to employees, or to
3 timely submit such notification to the Board shall be considered a violation of probation.

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

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

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

14 **13. Premises Open for Business**

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

Any failure to timely provide such notification(s) shall be considered a violation of probation.

14. Posted Notice of Probation

Respondent shall prominently post a probation notice provided by the Board or its designee in a place conspicuous to and readable by the public within two (2) days of receipt thereof from the Board or its designee. Failure to timely post such notice, or to maintain the posting during the entire period of probation, shall be considered a violation of probation.

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

15. Violation of Probation

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

If Respondent violates probation in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If a petition to revoke probation or an accusation is filed against Respondent during probation, or the preparation of an accusation or petition to revoke probation is requested from the Office of the Attorney General, the Board shall have continuing jurisdiction and the period of probation shall be automatically extended until the petition to revoke probation or accusation is heard and decided, and the charges and allegations in Accusation No. 6826 shall be deemed true and correct.

16. Completion of Probation

Upon written notice by the Board or its designee indicating successful completion of probation, Respondent's license will be fully restored.

1 **17. No Additional Ownership or Management of Licensed Premises**

2 Respondent shall not acquire any additional ownership, legal or beneficial interest in, nor
3 serve as a manager, administrator, member, officer, director, associate, partner or any business,
4 firm , partnership, or corporation currently or hereinafter licensed by the Board except as
5 approved by the Board or its designee. Violations of this restriction shall be considered a
6 violation of probation.

7 **18. Consultant Pharmacist**

8 During the period of probation, Respondent shall retain an independent consultant at its
9 own expense who shall be responsible for conducting an on-site physical inspection to review the
10 operations of Respondent on a monthly basis for compliance by Respondent with state and
11 federal laws and regulations governing the practice of pharmacy, and compliance by Respondent.
12 During the period of probation, the Board or its designee, retains the discretion to reduce the
13 frequency and/or form of inspection of the pharmacist consultant's review.

14 The consultant shall be a pharmacist licensed by and not on probation with the Board and
15 whose name shall be submitted to the Board or its designee, for prior approval, within thirty (30)
16 days of the effective date of this decision.

17 Failure to timely retain, seek approval of, or ensure timely reporting by the consultant shall
18 be considered a violation of probation.

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ACCEPTANCE

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

DATED: _____

Chang Ho Yoo,
Individual Licensed Owner
CHANG HO YOO, DBA PCH MEDICAL
PHARMACY
Respondent

I have read and fully discussed with Respondent Chang Ho Yoo, dba PCH Medical Pharmacy the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: _____

PATRIC HOOPER
Attorney for Respondent

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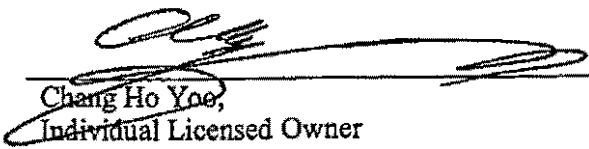
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1 ACCEPTANCE

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

7
8 DATED: 8/7/20


Chang Ho Yoo,
Individual Licensed Owner
CHANG HO YOO, DBA PCH MEDICAL
PHARMACY
Respondent

12
13 I have read and fully discussed with Respondent Chang Ho Yoo, dba PCH Medical
14 Pharmacy the terms and conditions and other matters contained in the above Stipulated
15 Settlement and Disciplinary Order. I approve its form and content.

16
17 DATED: 8/7/20


PATRIC HOOPER
Attorney for Respondent

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ENDORSEMENT

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

DATED: 8/7/2020

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General



STEPHANIE J. LEE
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 6826

1 XAVIER BECERRA
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 STEPHANIE J. LEE
Deputy Attorney General
4 State Bar No. 279733
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6185
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ACCUSATION

15 **Pharmacy Permit No. PHY 44527,**

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18 **Pharmacist License No. RPH 42018,**

