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

In the Matter of the Accusation Against:

RAMI INC., dba
AALPHA PHARMACY,
Pharmacy Permit No. PHY 47556,

and

TAI TRONG BUI,
Registered Pharmacist License No. RPH 48096,

Respondents.

Agency Case No. 6990

DECISION AND ORDER

The attached Stipulated Surrender of License 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 March 2, 2022.

It is so ORDERED on January 31, 2022.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

Seung W. Oh, Pharm.D.
Board President

ROB BONTA
Attorney General of California
SHAWN P. COOK
Supervising Deputy Attorney General
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Attorneys for Complainant

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

In the Matter of the Accusation Against**:** **RAMI INC., DBA AALPHA PHARMACY** **174 S. Alvarado Street** **Los Angeles, CA 90057** **Pharmacy Permit No. PHY 47556,** **and** **TAI TRONG BUI** **19920 Horst Avenue** **Cerritos, CA 90703** **Registered Pharmacist License No. RPH 48096** Respondents.	Case No. 6990 OAH No. 2021061020 **STIPULATED SURRENDER OF LICENSE AND ORDER**

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

PARTIES

1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy (Board). She brought this action solely in her official capacity and is represented in this matter by Rob Bonta, Attorney General of the State of California, by Michelle Nijm, Deputy Attorney General.

2. Rami Inc., dba Aalpha Pharmacy (Respondent Aalpha) and Tai Trong Bui (Respondent Bui) are represented in this proceeding by attorneys Michael Dowell and Herb Weinberg.

3. On or about August 22, 2006, the Board issued Pharmacy Permit No. PHY 47556 to (Respondent Aalpha). The Pharmacy Permit was in full force and effect at all times relevant to the charges brought in Accusation No. 6990 and will expire on August 1, 2022, unless renewed.

4. On or about August 10, 1995, the Board of Pharmacy issued Registered Pharmacist License Number RPH 48096 to Respondent Bui. The Registered Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2022, unless renewed.

JURISDICTION

5. Accusation No. 6990 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on January 29, 2021. Respondents timely filed their Notices of Defense contesting the Accusation. A copy of Accusation No. 6990 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

6. Respondents have carefully read, fully discussed with counsel, and understand the charges and allegations in Accusation No. 6990. Respondents also have carefully read, fully discussed with counsel, and understand the effects of this Stipulated Surrender of License and Order.

7. Respondents are fully aware of their 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 them; the right to present evidence and to testify on its 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. Respondents voluntarily, knowingly, and intelligently waive and give up each and every right set forth above.

CULPABILITY

9. Respondents understand that the charges and allegations in Accusation No. 6990, if proven at a hearing, constitute cause for imposing discipline upon Pharmacy Permit PHY 47556 and Pharmacist License Number RPH 48096.

10. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondents agree that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation and that those charges constitute cause for discipline. Respondents hereby give up their right to contest that cause for discipline exists based on those charges.

11. Respondents understand that by signing this stipulation Respondents enable the Board to issue an order accepting the surrender of their Pharmacy Permit and Pharmacist License without further process.

CONTINGENCY

12. This stipulation shall be subject to approval by the Board. Respondents understand and agree that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondents or their counsel. By signing the stipulation, Respondents understand and agree that they may not withdraw its 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 Surrender 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 Surrender of License and Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

14. This Stipulated Surrender of License and 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 Surrender of License and 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 Order:

ORDER

IT IS HEREBY ORDERED that Pharmacy Permit No. PHY 47556, issued to Respondent Rami Inc., dba Aalpha Pharmacy, is surrendered and accepted by the Board. However, the surrender will be stayed for a period of 90 days from the effective date, by which time the pharmacy shall be sold or closed. In addition, upon signature of the stipulated settlement Respondent Aalpha shall designate a new Pharmacist-in-Charge within 14 days.

IT IS ALSO HEREBY ORDERED that Pharmacist License Number RPH 48096 issued to Respondent Tai Trong Bui is surrendered and accepted by the Board.

1. In the event that Respondent Aalpha is not sold within the ninety-day period upon the effective date of decision, Respondent Aalpha shall, within ten (10) days of the stayed 90 days of the effective date of this decision, arrange for the destruction of, the transfer to, sale of or storage in a facility licensed and approved by the Board of all controlled substances and dangerous drugs and/or dangerous devices. Respondent Aalpha shall further arrange for the transfer of all records of acquisition and disposition of dangerous drugs to premises licensed and approved by the Board. Respondent Aalpha shall further provide written proof of such disposition and submit a completed Discontinuance of Business form according to Board guidelines.

