

**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 for Public Repeval is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on 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 FOR PUBLIC
REPROVAL**

[Bus. & Prof. Code § 495]

As to Respondent Chang Ho Yoo,
individually, 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, individually.

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 individually (Respondent) is represented in this
9 proceeding by attorney Patric Hooper, whose address is: 1875 Century Park East, Suite 1600, Los
10 Angeles, CA 90067.

11 3. On or about August 9, 1988, the Board issued Pharmacist License Number RPH
12 42018 to Chang Ho Yoo (Respondent). The Pharmacist License was in full force and effect at all
13 times relevant to the charges brought in Accusation No. 6826 and will expire on September 30,
14 2021, unless renewed.

15 **JURISDICTION**

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

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

22 **ADVISEMENT AND WAIVERS**

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

27 7. Respondent is fully aware of his legal rights in this matter, including the right to a
28 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine

1 the witnesses against him; the right to present evidence and to testify on his own behalf; the right
2 to the issuance of subpoenas to compel the attendance of witnesses and the production of
3 documents; the right to reconsideration and court review of an adverse decision; and all other
4 rights accorded by the California Administrative Procedure Act and other applicable laws.

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

7 **CULPABILITY**

8 9. Respondent understands and agrees that the charges and allegations in Accusation
9 No. 6826, if proven at a hearing, constitute cause for imposing discipline upon his Pharmacist
10 License.

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

15 11. Respondent agrees that his Pharmacist License is subject to discipline and they agree
16 to be bound by the Board's Disciplinary Order below.

17 **CONTINGENCY**

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

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

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

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 Pharmacist License Number RPH 42018 issued to Respondent Chang Ho Yoo shall be publicly reprovred by the Board of Pharmacy under Business and Professions Code section 495 in resolution of Accusation No. 6826, attached hereto as Exhibit A.

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ACCEPTANCE

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

DATED: 8/7/20 
CHANG HO YOO, individually
Respondent

I have read and fully discussed with Respondent Chang Ho Yoo the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order for Public Reprimand. I approve its form and content.

DATED: 8/7/20 
PATRIC HOOPER
Attorney for Respondent

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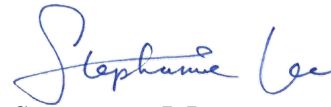
ENDORSEMENT

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

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
6 Facsimile: (916) 731-2126
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ACCUSATION

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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

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.

21. Section 4036.5 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.

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

COST RECOVERY

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

FACTUAL ALLEGATIONS

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

25. The Board analyzed CURES dispensing data reported by Respondent PCH Medical Pharmacy and determined that the pharmacy filled a number of prescriptions under the 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.

///

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	

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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.

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

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

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

FIRST CAUSE FOR DISCIPLINE

(Failure to Exercise or Implement Corresponding Responsibility)

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

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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.

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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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