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DO NOT FOLD OR STAPLE ABOVE THIS LINE.

## Nevada State Board of Pharmacy – Renewal Application - PHARMACIST

431 W Plumb Lane • Reno, NV 89509 • nvbop.com

For the period of November 1, 2017 to October 31, 2019

Money Order ONLY (NO BUSINESS or PERSONAL CHECKS, NO CASH)

\$180.00 (postmarked on or before 10/31/2017) OR \$320.00 (postmarked after 10/31/2017)

LICENSE: 18188

GREGORY GERARD GAISER RPH

MINOLA DR,  
Miami, FL 33166

Please make any changes to name or address next to the old information

**RENEW BY MAIL**

1. Complete ALL sections on this form
2. Sign and date this form
3. Send MO with this form (do NOT staple)
4. Mail original form/payment to address above
5. NO COPIES
6. NO SIGNATURE STAMPS ACCEPTED

Section 1: Since your last renewal or recent licensure have you: (Please fill in completely)

Yes No

Been diagnosed or treated for any mental illness, including alcohol or substance abuse, or

Physical condition that would impair your ability to perform the essential functions of your license?..... ☐ ☒1. Been charged, arrested or convicted of a felony or misdemeanor in any state?..... ☐ ☒2. Been the subject of a board citation or an administrative action whether completed or pending in any state?..... ☒ ☐3. Had your license subjected to any discipline for violation of pharmacy or drug laws in any state?..... ☒ ☐

If you marked YES to any of the numbered questions (1-3) above, include the following information &amp; letter of explanation:

Board Administrative Action:	State	Date:	Case #:
		/ /	See attached
Criminal Action:	State	Date:	Case #:
		/ /	
			County
			Court

Section 2:

Are you the subject of a court order for the support of a child?..... Yes ☐ No ☒If you marked YES to the question above, are you in compliance with the court order?..... Yes ☐ No ☒

## Section 3: (Fees apply to either status) (see colored insert for details)

By signing below, you certify that you have completed ALL required CE Hours due for the 17/19 Renewal period.

(Dated from Nov. 1, 15 – Oct. 31, 17; 1.25hrs per mo.). The exemption period is 2yrs after graduation only.

**OR you may check the box for Inactive if you did NOT complete CE You cannot renew online if you change to Inactive**Inactive - ☐ By checking this box you certify that you are NOT practicing in NV and do not wish to comply with the CE requirements of NV and would like your license changed to inactive status. Before re-activating your license it will be necessary to submit an application and to become compliant with current CE requirements (NAC 639.219). See reverse of insert for more information.

## Section 4: NON-DISCIPLINARY STATE-MANDATED QUESTIONS

1. Though it is NOT required to have, SB21 requires the Board to ask if you have a Nevada State Business license and if you do, please provide the #:

Leave blank if non-applicable

2. Have you ever served in the military, either active, reserve or retired? Yes ☐ No ☒ Branch: \_\_\_\_\_

Military Occupation/Specialty: \_\_\_\_\_

Dates of Service: \_\_\_\_\_

Section 5: It is a violation of Nevada law to falsify this application and sanctions will be imposed for misrepresentation. I hereby certify that I have read this application. I certify that all statements made are true and correct. I attest to knowledge and compliance with the guidelines of the Centers for Disease Control and Prevention concerning the prevention of transmission of infectious agents through safe and appropriate injection practices. I understand that Nevada law requires a licensed pharmacist who, in their professional or occupational capacity, comes to know or has reasonable cause to believe, a child has been abused/neglected, to report the abuse/neglect to an agency which provides child welfare services or to a local law enforcement agency.

Original Signature: \_\_\_\_\_

Date: 6 / 25 / 2018



## Department of Health

GREGORY G GAISER

License Number: PS39659

*Data As Of 9/11/2018*

**Profession**

**License**

**License Status**

**License Expiration Date**

**License Original Issue Date**

**Address of Record**

Pharmacist

PS39659

OBLIGATIONS/ACTIVE

9/30/2019

01/19/2005

1 NW 158TH

STREET

MIAMI LAKES, FL 33014

UNITED STATES

**Controlled Substance Prescriber (for the Treatment of Chronic Non-malignant Pain)**

No

**Discipline on File**

Yes

**Public Complaint**

Yes

The information on this page is a secure, primary source for license verification provided by the Florida Department of Health, Division of Medical Quality Assurance. This website is maintained by Division staff and is updated immediately upon a change to our licensing and enforcement database.