2. In the event that Respondent Aalpha is not sold within the ninety-day period upon the effective date of decision, Respondent Aalpha shall within ten (10) days of the stayed 90 days of the effective date of this decision, arrange for the continuation of care for ongoing patients of the pharmacy by, at minimum, providing a written notice to ongoing patients that specifies the

anticipated closing date of the pharmacy and that identifies one or more area pharmacies capable of taking up the patients' care, and by cooperating as may be necessary in the transfer of records or prescriptions for ongoing patients. Within five days of its provision to the pharmacy's ongoing patients, Respondent Aalpha shall provide a copy of the written notice to the Board. For the purposes of this provision, "ongoing patients" means those patients for whom the pharmacy has on file a prescription with one or more refills outstanding, or for whom the pharmacy has filled a prescription within the preceding ninety (90) days.

3. The surrender of Respondent Aalpha's Pharmacy License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent Aalpha. This stipulation constitutes a record of the discipline and shall become a part of Respondent Aalpha's license history with the Board of Pharmacy. Respondent Aalpha understands and acknowledges that, for purposes of Business and Professions Code section 4307, this stipulated surrender is the same as a revocation.

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

5. Respondent Aalpha understands and agrees that if it ever files an application for licensure or a licensed premises or a petition for reinstatement in the State of California, the Board shall treat it as a new application for licensure.

6. Respondent Aalpha may not reapply for any license from the Board for three (3) years from the effective date of this decision. Respondent Aalpha stipulates that should it apply for any license from the Board on or after the effective date of this decision, all allegations set forth in the Accusation No. 6990 shall be deemed to be true, correct and admitted by Respondent Aalpha when the Board determines whether to grant or deny the application. Respondent Aalpha hall satisfy all requirements applicable to that license as of the date the application is submitted to the Board, including, but not limited to, taking and passing licensing examination(s) as well as fulfilling any education or experience requirements prior to the issuance of a new license.

7. Respondent Aalpha shall relinquish its pharmacy permit, including any indicia of licensure issued by the Board, within ten (10) days of the stayed 90 days of the effective date of

this decision. Respondent Aalpha shall relinquish the premises wall license and renewal license to the Board within ten (10) days of the stayed 90 days of the effective date of this decision.

8. As to Pharmacist License Number RPH 48096 issued to Respondent Bui, the surrender of his Pharmacist License, and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent Bui. This stipulation constitutes a record of the discipline and shall become a part of Respondent Bui's license history with the Board. Respondent Bui understands and acknowledges that, for purposes of Business and Professions Code section 4307, this stipulated surrender is the same as a revocation.

9. Respondent Bui shall lose all rights and privileges as a Pharmacist in California as of the effective date of the Board's Decision and Order.

10. Respondent Bui shall cause to be delivered to the Board his Pharmacist pocket licenses and, if one was issued, his wall certificates on or before the effective date of the Decision and Order.

11. If Respondent Bui ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent Bui must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 6990 shall be deemed to be true, correct and admitted by Respondent Bui when the Board determines whether to grant or deny the application or petition.

12. Respondent Bui may not apply for any license, permit, or registration from the Board for a period of three (3) years from the effective date of the Decision and Order. If Respondent Bui ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent Bui must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 6990 shall be deemed to be true, correct and admitted by Respondent Bui when the Board determines whether to grant or deny the application or petition.

13. Respondents shall pay the agency its costs of investigation and enforcement in the amount of $27,147.50. In the event that Respondent Aalpha is sold, Respondents shall pay this amount within ten (10) days of the sale of Respondent Aalpha. In the event that Respondent Aalpha is not sold, Respondents shall pay this amount upon reinstatement or reapplication. Respondents shall be jointly and severally liable for payment of the investigation and enforcement costs.

ACCEPTANCE

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

DATED: _____

RAMI INC., DBA AALPHA PHARMACY
Respondent Aalpha

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

DATED: _____

TAI TRONG BUI
Respondent Bui

13. Respondents shall pay the agency its costs of investigation and enforcement in the amount of $27,147.50. In the event that Respondent Aalpha is sold, Respondents shall pay this amount within ten (10) days of the sale of Respondent Aalpha. In the event that Respondent Aalpha is not sold, Respondents shall pay this amount upon reinstatement or reapplication. Respondents shall be jointly and severally liable for payment of the investigation and enforcement costs.

