

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

In the Matter of the Accusation Against:

GARFIELD BEACH CVS, LLC, DBA CVS PHARMACY #8837

Pharmacy Permit No. PHY 47906,

and

DANIEL HEE YOUNG JEONG

Pharmacist License No. RPH 73137

Respondents.

Agency Case No. 7087

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 February 8, 2023.

It is so ORDERED on January 9, 2023.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

A handwritten signature in black ink, appearing to read "Seung W. Oh". The signature is fluid and cursive, with the first name "Seung" and last name "Oh" clearly visible.

Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 MARISSA N. HAMILTON
Deputy Attorney General
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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

13 **GARFIELD BEACH CVS, LLC, DBA CVS**
14 **PHARMACY #8837**
222 N. Market St.
15 Inglewood, CA 90301
Pharmacy Permit No. PHY 47906,

16 **and**

17 **DANIEL HEE YOUNG JEONG**
18 **10760 National Blvd.**
Los Angeles, CA 90064
19 **Pharmacist License No. RPH 73137**

20 Respondents.

Case No. 7087

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC
REPROVAL AS TO RESPONDENT
GARFIELD BEACH CVS, LLC, DBA
CVS PHARMACY #8837, PHARMACY
PERMIT NO. PHY 47906 ONLY**

[Bus. & Prof. Code § 495]

21
22 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
23 entitled proceedings that the following matters are true:

24 **PARTIES**

25 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
26 (Board). She brought this action solely in her official capacity and is represented in this matter by
27 Rob Bonta, Attorney General of the State of California, by Marissa N. Hamilton, Deputy
28 Attorney General.

2. Respondent Garfield Beach CVS, LLC, dba CVS Pharmacy #8837 is represented in this proceeding by attorney Jeff J. Astarabadi, Much Shelist, P.C., whose address is: 660 Newport Center Drive, Suite 900, Newport Beach, CA 92660.

JURISDICTION

3. On or about September 18, 2006, the Board issued Pharmacy Permit No. PHY 47906 to Garfield Beach CVS, LLC, dba CVS Pharmacy #8837 (Respondent CVS Pharmacy). The Pharmacy Permit was in full force and effect at all times relevant to the charges brought in Accusation No. 7087 and will expire on June 1, 2023, unless renewed.

4. Accusation No. 7087 was filed before the Board and is currently pending against Respondent CVS Pharmacy. The Accusation and all other statutorily required documents were properly served on Respondent CVS Pharmacy on October 5, 2022. Respondent CVS Pharmacy timely filed its Notice of Defense contesting the Accusation. A copy of Accusation No. 7087 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent CVS Pharmacy has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 7087. Respondent CVS Pharmacy has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order for Public Repeval.

6. Respondent CVS Pharmacy is fully aware of its legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at its own expense; 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.

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

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1 **CULPABILITY**

2 8. Respondent CVS Pharmacy admits the truth of each and every charge and allegation
3 in Accusation No. 7087.

4 9. Respondent CVS Pharmacy agrees that its Pharmacy Permit is subject to discipline
5 and they agree to be bound by the Disciplinary Order below.

6 **CONTINGENCY**

7 10. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent
8 CVS Pharmacy understands and agrees that counsel for Complainant and the staff of the Board of
9 Pharmacy may communicate directly with the Board regarding this stipulation and settlement,
10 without notice to or participation by Respondent CVS Pharmacy or its counsel. By signing the
11 stipulation, Respondent CVS Pharmacy understands and agrees that they may not withdraw its
12 agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it.
13 If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and
14 Disciplinary Order for Public Repeval shall be of no force or effect, except for this paragraph, it
15 shall be inadmissible in any legal action between the parties, and the Board shall not be
16 disqualified from further action by having considered this matter.

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

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

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Pharmacy Permit No. PHY 47906 issued to Respondent Garfield Beach CVS, LLC, dba CVS Pharmacy #8837 shall be publicly reproved by the Board of Pharmacy under Business and Professions Code section 495 in resolution of Accusation No. 7087, attached as Exhibit A.