FILED DATE **FEB 26 2015**

Department of Health

By:   
Deputy Agency Clerk**STATE OF FLORIDA  
BOARD OF PHARMACY**DEPARTMENT OF HEALTH,  
PETITIONER,

CASE NO.: 2014-11951

GREGORY G. GAISER, RPH,  
RESPONDENT.

LICENSE NO.: PS 39659

**FINAL ORDER**  
**APPROVING SETTLEMENT AGREEMENT**

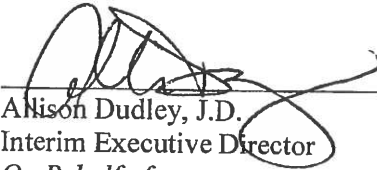
THIS CAUSE came before the Board of Pharmacy (hereinafter the "Board") pursuant to Section 120.57(4), *Florida Statutes*, on February 11, 2015, in Gainesville, Florida, for consideration of a Settlement Agreement (attached hereto as Exhibit A) entered into between the parties in the above-styled cause. Upon consideration of the Settlement Agreement, the documents submitted in support thereof, and being otherwise advised in the premises, it is hereby **Ordered** and **Adjudged**:

1. The Settlement Agreement as submitted is hereby approved, adopted, and incorporated herein by reference. Accordingly, the parties shall adhere to and abide by all the terms of the Settlement Agreement.
2. Costs of investigation and prosecution are \$ 877.45.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 20th day of February, 2015.

BOARD OF PHARMACY

  
Anison Dudley, J.D.  
Interim Executive Director  
On Behalf of  
Michele Weizer, PharmD, Chair

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to **Gregory G. Gaiser, RPH**, 516 Minola Drive, Miami Springs, Florida 33166; and **Robert S. Stroud, Esquire**, Blalock Walters, P.A., 2 North Tamiami Trail, Suite 408, Sarasota, Florida 34236-5591; and via electronic mail to **Matthew Witters**, Assistant General Counsel, Prosecution Services Unit, matthew.witters@flhealth.gov, and to **David D. Flynn**, Assistant Attorney General, Department of Legal Affairs, david.flynn@myfloridalegal.com this 26th day of February, 2015.

  
DEPUTY AGENCY CLERK

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**CASE NO. 2014-11951**

**GREGORY G. GAISER, R.Ph.,**

**RESPONDENT.**

---

**SETTLEMENT AGREEMENT**

Pursuant to Section 120.57(4), Florida Statutes, the parties offer this Settlement Agreement to the Board of Pharmacy (Board) as disposition of the Administrative Complaint, attached as Exhibit A, in lieu of further administrative proceedings.

**STIPULATED FACTS**

1. At all times material to this matter, Gregory G. Gaiser, R.Ph., was a licensed pharmacist in the state of Florida, having been issued license numbers PS 39659. Respondent's mailing address of record is 516 Minola Drive, Miami Springs, Florida 33166.

2. Respondent was charged by an Administrative Complaint, filed by the Department of Health (Department) and properly served upon Respondent, with violations of Chapters 456 and 465, Florida Statutes.

#### **STIPULATED LAW**

1. Respondent admits that he is subject to the provisions of Chapters 456 and 465, Florida Statutes, and the jurisdiction of the Department.

2. Respondent admits that the allegations in the Administrative Complaint, if proven true, constitute violations of law and cause the Respondent to be subject to discipline by the Board of Pharmacy.

#### **PROPOSED DISPOSITION**

1. **Appearance-** Respondent shall be present when this Settlement Agreement is presented to the Board and under oath shall answer all questions asked by the Board concerning this case and its disposition.

2. **Fine-** The Board of Pharmacy shall impose an administrative fine of **ONE THOUSAND DOLLARS (\$1,000.00)**. The fine shall be paid by Respondent to the **Department of Health, Compliance Management Unit, Bin C76, Post Office Box 6320, Tallahassee,**

**Florida 32314-6320**, within **30 days** from the date the Final Order approving and incorporating this Settlement Agreement (Final Order) is filed with the Department Clerk.