ACCEPTANCE

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

DATED: 12/13/21

RAMI INC., DBA AALPHA PHARMACY
Respondent Aalpha

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

DATED: 12/13/2021

TAI TRONG BUI
Respondent Bui

I have read and fully discussed with Respondent Rami Inc., dba Aalpha Pharmacy and Respondent Tai Trong Bui the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: _____

MICHAEL A. DOWELL
Attorney for Respondents

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: _____

Respectfully submitted,

ROB BONTA
Attorney General of California
SHAWN P. COOK
Supervising Deputy Attorney General

MICHELLE NIJM
Deputy Attorney General
Attorneys for Complainant

LA2020601529

I have read and fully discussed with Respondent Rami Inc., dba Aalpha Pharmacy and Respondent Tai Trong Bui the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 12/13/2021

MICHAEL A. DOWELL
Attorney for Respondents

ENDORSEMENT

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DATED: _____

Respectfully submitted,

ROB BONTA
Attorney General of California
SHAWN P. COOK
Supervising Deputy Attorney General

MICHELLE NIJM
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Attorneys for Complainant

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DATED: _____

MICHAEL A. DOWELL
Attorney for Respondents

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: 12/13/21

Respectfully submitted,

ROB BONTA
Attorney General of California
SHAWN P. COOK
Supervising Deputy Attorney General

MICHELLE NIJM
Deputy Attorney General
Attorneys for Complainant

LA2020601529

Exhibit A

Accusation No. 6990

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Attorneys for Complainant

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

In the Matter of the Accusation Against**:** **RAMI INC., DBA AALPHA PHARMACY, TAI T. BUI, SECRETARY, RAMA SOU, TREASURER/CHIEF FINANCIAL OFFICER** **174 S. Alvarado Street** **Los Angeles, CA 90057** **Pharmacy Permit No. PHY 47556,** **and** **TAI TRONG BUI** **13720 Park Street** **Cerritos, CA 90703** **Registered Pharmacist License No. RPH 48096** Respondents.	Case No. 6990 **ACCUSATION**

PARTIES

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

2. On or about August 22, 2006, the Board of Pharmacy issued Pharmacy Permit Number PHY 47556 to Rami Inc., dba AAalpha Pharmacy; Tai T. Bui, Secretary, Rama Sou, Treasurer/Chief Financial Officer (Respondent AAalpha Pharmacy). The Pharmacy Permit was in full force and effect at all times relevant to the charges brought herein and will expire on August 1, 2021, unless renewed.

3. On or about August 10, 1995, the Board of Pharmacy issued Registered Pharmacist License Number RPH 48096 to Tai Trong Bui (Respondent Bui). The Registered Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2022, unless renewed.

JURISDICTION

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

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

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

(b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:

(1) Suspending judgment.

(2) Placing him or her upon probation.

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

(4) Revoking his or her license.

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

…

6. 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.

7. Section 118, subdivision (b), of the Code provides that the suspension/expiration/surrender/cancellation of a license shall not deprive the Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

STATUTORY PROVISIONS

8. Section 810 of the Code states, in pertinent part:

(a) It shall constitute unprofessional conduct and grounds for disciplinary action, including suspension or revocation of a license or certificate, for a health care professional to do any of the following in connection with his or her professional activities:

(1) Knowingly present or cause to be presented any false or fraudulent claim for the payment of a loss under a contract of insurance.

(2) Knowingly prepare, make, or subscribe any writing, with intent to present or use the same, or to allow it to be presented or used in support of any false or fraudulent claim.

(b) It shall constitute cause for revocation or suspension of a license or certificate for a health care professional to engage in any conduct prohibited under Section 1871.4 of the Insurance Code or Section 549 or 550 of the Penal Code.

…

(d) As used in this section, health care professional means any person licensed or certified pursuant to this division, or licensed pursuant to the Osteopathic Initiative Act, or the Chiropractic Initiative Act.

9. Section 4022 of the Code states:

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

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

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

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

10. Section 4076 of the Code states, in pertinent part:

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

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

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

(3) The name of the patient or patients.

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

(5) The date of issue.

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

identifying the prescription.

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

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

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

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

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

…

11. Section 4077 of the Code states, in pertinent part, that except as provided in subdivisions (b) and (c) of this section, no person shall dispense any dangerous drug upon prescription except in a container correctly labeled with the information required by Section 4076.

12. Section 4078 of the Code states, in pertinent part:

(a)(1) No person shall place a false or misleading label on a prescription.

(2) No prescriber shall direct that a prescription be labeled with any information that is false or misleading.

…

13. Section 4081 of the Code states:

(a) All records of manufacture and of sale, acquisition, or disposition of dangerous drugs or dangerous devices shall be at all times during business hours open to inspection by authorized officers of the law, and shall be preserved for at least three years from the date of making. A current inventory shall be kept by every manufacturer, wholesaler, pharmacy, veterinary food-animal drug retailer, physician, dentist, podiatrist, veterinarian, laboratory, clinic, hospital, institution, or establishment holding a currently valid and unrevoked certificate, license, permit, registration, or exemption under Division 2 (commencing with Section 1200) of the Health and Safety Code or under Part 4 (commencing with Section 16000) of Division 9 of the Welfare and Institutions Code who maintains a stock of dangerous drugs or dangerous devices.