Cost Recovery. No later than six (6) months from the effective date of the Decision, Respondent CVS Pharmacy shall pay \$5,000.00 to the Board for its costs associated with the investigation and enforcement of this matter pursuant to Business and Professions Code Section 125.3. If Respondent CVS Pharmacy fails to pay the Board costs as ordered, Respondent CVS Pharmacy shall not be allowed to renew their Pharmacy Permit until Respondent CVS Pharmacy pays costs in full. In addition, the Board may enforce this order for payment of its costs in any appropriate court, in addition to any other rights the Board may have.

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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, Harold B. Hilborn, Much Shelist, P.C. I understand the stipulation and the effect it will have on my Pharmacy Permit. 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: _____

GARFIELD BEACH CVS, LLC, DBA CVS
PHARMACY #8837
Respondent

I have read and fully discussed with Respondent Garfield Beach CVS, LLC, dba CVS Pharmacy #8837 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: _____

HAROLD B. HILBORN
MUCH SHELIST, P.C.
Attorney for Respondent

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order for Public Reproval and have fully discussed it with my attorney, Harold B. Hilborn, Much Shelist, P.C. I understand the stipulation and the effect it will have on my Pharmacy Permit. I enter into this Stipulated Settlement and Disciplinary Order for Public Reproval voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 12/06/22


GARFIELD BEACH CVS, LLC, DBA CVS
PHARMACY #8837
Respondent

I have read and fully discussed with Respondent Garfield Beach CVS, LLC, dba CVS Pharmacy #8837 the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order for Public Reproval. I approve its form and content.

DATED: 12/16/22


JEFF J. ASTARABADI
MUCH SHELIST, P.C.
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 of the Department of Consumer Affairs.

DATED: _____

Respectfully submitted,

ROB BONTA
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General

MARISSA N. HAMILTON
Deputy Attorney General
Attorneys for Complainant

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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 of the Department of Consumer Affairs.

DATED: 12/7/2022

Respectfully submitted,

ROB BONTA
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General

Marissa N. Hamilton

MARISSA N. HAMILTON
Deputy Attorney General
Attorneys for Complainant

LA2021600159
65596694.docx

Exhibit A

Accusation No. 7087

1 ROB BONTA
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 MARISSA N. HAMILTON
Deputy Attorney General
4 State Bar No. 322489
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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 7087

13 **GARFIELD BEACH CVS, LLC, DBA CVS**
14 **PHARMACY #8837**
15 **222 N. Market St.**
Inglewood, CA 90301

ACCUSATION

16 **Pharmacy Permit No. PHY 47906,**

17 **and**

18 **DANIEL HEE YOUNG JEONG**
19 **10760 National Blvd.**
Los Angeles, CA 90064

20 **Pharmacist License No. RPH 73137**

21 Respondents.

22
23
24 **PARTIES**

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

27 2. On or about September 18, 2006, the Board of Pharmacy issued Pharmacy Permit
28 Number PHY 47906 to Garfield Beach CVS, LLC, dba CVS Pharmacy #8837 (Respondent CVS

Pharmacy). Daniel Hee Young Jeong was the Pharmacist-In-Charge from September 27, 2015 to May 31, 2017. The Pharmacy Permit was in full force and effect at all times relevant to the charges brought herein and will expire on June 1, 2023, unless renewed.

3. On or about August 26, 2015, the Board of Pharmacy issued Pharmacist License Number RPH 73137 to Daniel Hee Young Jeong (Respondent Jeong). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2023, 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, that “[e]very license issued may be suspended or revoked.”

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.

STATUTORY PROVISIONS

7. Section 4036.5 of the Code states:

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

8. Section 4113, subdivision (c), of the Code states:

(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.

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

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

5 ...

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

11 ...

12 10. Section 4307 of the Code states:

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

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

28 (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 Section 4339 or any other
 provision of law.

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1 **REGULATORY PROVISIONS**

2 11. California Code of Regulations, title 16, section 1716 provides:

3 Pharmacists shall not deviate from the requirements of a prescription except
4 upon the prior consent of the prescriber or to select the drug product in accordance
with Section 4073 of the Business and Professions Code.

5 Nothing in this regulation is intended to prohibit a pharmacist from exercising
6 commonly-accepted pharmaceutical practice in the compounding or dispensing of a
prescription.

7 **COST RECOVERY**

8 12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
9 administrative law judge to direct a licensee found to have committed a violation or violations of
10 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
11 enforcement of the case, with failure of the licensee to comply subjecting the license to not being
12 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
13 included in a stipulated settlement.