3. **Costs-** The Board of Pharmacy shall impose the total, administrative costs associated with the investigation and prosecution of this matter in an amount not to exceed **ONE THOUSAND EIGHT HUNDRED THREE DOLLARS AND SEVENTY-ONE CENTS (\$1,803.71)**. Total costs shall be assessed when the Settlement Agreement is presented to the Board. The costs shall be paid by Respondent to the **Department of Health, Compliance Management Unit, Bin C76, Post Office Box 6320, Tallahassee, Florida 32314-6320**, within 90 days from the date the Final Order is filed with the Department Clerk.

4. **CE Course-** Respondent shall successfully complete a Continuing Education Course on the subject of **LAWS AND RULES OF PHARMACY** consisting of **TWELVE (12) HOURS** of credit, which has been approved by the Florida Board of Pharmacy, within **one (1) year** of the filing of a Final Order accepting and incorporating this Settlement Agreement. These continuing education hours shall be in addition to the



hours required for license renewal. Within ten (10) days of completion of the course and/or receipt of the certificate of completion, Respondent shall mail a copy of the continuing education certificate of completion to the Pharmacy Compliance Officer at the address listed in paragraph two (2) above.

5. **Future Conduct-** Respondent shall not violate Chapter 456, 465, 499 or 893, Florida Statutes; the rules promulgated pursuant thereto; or any other state or federal law, rule, or regulation relating to the practice or to the ability to practice pharmacy.

6. **Violation of Terms-** It is expressly understood that a violation of the provisions of this Settlement Agreement as approved and incorporated into the Final Order of the Board of Pharmacy shall constitute a violation of an order of the Board for which disciplinary action may be initiated against Respondent pursuant to Chapter 465, Florida Statutes.

7. **No Force or Effect until Final Order-** It is expressly understood that this Settlement Agreement is subject to approval by the Board and has no force or effect until the Board incorporates the terms of this Settlement Agreement into its Final Order.

8. **Purpose of Agreement-** This Settlement Agreement is executed by Respondent for the purpose of avoiding further administrative action with respect to this particular case. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to, or in conjunction with, consideration of the Settlement Agreement. Petitioner and Respondent agree to support this Settlement Agreement at the time it is presented to the Board and shall offer no evidence, testimony, or argument that disputes or contravenes any stipulated fact or conclusion of law. Furthermore, should this Settlement Agreement not be accepted by the Board, it is agreed that the presentation and consideration of this Settlement Agreement and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration, or resolution of these proceedings.

9. **Not Preclude Additional Proceedings-** Respondent and the Department fully understand that this Settlement Agreement as approved and incorporated into the Final Order will not preclude additional proceedings by the Board or Department against Respondent for acts or omissions not specifically set forth in the Administrative Complaint.

10. **Waiver of Attorney's Fees and Costs-** Respondent waives the right to seek any attorney's fees and costs from the Department in connection with this disciplinary proceeding.

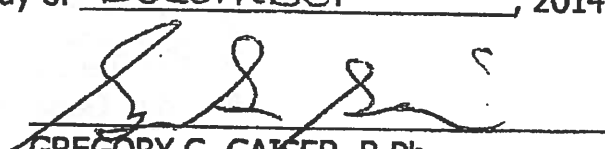
11. **Waiver of Procedural Rights-** Respondent waives all rights to further administrative procedure and to appeal and further review of this Settlement Agreement and the Final Order.

12. **Current Addresses-** Respondent shall keep current his/her mailing address and his/her practice address with the Board of Pharmacy and the Compliance Officer and shall notify the Board of Pharmacy and the Compliance Officer of any change of mailing address or practice address within 10 days of the change.

13. **Time of the Essence:** Time is of the essence in all respects concerning this agreement.

WHEREFORE, the parties request that the Board enter a Final Order approving and incorporating this Settlement Agreement in resolution of this matter.

SIGNED this 1st day of December, 2014.

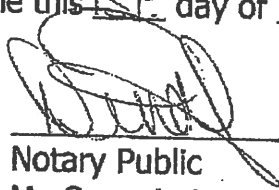
  
GREGORY G. GAISER, R.Ph.  
CASE NO. 2014-11951

STATE OF Florida  
COUNTY OF Miami-Dade

Before me personally appeared Mr. Gaiser, whose identity is known to me or by FL drivers license (type of identification), and who, under oath, acknowledges that his/her signature appears above.