19 **and**

20 **SEUNG PIL SUN**

839 Lorraine Blvd.
Los Angeles, CA 90005

22 **Pharmacist License No. RPH 72473**

23 Respondents.
24

25 **PARTIES**

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

2. On or about January 13, 2000, the Board of Pharmacy issued Pharmacy Permit Number PHY 44527 to Chang Ho Yoo, dba PCH Medical Pharmacy (Respondent PCH Medical Pharmacy). The Pharmacy Permit was in full force and effect at all times relevant to the charges brought herein and will expire on January 1, 2020, unless renewed. Chang Ho Yoo (Respondent Yoo) is and has been the Individual Licensed Owner of Respondent PCH Medical Pharmacy since January 13, 2000. Respondent Yoo was the Pharmacist-in-Charge from January 31, 2016 to August 1, 2018. Seung Pil Sun (Respondent Sun) was the Pharmacist-in-Charge from July 1, 2015 to January 31, 2016, and is and has been the Pharmacist-in-Charge since August 1, 2018.

3. On or about August 9, 1988, the Board of Pharmacy issued Pharmacist License Number RPH 42018 to Chang Ho Yoo (Respondent Yoo). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2021, unless renewed.

4. On or about March 19, 2015, the Board of Pharmacy issued Pharmacist License Number RPH 72473 to Seung Pil Sun (Respondent Sun). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2020, unless renewed.

JURISDICTION

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

6. Section 4011 of the Code provides that the Board shall administer and enforce both the Pharmacy Law [Code sections 4000 *et seq.*] and the Uniform Controlled Substances Act [Health & Safety Code sections 11000 *et seq.*].

7. Section 4300 of the Code states, in pertinent part, that “[e]very license issued may be suspended or revoked.”

8. 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.

9. Section 4302 states:

The board may deny, suspend, or revoke any license of a corporation where conditions exist in relation to any person holding 10 percent or more of the corporate stock of the corporation, or where conditions exist in relation to any officer or director of the corporation that would constitute grounds for disciplinary action against a licensee.

STATUTORY PROVISIONS

10. Section 4059 of the Code states:

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

11. 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.”

12. Section 4301 of the Code states:

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 includes, but is not limited to, any of the following:

...

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

...

(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.

1 13. Section 4306.5 of the Code states:

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

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

7 14. Section 4307 states, in pertinent part:

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

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

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

23 15. Health and Safety Code Section 11153 states, in pertinent part:

24 (a) A prescription for a controlled substance shall only be issued for a legitimate
25 medical purpose by an individual practitioner acting in the usual course of his or her
26 professional practice. The responsibility for the proper prescribing and dispensing of
27 controlled substances is upon the prescribing practitioner, but a corresponding
28 responsibility rests with the pharmacist who fills the prescription. Except as authorized by
29 this division, the following are not legal prescriptions:

30 (1) an order purporting to be a prescription which is issued not in the usual
31 course of professional treatment or in legitimate and authorized research; or

32 (2) an order for an addict or habitual user of controlled substances, which is
33 issued not in the course of professional treatment or as part of an authorized
34 narcotic treatment program, for the purpose of providing the user with
35 controlled substances, sufficient to keep him or her comfortable by maintaining
36 customary use.

37 16. Health and Safety Code section 11162.1 states:

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

40 ...

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

...

(b) Each batch of controlled substance prescription forms shall have the lot number printed on the form and each form within that batch shall be numbered sequentially beginning with the numeral one.

17. Health and Safety Code section 11164 states, in pertinent part:

Except as provided in Section 11167, no 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:

REGULATORY PROVISIONS

18. California Code of Regulations, title 16, section 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.

19. Federal Code of Regulations, title 21, section 1306.05 states, in pertinent part:

(a) All prescriptions for controlled substances shall be dated as of, and signed on, the day when issued and shall bear the full name and address of the patient, the drug name, strength, dosage form, quantity prescribed, directions for use, and the name, address and registration number of the practitioner.

DEFINITIONS

20. Section 4022 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

1 to be filled in with the designation of the practitioner licensed to use or order use of the
2 device.

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

5 21. Section 4036.5 states:

6 “Pharmacist-in-charge” means a pharmacist proposed by a pharmacy and approved by the
7 board as the supervisor or manager responsible for ensuring the pharmacy's compliance
8 with all state and federal laws and regulations pertaining to the practice of pharmacy.

9 22. Oxycodone is a Schedule II controlled substance pursuant to Health and Safety Code
10 section 11055, subdivision (b)(1)(M), and a dangerous drug pursuant to Business and Professions
11 Code section 4022. Oxycodone is an opioid pain medication.