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

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

14. Section 4105 of the Code states:

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

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

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

(d) Any records that are maintained electronically shall be maintained so that the pharmacist-in-charge, the pharmacist on duty if the pharmacist-in-charge is not on duty, or, in the

case of a veterinary food-animal drug retailer or wholesaler, the designated representative on duty, shall, at all times during which the licensed premises are open for business, be able to produce a hard copy and electronic copy of all records of acquisition or disposition or other drug or dispensing-related records maintained electronically.

(e)(1) Notwithstanding subdivisions (a), (b), and (c), the board, may upon written request, grant to a licensee a waiver of the requirements that the records described in subdivisions (a), (b), and (c) be kept on the licensed premises.

(2) A waiver granted pursuant to this subdivision shall not affect the board's authority under this section or any other provision of this chapter.

15. Section 4113, subdivision (c), states that "[t]he 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."

16. Section 4169 of the Code states, in pertinent part:

(a) A person or entity shall not do any of the following:

...

(2) Purchase, trade, sell, or transfer dangerous drugs that the person knew or reasonably should have known were adulterated, as set forth in Article 2 (commencing with Section 111250) of Chapter 6 of Part 5 of Division 104 of the Health and Safety Code.

(3) Purchase, trade, sell, or transfer dangerous drugs that the person knew or reasonably should have known were misbranded, as defined in Section 111335 of the Health and Safety Code.

(4) Purchase, trade, sell, or transfer dangerous drugs or dangerous devices after the beyond use date on the label.

(5) Fail to maintain records of the acquisition or disposition of dangerous drugs or dangerous devices for at least three years.

…

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

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

…

(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

(g) Knowingly making or signing any certificate or other document that falsely represents the existence or nonexistence of a state of facts.

…

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

(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.

…

(q) Engaging in any conduct that subverts or attempts to subvert an investigation of the board.

…

18. Section 4307 of the Code states:

(a) Any person who has been denied a license or whose license has been revoked or is

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

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

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

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

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

19. Section 4332 of the Code states:

Any person who fails, neglects, or refuses to maintain the records required by Section 4081 or who, when called upon by an authorized officer or a member of the board, fails, neglects, or refuses to produce or provide the records within a reasonable time, or who willfully produces or furnishes records that are false, is guilty of a misdemeanor.

20. Section 4333 of the Code states, in pertinent part, that all prescriptions filled by a pharmacy and all other records required by Section 4081 shall be maintained on the premises and available for inspection by authorized officers of the law for a period of at least three years. In cases where the pharmacy discontinues business, these records shall be maintained in a board-licensed facility for at least three years.

21. Section 4342 of the Code states:

(a) The board may institute any action or actions as may be provided by law and that, in its discretion, are necessary, to prevent the sale of pharmaceutical preparations and drugs that do not conform to the standard and tests as to quality and strength, provided in the latest edition of the United States Pharmacopoeia or the National Formulary, or that violate any provision of the Sherman Food, Drug, and Cosmetic Law (Part 5 (commencing with Section 109875) of Division 104 of the Health and Safety Code).

(b) Any knowing or willful violation of any regulation adopted pursuant to Section 4006 shall be subject to punishment in the same manner as is provided in Sections 4321 and 4336.

22. Section 111255 of the Health and Safety Code states:

Any drug or device is adulterated if it has been produced, prepared, packed, or held under conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health.

23. Section 111330 of the Health and Safety Code states:

Any drug or device is misbranded if its labeling is false or misleading in any particular.

24. Section 550 of the Penal Code states:

(a) It is unlawful to do any of the following, or to aid, abet, solicit, or conspire with any person to do any of the following:

…

(5) Knowingly prepare, make, or subscribe any writing, with the intent to present or use it, or to allow it to be presented, in support of any false or fraudulent claim.

(6) Knowingly make or cause to be made any false or fraudulent claim for payment of a health care benefit.

(7) Knowingly submit a claim for a health care benefit that was not used by, or on behalf of, the claimant.

…

REGULATORY PROVISIONS

25. California Code of Regulations, title 16, section 1717, states, in pertinent part:

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

…

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

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

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

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

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

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

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

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

…

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

26. California Code of Regulations, title 16, section 1718, states:

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

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

27. California Code of Regulations, title 16, section 1776, states:

Pharmacies, hospitals/clinics with onsite pharmacies, distributors and reverse distributors licensed by the board may offer, under the requirements in this article, specified prescription drug take-back services through collection receptacles and/or mail back envelopes or packages to provide options for the public to discard unwanted, unused or outdated prescription drugs. Each entity must comply with regulations of the federal Drug Enforcement Administration (DEA) and this article.