Sworn to and subscribed before me this 1st day of Dec., 2014.



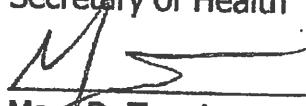


Notary Public

My Commission Expires: Sept. 26, 2017

APPROVED this 11<sup>th</sup> day of December, 2014.

John H. Armstrong, MD, FACS  
State Surgeon General and  
Secretary of Health



Marc D. Taupier  
Assistant General Counsel

Counsel for Petitioner  
Marc D. Taupier  
Assistant General Counsel

Florida Bar No. 106732  
Department of Health  
Prosecution Services Unit  
4052 Bald Cypress Way, Bin C-65  
Tallahassee, Florida 32399  
Tel.: (850) 245-4444  
Fax: (850) 245-4683

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**CASE NO. 2014-11951**

**GREGORY G. GAISER, R.Ph.,**

**RESPONDENT.**

**ADMINISTRATIVE COMPLAINT**

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Pharmacy against Respondent, Gregory G. Gaiser, R.Ph., and in support thereof alleges:

1. Petitioner is the state department charged with regulating the practice of pharmacy pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 465, Florida Statutes.

2. At all times material to this Complaint, Respondent was a licensed pharmacist within the state of Florida, having been issued license number PS 39659.

3. Respondent's address of record is 516 Mlnola Drive, Miami Springs, Florida 33166.

4. Respondent is licensed pursuant to Chapter 465, Florida Statutes, and is a health care practitioner as defined in Section 456.001(4), Florida Statutes (2014).

5. At all times material to this complaint, Respondent was the prescription department manager ("PDM") of record for Complete Pharmacy & Medical Solutions ("Permittee"), a permitted community pharmacy in the state of Florida.

6. On or about July 14, 2014, Department Investigator conducted a routine inspection of Permittee and noted that Permittee was engaging in sterile compounding without having been issued a special sterile compounding permit.

7. Section 456.072(1)(k), Florida Statutes (2013, 2014), provides that failing to perform any statutory or legal obligation placed upon a licensee is grounds for disciplinary action.

8. Section 465.022(11)(a), Florida Statutes (2013, 2014), provides that the prescription department manager must ensure the permittee's compliance with all rules adopted under those chapters as they relate to



the practice of the profession of pharmacy and the sale of prescription drugs.

9. Rule 64B16-28.100(8), Florida Administrative Code, provides in pertinent part that any pharmacy engaged in sterile compounding must obtain a special sterile compounding permit.

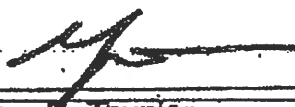
10. As set forth above, Permittee was engaging in sterile compounding without first having been issued a special sterile compounding permit.

11. Based on the foregoing, Respondent has violated Section 456.072(1)(k), Florida Statutes (2013, 2014) by violating Section 465.022(11)(a), Florida Statutes (2013, 2014), by violating Rule 64B16-28.100(8), Florida Administrative Code, which provides that any pharmacy engaging in sterile compounding must first obtain a special sterile compounding permit.

WHEREFORE, Petitioner respectfully requests that the Board of Pharmacy enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 30<sup>th</sup> day of October, 2014.

JOHN H. ARMSTRONG, MD, FACS  
State Surgeon General and  
Secretary of Health

  
\_\_\_\_\_  
Marc D. Taupier  
Assistant General Counsel  
Fla. Bar No. 106732  
Florida Department of Health  
Office of the General Counsel  
4052 Bald Cypress Way, Bin #C65  
Tallahassee, FL 32399-3265  
Telephone: (850) 245-4444  
Facsimile: (850) 245-4683  
Email: marc.taupier@fihealth.gov

FILED  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK Angel Sanders  
DATE OCT 30 2014

PCP: October 30, 2014  
PCP Members: W. L. Z. + Philip

Department of Health v. Gregory G. Gaiser, R.Ph.  
DOH Case No. 2014-11951

## **NOTICE OF RIGHTS**

**Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.**

## **NOTICE REGARDING ASSESSMENT OF COSTS**

**Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.**

FILED DATE AUG 13 2018

Department of Health

STATE OF FLORIDA  
BOARD OF PHARMACYBy: *Amber Greene*

Deputy Agency Clerk

DEPARTMENT OF HEALTH, PETITIONER,	CASE NO.: 2017-22550
v.	LICENSE NO.: PS 39659
GREGORY G. GAISER, RPH, RESPONDENT.	