14 **DEFINITIONS**

15 13. Warfarin is the generic name for the brand name Coumadin, a dangerous drug as
16 designated by Code section 4022. It is an anticoagulant medication, used to treat blood clots.

17 14. Doxazosin is the generic name for the brand name Cardura, a dangerous drug as
18 designated by Code section 4022. It is an antihypertensive medication, used to treat high blood
19 pressure.

20 **FACTUAL ALLEGATIONS**

21 15. At all times relevant herein, Respondent Jeong was the Pharmacist-In-Charge at
22 Respondent CVS Pharmacy, located in Inglewood, California. On or about March 10, 2016,
23 eighty-three year old patient E.P. presented to Respondent CVS Pharmacy with a written
24 prescription for Cardura 6mg, an antihypertensive drug used to treat high blood pressure.
25 Respondent Jeong incorrectly verified and dispensed Coumadin 6mg, an anticoagulant drug used
26 as a blood thinner, instead of the Cardura 6mg.

27 16. E.P. followed the prescription instructions provided by Respondents, and for the next
28 two weeks E.P. ingested the wrong medication. On or about March 24, 2016, E.P. presented to

1 the Providence Little Company of Mary Medical Center Emergency Room, located in Torrance,
2 California, and was admitted with a severe intracranial bleed (brain hemorrhage) caused by
3 Coumadin toxicity, which left E.P. with permanent neurological deficits.

4 17. Respondents admitted that they dispensed the wrong medication to E.P.

5 **CAUSE FOR DISCIPLINE**

6 18. Respondent CVS Pharmacy and Respondent Jeong are subject to disciplinary action
7 under Code section 4301, subdivision (o), in conjunction with Code section 4113, subdivision (c),
8 and California Code of Regulations, title 16, section 1716, in that on or about March 10, 2016,
9 Respondents incorrectly filled E.P.'s prescription calling for Cardura 6mg, a blood pressure
10 medication, with Coumadin 6mg, a blood thinning medication. Complainant refers to, and by this
11 reference incorporates, the allegations set forth in above paragraphs 15-17, as though set forth in
12 full herein.

13 **DISCIPLINARY CONSIDERATIONS**

14 19. To determine the degree of discipline, if any, to be imposed on Respondent CVS
15 Pharmacy, Complainant alleges that on or about August 18, 2021, in a prior action, the Board
16 issued Respondent CVS Pharmacy Citation Number CI 2019 88271. That citation is now final.

17 20. To determine the degree of discipline, if any, to be imposed on Respondent CVS
18 Pharmacy, Complainant alleges that on or about September 7, 2017, in a prior action, the Board
19 issued Respondent CVS Pharmacy Citation Number CI 2016 73975. That citation is now final.

20 21. To determine the degree of discipline, if any, to be imposed on Respondent Jeong,
21 Complainant alleges that on or about September 7, 2017, in a prior action, the Board issued
22 Respondent Jeong Citation Number CI 2017 76389. That citation is now final.

23 **OTHER MATTERS**

24 22. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
25 PHY 47906, issued to Garfield Beach CVS, LLC, dba CVS Pharmacy #8837, Respondent CVS
26 Pharmacy shall be prohibited from serving as a manager, administrator, owner, member, officer,
27 director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 47906
28 is placed on probation or until Pharmacy Permit Number PHY 47906 is reinstated if it is revoked.

23. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License Number RPH 73137, issued to Daniel Hee Young Jeong, Respondent Jeong shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacist License Number RPH 73137 is placed on probation or until Pharmacist License Number RPH 73137 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 47906, issued to Garfield Beach CVS, LLC, dba CVS Pharmacy #8837;

2. Revoking or suspending Pharmacist License Number RPH 73137, issued to Daniel Hee Young Jeong;

3. Prohibiting Garfield Beach CVS, LLC, dba CVS Pharmacy #8837 from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 47906 is placed on probation or until Pharmacy Permit Number PHY 47906 is reinstated if Pharmacy Permit Number PHY 47906 is revoked;

4. Prohibiting Daniel Hee Young Jeong from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacist License Number RPH 73137 is placed on probation or until Pharmacist License Number RPH 73137 is reinstated if Pharmacist License Number RPH 73137 is revoked;

5. Ordering CVS Pharmacy #8837 and Daniel Hee Young Jeong 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: 9/26/2022

Signature on File

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

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