12 **COST RECOVERY**

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

17 **FACTUAL ALLEGATIONS**

18 24. The Controlled Substance Utilization Review and Evaluation System (CURES) is
19 California’s Prescription Drug Monitoring Program (PDMP). Pharmacies in California are
20 required to report all filled prescriptions for Schedule II, III, and IV controlled substances to the
21 database every week. The data is collected statewide and can be used by licensed prescribers and
22 pharmacists to evaluate and determine whether their patients are utilizing controlled substances
23 correctly and whether a patient has used multiple prescribers and multiple pharmacies to fill
24 controlled substance prescriptions. Law enforcement and regulatory agencies such as the Board
25 have access to the CURES database for official oversight or investigatory purposes.

26 25. The Board analyzed CURES dispensing data reported by Respondent PCH Medical
27 Pharmacy and determined that the pharmacy filled a number of prescriptions under the
28 prescribing authority of Dr. Annamalai Ashokan. Previous Board investigations of other
pharmacies had identified prescriptions from Dr. Ashokan that did not conform to the written
prescription requirements of Health and Safety Code section 11162.1.

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26. On or about May 14, 2019, the Board conducted an inspection of Respondent PCH Medical Pharmacy. Respondent Sun, Pharmacist-in-Charge, was present during the inspection.

27. The Board inspector collected data of all prescriptions filled by Respondent PCH Medical Pharmacy from May 14, 2016 to May 14, 2019. A review of all the prescriptions from Dr. Ashokan during this time period reflected the following dispensing trends:

MEDICATION	CONTROLLED SUBSTANCE	NUMBER OF PRESCRIPTIONS	PERCENT OF DR. ASHOKAN'S PRESCRIPTIONS FILLED
Oxycodone HCl 30 mg	Yes – Schedule II	219	57.63%
Cyclobenzaprine 10 mg	No	64	16.84%
Doc-q-lace 100 mg	No	63	16.58%
Ibuprofen 800 mg	No	30	7.89%
Gabapentin 800 mg	No	4	1.05%
TOTAL		380	100.00%

28. The Board's investigation identified multiple objective factors of irregularity—or red flags—indicating that Dr. Ashokan's prescriptions for a controlled substance (Oxycodone) were not issued for a legitimate medical purpose. These red flags include, but are not limited to:

(a) Oxycodone constituted over 50% of Dr. Ashokan's prescriptions

29. Of the 380 total prescriptions Respondent PCH Medical Pharmacy received from Dr. Ashokan, 57.63% prescribed oxycodone, a commonly abused medication. Oxycodone not only accounted for over half of Dr. Ashokan's prescribing, but it was also the only controlled substance prescribed by Dr. Ashokan, according to Respondent PCH Medical Pharmacy's prescription records.

(b) Oxycodone 30 mg was prescribed to all 48 of Dr. Ashokan's patients

30. Respondent PCH Medical Pharmacy filled prescriptions from Dr. Ashokan for a total forty-eight (48) patients. All forty-eight (48) patients had at least one prescription from Dr. Ashokan for Oxycodone at the same 30 mg strength, regardless of inter-patient variability in age, weight, drug allergies, medical histories, severity of symptoms being treated, tolerance to drugs, and patient preferences regarding drug therapy plans.

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1 (c) *The highest available strength (30 mg) was prescribed in all 219 Oxycodone*
2 *prescriptions*

3 31. Respondent PCH Medical Pharmacy filled 219 prescriptions from Dr. Ashokan for
4 oxycodone. All 219 prescriptions were for an immediate-release formulation of oxycodone.
5 Immediate-release oxycodone is available in 5 mg, 10 mg, 15 mg, 20 mg, and 30 mg strengths.
6 For all 219 oxycodone prescriptions, Dr. Ashokan exclusively prescribed 30 mg, the highest
7 available strength, despite the standard practice of prescribers to treat patients with the lowest
8 effective dose of medication (to minimize risk of side effects and toxicity) and to also initiate
9 therapy with a low dosage of medication and increase only if necessary.