Only California-licensed pharmacies, hospitals/clinics with onsite pharmacies, and drug distributors (licensed wholesalers and third-party logistics providers) who are registered with the DEA as collectors and licensed in good standing with the board may host a pharmaceutical take-back receptacle as authorized under this article.

COST RECOVERY

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

DEFINITIONS

29. "Abilify Maintena" (generic name—Aripiprazole) is categorized as a dangerous drug pursuant to Code section 4022 and is used for maintenance treatment of schizophrenia and bipolar disorder.

30. "Aristada" (generic name—Aripiprazole lauroxil) is categorized as a dangerous drug pursuant to Code section 4022 and is used to treat schizophrenia.

31. "Aspirin" (generic name—Acetylsalicylic acid) is categorized as a dangerous drug pursuant to Code section 4022 and is used for pain, acute coronary syndrome, myocardial infarction prevention, and thromboembolic stroke prevention.

32. "Atarax" (generic name—Hydroxyzine) is categorized as a dangerous drug pursuant to Code section 4022 and is used for anxiety, pruritus, sedation, nausea, and vomiting.

33. "Basaglar Kwikpen" (generic name—Insulin glargine) is categorized as a dangerous drug pursuant to Code section 4022 and is used to treat Diabetes Mellitus Type I and II.

34. "Depakene" (generic name—Valproic acid) is categorized as a dangerous drug pursuant to Code section 4022 and is used for seizures, bipolar disorder, and migraine headache prophylaxis.

35. "Detrol" (generic name—Oxybutynin) is categorized as a dangerous drug pursuant to Code section 4022 and is used to treat overactive bladder.

36. "Flomax" (generic name—Tamsulosin) is categorized as a dangerous drug pursuant to Code section 4022 and is used for benign prostate hyperplasia.

37. "Klonopin" (generic name—Clonazepam) is a Schedule IV controlled substance and is categorized as a dangerous drug pursuant to Code section 4022. Klonopin is used to treat seizure disorder, panic disorder, and anxiety.

38. "Lipitor" (generic name—Tamsulosin) is categorized as a dangerous drug pursuant to Code section 4022 and is used for hypercholesterolemia and mixed dyslipidemia.

39. "Norvasc" (generic name—Amlodipine) is categorized as a dangerous drug pursuant to Code section 4022 and is used for hypertension and coronary artery disease.

40. "Novolin R" (generic name—Insulin regular) is categorized as a dangerous drug pursuant to Code section 4022 and is used to treat Diabetes Mellitus and diabetic ketoacidosis.

41. "Pravachol" (generic name—Pravastatin) is categorized as a dangerous drug pursuant to Code section 4022 and is used for hypercholesteremia and mixed dyslipidemia.

42. "Prilosec" (generic name—Omeprazole) is categorized as a dangerous drug pursuant to Code section 4022 and is used for hypertension and coronary artery disease.

43. "Proscar" (generic name—Finasteride) is categorized as a dangerous drug pursuant to Code section 4022 and is used for benign prostate hyperplasia and male pattern baldness.

44. "Risperdal" (generic name—Risperidone) is categorized as a dangerous drug pursuant to Code section 4022 and is used to treat schizophrenia, bipolar disorder, and Tourette's syndrome.

45. "Seroquel" (generic name—Quetiapine) is categorized as a dangerous drug pursuant to Code section 4022 and is used for schizophrenia, bipolar disorder, major depressive disorder, and generalized anxiety disorder.

46. "Norvasc" (generic name—Amlodipine) is categorized as a dangerous drug pursuant to Code section 4022 and is used for hypertension and coronary artery disease.

47. "Sinemet" (generic name—Carbidoa/levodeopa) is categorized as a dangerous drug pursuant to Code section 4022 and is used to treat Parkinsonism.

48. "Urecholine" (generic name—Bethanecol) is categorized as a dangerous drug pursuant to Code section 4022 and is used to treat urinary retention and urogenic bladder.

49. "Norvasc" (generic name—Amlodipine) is categorized as a dangerous drug pursuant to Code section 4022 and is used for hypertension and coronary artery disease.

50. Vitamin B12 is categorized as a dangerous drug pursuant to Code section 4022 and is a dietary supplement.

51. Vitamin B6 is categorized as a dangerous drug pursuant to Code section 4022 and is a dietary supplement.

52. Vitamin D is categorized as a dangerous drug pursuant to Code section 4022 and is used to treat low Vitamin D.

53. "Ventolin HFA" (generic name—Albuterol sulfate) is categorized as a dangerous drug pursuant to Code section 4022 and is used to treat bronchospasm.

54. "Vraylar" (generic name—Cariprazine) is categorized as a dangerous drug pursuant to Code section 4022 and is used for schizophrenia and bipolar disorder.

55. "Zantac" (generic name—Rantidine) is categorized as a dangerous drug pursuant to Code section 4022 and is used to treat peptic ulcer disease and gastroesophageal reflux disease.