**FINAL ORDER**  
**APPROVING SETTLEMENT AGREEMENT**


THIS CAUSE came before the Board of Pharmacy (hereinafter the "Board") pursuant to Section 120.57(4), *Florida Statutes*, on August 8, 2018, in Orlando, Florida, for consideration of a Settlement Agreement (attached hereto as Exhibit A) entered into between the parties in the above-styled cause. Upon consideration of the Settlement Agreement, the documents submitted in support thereof, and being otherwise advised in the premises, it is hereby **Ordered and Adjudged**:

1. The Settlement Agreement as submitted is hereby approved, adopted, and incorporated herein by reference. Accordingly, the parties shall adhere to and abide by all the terms of the Settlement Agreement.
2. Costs of investigation and prosecution are \$596.51.

*This Final Order shall take effect upon being filed with the Clerk of the Department of Health.*

DONE AND ORDERED this 16<sup>th</sup> day of August, 2018.

BOARD OF PHARMACY

  
C. Erica White, J.D., Executive Director  
On Behalf of  
Jeenu Philip, BPharm, Chair

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to **Gregory G. Gaiser, RPH**, 516 Minola Drive, Miami Springs, Florida 33166 and 5829 NW 158th Street, Miami Lakes, Florida 33014; and via electronic mail to **Christopher Jurich**, Assistant General Counsel, Prosecution Services Unit, christopher.jurich@flhealth.gov; and to **David D. Flynn**, Assistant Attorney General, Department of Legal Affairs, david.flynn@myfloridalegal.com this 16<sup>th</sup> day of August, 2018.

  
DEPUTY AGENCY CLERK

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

PRACTITIONER REGULATION  
LEGAL

2018 JUL 23 PM 3: 05

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**CASE NO. 2017-22550**

**GREGORY G. GAISER, R.PH.,**

**RESPONDENT.**

**SETTLEMENT AGREEMENT**

Pursuant to Section 120.57(4), Florida Statutes, the parties offer this Settlement Agreement to the Board of Pharmacy ("Board") as disposition of the Administrative Complaint, attached as Exhibit A, in lieu of further administrative proceedings.

**STIPULATED FACTS**

1. At all times material to this matter, Gregory G. Gaiser, R.Ph., was a licensed pharmacist in the state of Florida, having been issued license number PS39659.

Respondent's mailing address of record is 516 Minola Drive, Miami Springs, Florida 33166.

2. Respondent was charged by an Administrative Complaint, filed by the Department of Health ("Department") and properly served upon Respondent, with violations of Chapters 456 and 465, Florida Statutes.

STIPULATED LAW

1. Respondent admits that he/she is subject to the provisions of Chapters 456 and 465, Florida Statutes, and the jurisdiction of the Department.

2. Respondent admits that the allegations in the Administrative Complaint, if proven true, constitute violations of law and cause the Respondent to be subject to discipline by the Board of Pharmacy.

PROPOSED DISPOSITION

1. **Appearance-** Respondent shall be present when this Settlement Agreement is presented to the Board and under oath shall answer all questions asked by the Board concerning this case and its disposition.

2. **Fine-** The Board of Pharmacy shall impose an administrative fine of **ONE THOUSAND DOLLARS (\$1,000.00)**. The fine shall be paid by Respondent to the **Department of Health, Compliance Management Unit, Bin C76, Post Office Box 6320, Tallahassee,**

**Florida 32314-6320**, within **ninety (90) days** from the date the Final Order approving and incorporating this Settlement Agreement ("Final Order") is filed with the Department Clerk.

3. **Costs**- The Board of Pharmacy shall impose the total, administrative costs associated with the investigation and prosecution of this matter in an amount not to exceed **ONE THOUSAND FIVE HUNDRED THIRTY-ONE DOLLARS AND TEN CENTS (\$1,531.10)**. Total costs shall be assessed when the Settlement Agreement is presented to the Board. The costs shall be paid by Respondent to the **Department of Health, Compliance Management Unit, Bin C76, Post Office Box 6320, Tallahassee, Florida 32314-6320**, within **ninety (90) days** from the date the Final Order is filed with the Department Clerk.