10 (d) *Multiple, consecutive Oxycodone prescriptions were processed in a day*

11 32. On numerous dates, Respondent PCH Medical Pharmacy processed multiple
12 prescriptions from Dr. Ashokan on the same day. Often, these prescriptions were processed
13 within minutes of each other and assigned consecutive or nearly consecutive prescription
14 numbers by the dispensing computer software, indicating that Respondent PCH Medical
15 Pharmacy processed the prescriptions consecutively or nearly consecutively. For example:

16 33. On May 23, 2016, between 3:17 p.m. and 3:35 p.m., Respondent PCH Medical
17 Pharmacy processed eight (8) prescriptions for four (4) patients from Dr. Ashokan. All four (4)
18 patients received prescriptions for 120 Oxycodone 30 mg tablets.

19

Date and Time	Rx	Patient	Medication	Quantity
5/23/2016 15:17	7559797	LM	Oxycodone HCl 30 mg tablet	120
5/23/2016 15:19	7559798	LM	Ibuprofen 800 mg tablet	30
5/23/2016 15:24	7559801	SG	Oxycodone HCl 30 mg tablet	120
5/23/2016 15:27	7559802	SG	Cyclobenzaprine 10 mg tablet	30
5/23/2016 15:32	7559804	DA	Oxycodone HCl 30 mg tablet	120
5/23/2016 15:33	7559805	DA	Cyclobenzaprine 10 mg tablet	30
5/23/2016 15:35	7559806	LP	Oxycodone HCl 30 mg tablet	120
	7559807	LP	Gabapentin 800 mg tablet	

25

26 34. On May 31, 2016, between 2:42 p.m. and 3:27 p.m., Respondent PCH Medical
27 Pharmacy processed sixteen (16) prescriptions for eight (8) patients from Dr. Ashokan. All eight
28 (8) patients received prescriptions for 120 oxycodone 30 mg tablets.

Date and Time	Rx	Patient	Medication	Quantity
5/31/2016 14:42	7560099	DS	Oxycodone HCl 30 mg tablet	90
5/31/2016 14:45	7560100	DS	Oxycodone HCl 30 mg tablet	30
	7560101	DS	Ibuprofen 800 mg tablet	30
5/31/2016 14:50	7560102	MC Sr.	Oxycodone HCl 30 mg tablet	120
5/31/2016 14:53	7560103	MC Sr.	Ibuprofen 800 mg tablet	30
5/31/2016 15:02	7560104	MS	Oxycodone HCl 30 mg tablet	90
	7560105	MS	Oxycodone HCl 30 mg tablet	30
5/31/2016 15:03	7560106	MS	Gabapentin 800 mg tablet	30
5/31/2016 15:05	7560107	LW	Oxycodone HCl 30 mg tablet	90
5/31/2016 15:08	7560108	LW	Oxycodone HCl 30 mg tablet	30
	7560109	LW	Ibuprofen 800 mg tablet	30
5/31/2016 15:09	7560110	SSL	Oxycodone HCl 30 mg tablet	120
5/31/2016 15:10	7560111	SSL	Ibuprofen 800 mg tablet	30
5/31/2016 15:16	7560112	KW	Oxycodone HCl 30 mg tablet	120
5/31/2016 15:17	7560113	KW	Ibuprofen 800 mg tablet	30
5/31/2016 15:21	7560114	MW	Oxycodone HCl 30 mg tablet	90
5/31/2016 15:22	7560115	MW	Oxycodone HCl 30 mg tablet	30
5/31/2016 15:23	7560116	MW	Ibuprofen 800 mg tablet	30
5/31/2016 15:26	7560117	JM	Oxycodone HCl 30 mg tablet	90
5/31/2016 15:27	7560118	JM	Oxycodone HCl 30 mg tablet	30
	7560119	JM	Cyclobenzaprine 10 mg tablet	30

35. On August 22, 2016, between 3:11 p.m. and 4:27 p.m., Respondent PCH Medical Pharmacy processed sixteen (16) prescriptions for eight (8) patients from Dr. Ashokan. All eight (8) patients received identical prescriptions for 120 oxycodone 30 mg tablets.