56. "Zestril" (generic name—Lisinopril) is categorized as a dangerous drug pursuant to Code section 4022 and is used for hypertension, heart failure, and acute myocardial infarction.

57. "Ventolin HFA" (generic name—Albuterol sulfate) is categorized as a dangerous drug pursuant to Code section 4022 and is used to treat bronchospasm.

58. "Zyprexa Zydis" (generic name—Olanzapine ODT) is categorized as a dangerous drug pursuant to Code section 4022 and is used to treat schizophrenia, bipolar disorder, and major depressive disorder.

FACTUAL ALLEGATIONS

59. On or about January 15, 2020, Board Inspector Anna Brodsky (Inspector Brodsky) conducted a joint inspection of Respondent AAalpha Pharmacy with the Department of Health Care Services (DHCS).

60. While reviewing active medication shelves, Inspector Brodsky noted that the following medications had patient labels:

a. Abilify Maintena 300 mg with label RX862631 for patient CC, dated November 1, 2019;

b. Aristada 441mg with label RX 830559 for patient RB, dated July 25, 2019;

c. Aristada 441 mg with label RX 820653 for patient MB, dated November 27, 2019; and

d. Olanzapine ODT 15 mg with label RX 875126 for patient JB, dated November 18, 2019.

61. The pharmacy computer revealed that the following amounts had been billed for the medications found with patient labels on the active medication shelves:

a. $1,638.73 billed to insurance for Abilify Maintena 300 mg with label RX862631;

b. $1,244.75 billed to insurance for Aristada 441mg with label RX 830559;

c. $1,244.75 billed to insurance for Aristada 441 mg with label RX 820653; and

d. $49.30 billed to insurance and $1.25 billed to the patient for Olanzapine ODT 15 mg with label RX 875126.

62. Inspector Brodsky also observed cardboard boxes next to the active drug inventory shelves. Respondent Bui stated that the boxes contained expired medications. Respondent Bui stated that one of the boxes had a current Ventolin HFA order from the supplier and that all Ventolin HFA was kept in the supplier box because it was convenient not to take it out.

63. In one of the boxes with expired medications, Inspector Brodsky found an olanzapine ODT 20mg box with patient label RX 101590974 dispensed by Olive View Medical Center Pharmacy. According to Respondent Bui, the driver took this medication from a facility and brought it back for destruction.

64. In the box with the Ventolin HFA, Inspector Brodsky observed one box of Ventolin HFA with an attached patient label. Respondent Bui stated that the box of Ventolin HFA with the label had been brought back by the driver from one of the facilities and that it was supposed to be in the box with medications for destruction. Inspector Brodsky noticed that the box of Ventolin HFA with the patient label had another patient label underneath the top one. The top label stated that the medication was RX 885602 for patient DA, and the bottom label stated that the medication was RX 865577 for patient RR.

65. The label for prescription RX 885602 for patient DA listed the expiration date of the medication as December 2020. However, the original expiration date of the Ventolin HFA box was August 2020, and the medication was expired at the time prescription RX 885602 was dispensed.

66. The pharmacy's computer showed that RX 865577 for patient RR was billed on or about October 16, 2019 and that RX 885602 for patient DA was billed on or about December 23, 2019. As of the date of the inspection, the charges had not been reversed.

67. Inspector Brodsky asked Respondent Bui for proof of delivery for selected prescriptions. Respondent Bui stated that his staff would need to look for the delivery documents and that it would take time. When asked if he had an offsite storage for the documents, Respondent Bui stated that he had storage space in the building next door which he owned. Respondent Bui admitted he did not have a waiver for offsite storage.

68. On the second floor of the pharmacy, Inspector Brodsky observed binders containing pharmacy records, workstation desks with filled bubble packs, and two labeled brown bottles containing valproic acid. When asked about the bubble packs and valproic acid found on the second floor, Respondent Bui stated he could not provide an answer at that time.

69. On or about March 12, 2020, Inspector Brodsky conducted a follow up inspection of Respondent AAalpha Pharmacy. In the pharmacy's refrigerator, Inspector Brodsky located RX 858863 Basaglar Kwikpen insulin for patient SK dated January 23, 2020 and RX 858909 Novolin R insulin for patient SK dated October 29, 2019. Respondent Bui stated that drivers had brought the medications back from a facility. Respondent Bui admitted that Respondents were not

registered for drug take back services. The pharmacy computer showed insurance payments of $311.53 and $264.53 for RX 858886 and RX 858909, respectively.

70. Inspector Brodsky analyzed dispensing data provided by Respondent Aalpha Pharmacy for the two-year time period beginning on or about April 15, 2018 and ending on or about April 15, 2020. That data showed that Respondent Aalpha Pharmacy processed prescriptions for seventeen (17) patients who were dead at the time of dispensing for a grand total of approximately $14,368.99.