4. **Future Conduct**- Respondent shall not violate Chapter 456, 465, 499, or 893, Florida Statutes; the rules promulgated pursuant thereto; or any other state or federal law, rule, or regulation relating to the practice or to the ability to practice pharmacy.

5. **Violation of Terms**- It is expressly understood that a violation of the provisions of this Settlement Agreement as approved and incorporated into the Final Order of the Board of Pharmacy shall constitute



a violation of an order of the Board for which disciplinary action may be initiated against Respondent pursuant to Chapter 465, Florida Statutes.

6. **No Force or Effect until Final Order-** It is expressly understood that this Settlement Agreement is subject to approval by the Board and has no force or effect until the Board incorporates the terms of this Settlement Agreement into its Final Order.

7. **Purpose of Agreement-** This Settlement Agreement is executed by Respondent for the purpose of avoiding further administrative action with respect to this particular case. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to, or in conjunction with, consideration of the Settlement Agreement. Petitioner and Respondent agree to support this Settlement Agreement at the time it is presented to the Board and shall offer no evidence, testimony, or argument that disputes or contravenes any stipulated fact or conclusion of law. Furthermore, should this Settlement Agreement not be accepted by the Board, It is agreed that the presentation and consideration of this Settlement Agreement and other documents and matters by the Board shall not unfairly or illegally prejudice

the Board or any of its members from further participation, consideration, or resolution of these proceedings.

8. **Not Preclude Additional Proceedings-** Respondent and the Department fully understand that this Settlement Agreement as approved and incorporated into the Final Order will not preclude additional proceedings by the Board or Department against Respondent for acts or omissions not specifically set forth in the Administrative Complaint.

9. **Waiver of Attorney's Fees and Costs-** Respondent waives the right to seek any attorney's fees and costs from the Department in connection with this disciplinary proceeding.

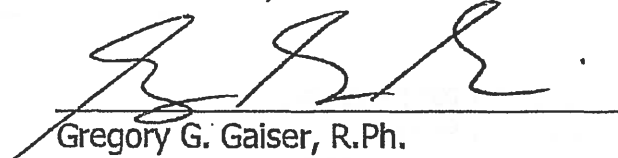
10. **Waiver of Procedural Rights-** Respondent waives all rights to further administrative procedure and to appeal and further review of this Settlement Agreement and the Final Order.

11. **Current Addresses-** Respondent shall keep current his/her mailing address and his/her practice address with the Board of Pharmacy and the Compliance Officer and shall notify the Board of Pharmacy and the Compliance Officer of any change of mailing address or practice address within ten (10) days of the change.

12. **Time of the Essence**- Time is of the essence in all respects concerning this agreement.

WHEREFORE, the parties request that the Board enter a Final Order approving and incorporating this Settlement Agreement in resolution of this matter.

SIGNED this 20 day of July, 2018.

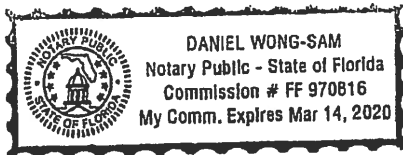
  
 Gregory G. Gaiser, R.Ph.  
 Case No. 2017-22550

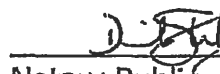
STATE OF Florida

COUNTY OF Miami Dade

Before me personally appeared Gregory G. Gaiser, whose identity is known to me or by FL DL ID (type of identification), and who, under oath, acknowledges that his/her signature appears above.

Sworn to and subscribed before me this 20 day of July, 2018.



  
 Notary Public  
 My Commission Expires: March 14, 2020

APPROVED this 26<sup>th</sup> day of July, 2018.