Date and Time	Rx	Patient	Medication	Quantity
8/22/2016 15:11	7563242	LW	Oxycodone 30 mg tablet	120
8/22/2016 15:12	7563243	LW	Doc-q-lace 100 mg softgel	30
8/22/2016 15:14	7563244	MC	Oxycodone 30 mg tablet	90
	7563245	MC	Oxycodone 30 mg tablet	30
8/22/2016 15:15	7563246	MC	Doc-q-lace 100 mg softgel	30
8/22/2016 15:16	7563247	MW	Oxycodone 30 mg tablet	90
8/22/2016 15:17	7563248	MW	Oxycodone 30 mg tablet	30
8/22/2016 15:18	7563249	MW	Ibuprofen 800 mg tablet	30
	7563250	LP	Oxycodone 30 mg tablet	120
8/22/2016 15:19	7563251	LP	Doc-q-lace 100 mg softgel	30
8/22/2016 15:21	7563254	LM	Oxycodone 30 mg tablet	120

8/22/2016 15:22	7563255	LM	Doc-q-lace 100 mg softgel	30
8/22/2016 15:23	7563257	SG	Oxycodone 30 mg tablet	120
8/22/2016 15:24	7563258	SG	Doc-q-lace 100 mg softgel	30
8/22/2016 15:25	7563260	JM	Oxycodone 30 mg tablet	120
8/22/2016 15:26	7563261	JM	Cyclobenzaprine 10 mg tablet	30
8/22/2016 16:21	7563290	DL	Oxycodone 30 mg tablet	120
8/22/2016 16:27	7563291	DL	Doc-q-lace 100 mg soffgel	30

36. On October 26, 2016, between 12:35 p.m. and 3:55 p.m., Respondent PCH Medical Pharmacy processed twenty-seven (27) prescriptions for fourteen (14) patients from Dr. Ashokan. All fourteen (14) patients received prescriptions for oxycodone 30 mg tablets—thirteen (13) of them received prescriptions for 120 tablets, and one (1) of them received prescriptions for 150 tablets.

Date and Time	Rx	Patient	Medication	Quantity
10/26/2016 12:35	7566086	MW	Oxycodone 30 mg tablet	90
10/26/2016 12:36	7566087	MW	Oxycodone 30 mg tablet	30
10/26/2016 12:37	7566088	MW	Gabapentin 800 mg tablet	30
10/26/2016 14:18	7566099	DL	Oxycodone 30 mg tablet	120
10/26/2016 14:19	7566100	DL	Cyclobenzaprine 10 mg tablet	30
10/26/2016 14:23	7566105	MC	Oxycodone 30 mg tablet	90
10/26/2016 14:24	7566107	MC	Oxycodone 30 mg tablet	30
10/26/2016 14:25	7566108	MC	Cyclobenzaprine 10 mg tablet	30
10/26/2016 14:28	7566110	MC, Sr.	Oxycodone 30 mg tablet	120
10/26/2016 14:30	7566111	MC, Sr.	Cyclobenzaprine 10 mg tablet	30
10/26/2016 14:33	7566113	SSL	Oxycodone 30 mg tablet	90
10/26/2016 14:34	7566114	SSL	Oxycodone 30 mg tablet	30
10/26/2016 14:35	7566115	SSL	Doc-q-lace 100 mg softgel	30
10/26/2016 14:39	7566116	DW	Oxycodone 30 mg tablet	90
10/26/2016 14:40	7566117	DW	Oxycodone 30 mg tablet	30
10/26/2016 14:41	7566118	DW	Doc-q-lace 100 mg softgel	30
10/26/2016 14:48	7566128	CM	Oxycodone 30 mg tablet	90
10/26/2016 14:49	7566129	CM	Oxycodone 30 mg tablet	30
10/26/2016 15:00	7566136	BP	Oxycodone 30 mg tablet	120
10/26/2016 15:02	7566137	BP	Doc-q-lace 100 mg softgel	30
10/26/2016 15:27	7566146	RH	Oxycodone 30 mg tablet	90
10/26/2016 15:28	7566147	RH	Oxycodone 30 mg tablet	60
10/26/2016 15:29	7566148	RH	Doc-q-lace 100 mg softgel	30
10/26/2016 15:36	7566153	BSJ	Oxycodone 30 mg tablet	120
10/26/2016 15:37	7566154	BSJ	Cyclobenzaprine 10 mg tablet	30