71. Inspector Brodsky performed an audit of Respondent Aalpha Pharmacy for selected medications for the period of April 15, 2018 through April 15, 2020. The audit revealed the following significant discrepancies:

Drug Name	Total Acquisition	Total Disposition	Variance
Aristada 441 mg	376	234	142
Abilify 300 mg	850	950	-100
Olanzapine ODT 15 mg NDC 333429008507	16,230	17,470	-1,240
Olanzapine ODT 15 mg NDC 378551293	540	60	480

72. The audit found a positive variance for Aristada 441 mg and Olanzapine ODT 15 mg NDC 378551293. A positive variance means that more drugs were purchased than accounted for by Respondent Aalpha Pharmacy's records of disposition and inventory.

73. The audit found a negative variance for Abilify 300 mg and Olanzapine ODT 15 mg NDC 333429008507. A negative variance means that Respondent Aalpha Pharmacy's records showed more drugs sold than accounted for by records of purchases.

74. Inspector Brodsky compared medication bubble packs found during the January 15, 2020 inspection of Respondent Aalpha Pharmacy to the dispensing records sent by Respondent Aalpha Pharmacy. With the exception of prescription numbers 806967 and 840841, the prescriptions found in the bubble packs did not appear in the pharmacy's dispensing records. Respondent Aalpha Pharmacy submitted prescription number 806967 to insurance for 1200 ml of

valproic acid. However, Inspector Brodsky found two 480 ml bottles of valproic acid labeled as prescription number 806967 at Respondent Alpha Pharmacy. The claim had not been adjusted in Respondent Aalpha Pharmacy's computer system to reflect the actual dispensed volume of valproic acid.

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct—Adulterated Drugs)

75. Respondent Aalpha Pharmacy is subject to disciplinary action under Code section 4301, subdivisions (j) and (o), in conjunction with Code section 4342, subdivision (a), and Health and Safety Code section 111255, in that Respondent Aalpha Pharmacy reused returned medications and placed returned medications into current active inventory. Complainant realleges paragraphs 58 through 73.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct—Misbranded Drugs)

76. Respondent Aalpha Pharmacy is subject to disciplinary action under Code section 4301, subdivisions (j) and (o), in conjunction with Code section 4342, subdivision (a), and Health and Safety Code section 111330, in that Respondent Aalpha Pharmacy placed a label with a false expiration date on prescription number 885602. Complainant realleges paragraphs 58 through 73.

THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct—Prohibited Acts)

77. Respondent Aalpha Pharmacy is subject to disciplinary action under Code section 4301, subdivisions (j) and (o), in conjunction with Code section 4169, subdivision (a)(4), in that Respondent Aalpha Pharmacy sold expired medication to Patient DA under prescription number 885602. Complainant realleges paragraphs 58 through 73.

FOURTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct—Drug Take Back Services)

78. Respondent Aalpha Pharmacy is subject to disciplinary action under Code section 4301, subdivision (o), in conjunction with title 16, section 1776 of the California Code of Regulations, in that Respondent Aalpha Pharmacy took back medications from facilities while not

registered with the Drug Enforcement Administration as a collector. Complainant realleges paragraphs 58 through 73.

FIFTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct—Records of Dangerous Drugs and Devices)

79. Respondent Aalpha Pharmacy is subject to disciplinary action under Code section 4301, subdivisions (j) and (o), in conjunction with Code section 4081, subdivision (a), Code section 4332, and title 16, section 1718 of the California Code of Regulations, in that Respondent Aalpha Pharmacy failed to have records of acquisition and disposition to account for multiple variances of medications. Complainant realleges paragraphs 58 through 73.

SIXTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct—Fraud)

80. Respondent Aalpha Pharmacy is subject to disciplinary action under Code section 4301, subdivisions (f) and (g), in conjunction with Code section 810, subdivision (b), and Penal Code section 550, subdivisions (a)(6) and (a)(7), in that Respondent Aalpha Pharmacy submitted fraudulent insurance claims for seventeen (17) dead beneficiaries for a total sum of approximately $14,368.99. Complainant realleges paragraphs 58 through 73.

SEVENTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct—False or Misleading Label on Prescription)

81. Respondent Bui is subject to disciplinary action under Code section 4301, subdivisions (j) and (o), in conjunction with Code section 4078, subdivision (a)(1), in that, while Respondent Bui was pharmacist-in-charge, a label with a false expiration date was placed on a Ventolin HFA inhaler for prescription number 885602. Complainant realleges paragraphs 58 through 73.

EIGHTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct—Adulterated Drugs)

82. Respondent Bui is subject to disciplinary action under Code section 4301, subdivisions (j) and (o), in conjunction with Code section 4342, subdivision (a), and Health and Safety Code section 111255, in that, while Respondent Bui was pharmacist-in-charge,

Respondent Aalpha Pharmacy reused returned medications and placed returned medications into current active inventory. Complainant realleges paragraphs 58 through 73.

NINTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct—Misbranded Drugs)

83. Respondent Bui is subject to disciplinary action under Code section 4301, subdivisions (j) and (o), in conjunction with Code section 4342, subdivision (a), and Health and Safety Code section 111330, in that, while Respondent Bui was pharmacist-in-charge, Respondent Aalpha Pharmacy placed a label with a false expiration date on prescription number 885602. Complainant realleges paragraphs 58 through 73.

TENTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct—Prohibited Acts)

84. Respondent Bui is subject to disciplinary action under Code section 4301, subdivisions (j) and (o), in conjunction with Code section 4169, subdivision (a)(4), in that, while Respondent Bui was pharmacist-in-charge, Respondent Aalpha Pharmacy sold expired medication to Patient DA under prescription number 885602. Complainant realleges paragraphs 58 through 73.

ELEVENTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct—Drug Take Back Services)

85. Respondent Bui is subject to disciplinary action under Code section 4301, subdivision (o), in conjunction with title 16, section 1776 of the California Code of Regulations, in that, while Respondent Bui was pharmacist-in-charge, Respondent Aalpha Pharmacy took back medications from facilities while not registered with the Drug Enforcement Administration as a collector. Complainant realleges paragraphs 58 through 73.

TWELFTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct—Records of Dangerous Drugs and Devices)

86. Respondent Bui is subject to disciplinary action under Code section 4301, subdivisions (j) and (o), in conjunction with Code section 4081, subdivision (a), Code section 4332, and title 16, section 1718 of the California Code of Regulations, in that, while Respondent

Bui was pharmacist-in-charge, Respondent Aalpha Pharmacy failed to have records of acquisition and disposition to account for multiple variances of medications. Complainant realleges paragraphs 58 through 73.

THIRTEENTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct—Fraud)

87. Respondent Bui is subject to disciplinary action under Code section 4301, subdivisions (f) and (g), in conjunction with Code section 810, subdivision (b), Code section 4113, and Penal Code section 550, subdivisions (a)(6) and (a)(7), in that, while Respondent Bui was pharmacist-in-charge, Respondent Aalpha Pharmacy had adulterated medications in active inventory, failed to reverse insurance billing for returned medications placed in active inventory, reused returned medication, placed a false and misleading label on a prescription, took back medications from facilities without DEA registration as a collector, and submitted fraudulent insurance claims for seventeen (17) dead beneficiaries for a total sum of approximately $14,368.99. Complainant realleges paragraphs 58 through 73.

OTHER MATTERS

88. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number PHY 47556 issued to Respondent Aalpha Pharmacy for conduct that occurred while Respondent Bui was a manager, administrator, owner, member, officer, director, associate, partner or other person with management or control of Respondent Aalpha Pharmacy and had knowledge of or knowingly participated in any conduct for which the license was disciplined, Respondent Bui shall be prohibited from serving as manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 47556 is placed on probation or until Pharmacy Permit Number PHY 47556 is reinstated if it is revoked.

89. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number PHY 47556 issued to Respondent Aalpha Pharmacy for conduct that occurred while Rama Sou was a manager, administrator, owner, member, officer, director, associate, partner or other person with management or control of Respondent Aalpha Pharmacy and had knowledge of

or knowingly participated in any conduct for which the license was disciplined, Rama Sou shall be prohibited from serving as manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 47556 is placed on probation or until Pharmacy Permit Number PHY 47556 is reinstated if it is revoked.

PRAYER

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

1. Revoking or suspending Pharmacy Permit Number PHY 47556, issued to Rami Inc., dba AAalpha Pharmacy;

2. Revoking or suspending Registered Pharmacist License Number RPH 48096, issued to Tai Trong Bui;

3. Prohibiting Tai Trong Bui from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 47556 is placed on probation or until Pharmacy Permit Number PHY 47556 is reinstated if Pharmacy Permit Number PHY 47556 issued to Rami Inc., dba AAalpha Pharmacy is revoked;

4. Prohibiting Rama Sou from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 47556 is placed on probation or until Pharmacy Permit Number PHY 47556 is reinstated if Pharmacy Permit Number PHY 47556 issued to Rami Inc., dba AAalpha Pharmacy is revoked and Rama Sou had knowledge of or knowingly participated in any conduct for which the license is disciplined;

5. Ordering AAalpha Pharmacy and Tai Trong Bui to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED: 1/20/2021

Signature on File

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

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