10/26/2016 15:44	7566155	MS	Oxycodone 30 mg tablet	90
10/26/2016 15:45	7566156	MS	Oxycodone 30 mg tablet	30
10/26/2016 15:46	7566157	MS	Doc-q-lace 100 mg softgel	30
10/26/2016 15:48	7566160	KW	Oxycodone 30 mg tablet	90
10/26/2016 15:49	7566161	KW	Oxycodone 30 mg tablet	30
	7566162	KW	Doc-q-lace 100 mg softgel	30
10/26/2016 15:52	7566167	PB	Oxycodone 30 mg tablet	120
	7566168	PB	Cyclobenzaprine 10 mg tablet	30
10/26/2016 15:54	7566169	EE	Oxycodone 30 mg tablet	120
10/26/2016 15:55	7566170	EE	Doc-q-lace 100 mg softgel	30

37. On November 28, 2016, between 1:49 p.m. and 4:22 p.m., Respondent PCH Medical Pharmacy processed twenty-nine (29) prescriptions for fifteen (15) patients from Dr. Ashokan. All fifteen (15) patients received prescriptions for 120 oxycodone 30 mg tablets.

Date and Time	Rx	Patient	Medication	Quantity
11/28/2016 13:49	7567503	MW	Oxycodone 30 mg tablet	90
11/28/2016 13:50	7567507	MW	Oxycodone 30 mg tablet	30
11/28/2016 13:51	7567508	MW	Cyclobenzaprine 10 mg tablet	30
11/28/2016 13:55	7567509	DS	Oxycodone 30 mg tablet.	90
11/28/2016 13:56	7567510	DS	Oxycodone 30 mg tablet	30
11/28/2016 13:57	7567511	DS	Doc-q-lace 100 mg softgel	30
11/28/2016 14:03	7567522	EE	Oxycodone 30 mg tablet	120
	7567523	EE	Doc-q-lace 100 mg softgel	30
11/28/2016 14:06	7567528	BSJ	Oxycodone 30 mg tablet	120
11/28/2016 14:07	7567529	BSJ	Ibuprofen 800 mg tablet	30
11/28/2016 14:09	7567533	MC	Oxycodone 30 mg tablet	90
11/28/2016 14:10	7567534	MC	Oxycodone 30 mg tablet	30
11/28/2016 14:11	7567535	MC	Cyclobenzaprine 10 mg tablet	30
11/28/2016 14:18	7567542	MS	Oxycodone 30 mg tablet	90
11/28/2016 14:19	7567543	MS	Oxycodone 30 mg tablet	30
	7567544	MS	Cyclobenzaprine 10 mg tablet	30
11/28/2016 15:03	7567554	BP	Oxycodone 30 mg tablet	120
11/28/2016 15:19	7567564	CM	Oxycodone 30 mg tablet	90
11/28/2016 15:32	7567565	CM	Oxycodone 30 mg tablet	30
11/28/2016 15:35	7567566	CM	Cyclobenzaprine 10 mg tablet	30
11/28/2016 15:37	7567569	KW	Oxycodone 30 mg tablet	90
11/28/2016 15:38	7567570	KW	Oxycodone 30 mg tablet	30
11/28/2016 15:39	7567571	KW	Doc-q-lace 100 mg softgel	30
11/28/2016 15:43	7567572	SSL	Oxycodone 30 mg tablet	90
11/28/2016 15:44	7567573	SSL	Oxycodone 30 mg tablet	30

11/28/2016 15:45	7567574	SSL	Cyclobenzaprine 10 mg tablet	30
11/28/2016 15:48	7567579	PB	Oxycodone 30 mg tablet	90
11/28/2016 15:49	7567580	PB	Oxycodone 30 mg tablet	30
	7567581	PB	Cyclobenzaprine 10 mg tablet	30
11/28/2016 15:53	7567582	MC,Sr.	Oxycodone 30 mg tablet	120
11/28/2016 15:54	7567583	MC,Sr.	Doc-q-lace 100 mg softgel	30
11/28/2016 15:59	7567591	DC	Oxycodone 30 mg tablet	90
11/28/2016 16:00	7567592	DC	Oxycodone 30 mg tablet	30
	7567593	DC	Doc-q-lace 100 mg softgel	30
11/28/2016 16:11	7567598	JT	Oxycodone 30 mg tablet	90
	7567599	JT	Oxycodone 30 mg tablet	30
11/28/2016 16:12	7567600	JT	Cyclobenzaprine 10 mg tablet	30
11/28/2016 16:19	7567603	TA	Oxycodone 30 mg tablet	90
11/28/2016 16:21	7567604	TA	Oxycodone 30 mg tablet	30
11/28/2016 16:22	7567605	TA	Ibuprofen 800 mg tablet	30

(e) *Patients had addresses of record excessively far from PCH Medical Pharmacy*

38. Of the forty-eight (48) patients who had Dr. Ashokan's prescriptions filled by Respondent PCH Medical Pharmacy, twenty-three (23) of them had addresses of record that were more than twenty (20) miles from Respondent PCH Medical Pharmacy, which is located in Long Beach, California. Together, these twenty-three (23) patients received 193 prescriptions from Dr. Ashokan that were ultimately filled by Respondent PCH Medical Pharmacy.

(f) *Dr. Ashokan's written prescriptions lacked required security features*

39. The Board's investigator reviewed sixty (60) prescription documents for Oxycodone 30 mg from Dr. Ashokan that had been filled by Respondent PCH Medical Pharmacy. These prescription documents failed to include a lot number and a "California Security Prescription" watermark—both security features that are required by law. These omitted security features alone invalidated the prescriptions and visibly indicated that the prescriptions were not written legitimately.

(g) *Dr. Ashokan's written prescriptions had incorrect issue dates*

40. Seven (7) of the reviewed prescription documents were dated September 27, 2016 but were processed and dispensed by Respondent PCH Medical Pharmacy on September 26, 2016. These prescriptions were also invalid because they had patently incorrect issue dates.

1 41. None of the sixty (60) prescription documents had handwritten notes indicating a
2 pharmacist at Respondent PCH Medical Pharmacy had ever contacted Dr. Ashokan to obtain
3 additional information to validate the prescriptions.

4 42. Given these numerous factors of irregularity, all Respondents knew, or had objective
5 reason to know, that there were potential problems with Dr. Ashokan's prescriptions. These red
6 flags put all Respondents on notice to conduct further inquiries into the legitimacy of the
7 prescriptions.

8 43. The Board inspector reviewed additional CURES data for three other pharmacies
9 located near both Respondent PCH Medical Pharmacy and Dr. Ashokan's office and therefore
10 similarly accessible to Dr. Ashokan's patients. The data showed that from May 16, 2016 to May
11 14, 2019, none of these three pharmacies filled any prescriptions from Dr. Ashokan. This trend
12 suggests that Dr. Ashokan's patients from this time period had specifically identified PCH
13 Medical Pharmacy as a location where Dr. Ashokan's prescriptions could be filled.

14 **FIRST CAUSE FOR DISCIPLINE**

15 **(Failure to Exercise or Implement Corresponding Responsibility)**

16 44. Respondent PCH Medical Pharmacy, Respondent Sun, and Respondent Yoo are
17 subject to disciplinary action under sections 4301, subdivisions (d), (j), and (o); 4306.5,
18 subdivision (b); 4302; and 4113, subdivision (c); in conjunction with Health and Safety Code
19 section 11153, subdivision (a); and California Code of Regulations, title 16, section 1761; in that
20 Respondents failed to exercise or implement their best professional judgment or corresponding
21 responsibility with regard to the dispensing or furnishing of controlled substances or dangerous
22 drugs, or with regard to the provision of services. Complainant refers to, and by this reference
23 incorporates, the allegations set forth in above paragraphs 24 through 43, as though set forth in
24 full herein.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Filling or Dispensing Improper Prescriptions for Controlled Substances)**

3 45. Respondent PCH Medical Pharmacy, Respondent Sun, and Respondent Yoo are
4 subject to disciplinary action under sections 4301, subdivisions (d), (j), and (o); 4306.5,
5 subdivision (b); 4302; and 4113, subdivision (c); in conjunction with Health and Safety Code
6 sections 11164 and 11162.1, subdivisions (a) and (b); California Code of Regulations, title 16,
7 section 1761; and Federal Code of Regulations, title 21, section 1306.05; in that Respondents
8 filled or dispensed controlled substance prescriptions that did not comply with the form
9 requirements of Health and Safety Code section 11162.1, or contained any significant error,
10 omission, irregularity, uncertainty, ambiguity or alteration. Complainant refers to, and by this
11 reference incorporates, the allegations set forth in above paragraphs 24 through 43, as though set
12 forth in full herein.

13 **OTHER MATTERS**

14 46. Pursuant to section 4307 of the Code, if discipline is imposed on Pharmacy Permit
15 Number PHY 44527 issued to Respondent Chang Ho Yoo, dba PCH Medical Pharmacy,
16 Respondent PCH Medical Pharmacy shall be prohibited from serving as a manager,
17 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if
18 Pharmacy Permit Number PHY 44527 is placed on probation or until Pharmacy Permit Number
19 PHY 44527 is reinstated if it is revoked.

20 47. Pursuant to section 4307 of the Code, if discipline is imposed on Pharmacy Permit
21 Number PHY 44527 issued to Respondent Chang Ho Yoo, dba PCH Medical Pharmacy while
22 Respondent Seung Pil Sun has been an officer and owner and had knowledge of or knowingly
23 participated in any conduct for which the licensee was disciplined, Respondent Seung Pil Sun
24 shall be prohibited from serving as a manager, administrator, owner, member, officer, director,
25 associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 44527 is placed
26 on probation or until Pharmacy Permit Number PHY 44527 is reinstated if it is revoked.

27 48. Pursuant to section 4307 of the Code, if discipline is imposed on Pharmacy Permit
28 Number PHY 44527 issued to Respondent Chang Ho Yoo, dba PCH Medical Pharmacy while

Respondent Chang Ho Yoo has been an officer and owner and had knowledge of or knowingly participated in any conduct for which the licensee was disciplined, Respondent Chang Ho Yoo shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 44527 is placed on probation or until Pharmacy Permit Number PHY 44527 is reinstated if it is revoked.

DISCIPLINE CONSIDERATIONS

49. To determine the degree of discipline, if any, to be imposed on Respondent PCH Medical Pharmacy, Respondent Chang Ho Yoo, and Respondent Seung Pil Sun, Complainant alleges that on or about February 19, 2019, in a prior action titled *In the Matter of the Citation Against Chang-Ho Yoo*, the Board issued Citation Number CI 2018 80744 to Respondent Yoo for a violation of Code section 4077, subdivision (a) [dispensing dangerous drug in incorrectly labeled container]. A copy of the Modified Citation and Fine and Order of Abatement is attached as Exhibit A.

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 44527, issued to Chang Ho Yoo, dba PCH Medical Pharmacy;
2. Revoking or suspending Pharmacist License Number RPH 42018, issued to Chang Ho Yoo;
3. Revoking or suspending Pharmacist License Number RPH 72473, issued to Seung Pil Sun;
4. Prohibiting Chang Ho Yoo, dba PCH Medical Pharmacy from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 44527 is placed on probation or until Pharmacy Permit Number PHY 44527 is reinstated if Pharmacy Permit Number PHY 44527 issued to Chang Ho Yoo, dba PCH Medical Pharmacy is revoked;

1 5. Prohibiting Chang Ho Yoo from serving as a manager, administrator, owner,
2 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit
3 Number PHY 44527 is placed on probation or until Pharmacy Permit Number PHY 44527 is
4 reinstated if Pharmacy Permit Number PHY 44527 issued to Chang Ho Yoo, dba PCH Medical
5 Pharmacy is revoked;

6 6. Prohibiting Seung Pil Sun from serving as a manager, administrator, owner, member,
7 officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number
8 PHY 44527 is placed on probation or until Pharmacy Permit Number PHY 44527 is reinstated if
9 Pharmacy Permit Number PHY 44527 issued to Chang Ho Yoo, dba PCH Medical Pharmacy is
10 revoked;

11 7. Ordering Chang Ho Yoo, dba PCH Medical Pharmacy, Chang Ho Yoo, and Seung Pil
12 Sun to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of
13 this case, pursuant to Business and Professions Code section 125.3; and,

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

15
16
17 DATED: December 2, 2019



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

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