Celeste Philip, M.D., M.P.H.  
Surgeon General and Secretary

Hannah Phillips

Hannah Phillips  
Assistant General Counsel

Counsel for Petitioner

Hannah Phillips  
Florida Bar No. 1003347  
Assistant General Counsel  
Department of Health  
Prosecution Services Unit  
4052 Bald Cypress Way, Bin C-65  
Tallahassee, Florida 32399  
Tel.: (850) 558-9824  
Fax: (850) 245-4662

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**CASE NO. 2017-22550**

**GREGORY G. GAISER, R.PH.,**

**RESPONDENT.**

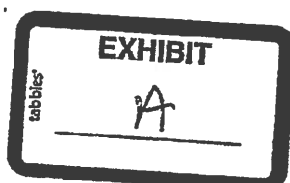
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**ADMINISTRATIVE COMPLAINT**

COMES NOW, Petitioner, Department of Health ("Department"), by and through its undersigned counsel, and files this Administrative Complaint before the Board of Pharmacy ("Board") against Respondent, Gregory G. Gaiser, R.Ph., and in support thereof alleges:

1. Petitioner is the state agency charged with regulating the practice of pharmacy pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 465, Florida Statutes.

2. At all times material to this Administrative Complaint, Respondent was a licensed pharmacist within the state of Florida, having been issued license number PS39659.



3. Respondent's address of record is 516 Minola Drive, Miami Springs, Florida 33166.

4. Respondent may have an additional address of 5829 NW 158<sup>th</sup> Street, Miami Lakes, Florida 33014.

5. At all times material to this Administrative Complaint, Respondent was a licensed pharmacist within the State of Alabama.

6. At all times material to this Administrative Complaint, Complete Pharmacy and Medical Solutions was a permitted non-resident pharmacy in the State of Alabama.

7. At all times material to this Administrative Complaint, Respondent was the supervising pharmacist for Complete Pharmacy and Medical Solutions.

8. On or about December 31, 2014, the non-resident pharmacy permit for Complete Pharmacy and Medical Solutions expired, and was not timely renewed by Respondent.

9. On or about October 10, 2017, the Alabama State Board of Pharmacy issued a Final Order, whereby disciplining Respondent's Alabama pharmacist license for one or more of the following violations:

- a. Respondent allowed the pharmacy to dispense prescription medications into the State of Alabama while it did not possess a current non-resident pharmacy permit; and/or
- b. Respondent allowed the pharmacy to ship prescription medications into the State of Alabama without a current non-resident pharmacy permit.

10. The violations underlying the discipline by the Alabama State Board of Pharmacy would constitute violations under Florida law.

11. Section 456.072(1)(f), Florida Statutes (2017), provides that having a license or the authority to practice any regulated profession revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law, constitutes grounds for disciplinary action. The licensing authority's acceptance of a relinquishment of licensure, stipulation, consent order, or



other settlement, offered in response to or in anticipation of the filing of charges against the license, shall be construed as action against the license.

12. On or about October 10, 2017, the Alabama State Board of Pharmacy issued a Final Order, whereby disciplining Respondent's pharmacist license for one or more of the conduct specified in paragraph seven, which would constitute a violation of Florida law.

13. Based on the foregoing, Respondent has violated Section 456.072(1)(f), Florida Statutes (2017).

**[REMAINDER LEFT BLANK]**

WHEREFORE, the Petitioner respectfully requests that the Board of Pharmacy enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 19th day of April, 2018.

Celeste Phillip, M.D., M.P.H.  
Surgeon General and Secretary

Hannah Phillips, Fla. Bar No. 1003347

Raj Misra  
Assistant General Counsel  
Fla. Bar No. 108907  
Florida Department of Health  
Office of the General Counsel  
4052 Bald Cypress Way, Bin C-65  
Tallahassee, FL 32399-3265  
Telephone: (850) 558-9875  
Facsimile: (850) 245-4662  
Email: raj.misra@flhealth.gov

FILED  
DEPARTMENT OF HEALTH  
DEPUTY CLERK

CLERK: Angel Sanders  
DATE: APR 19 2018

PCP Meeting: April 19, 2018  
PCP Members: Debra Glass; Mark Mikhael

### **NOTICE OF RIGHTS**

**Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.**

**A request or petition for an administrative hearing must be in writing and must be received by the Department within 21 days from the day Respondent received the Administrative Complaint, pursuant to Rule 28-106.111(2), Florida Administrative Code. If Respondent fails to request a hearing within 21 days of receipt of this Administrative Complaint, Respondent waives the right to request a hearing on the facts alleged in this Administrative Complaint pursuant to Rule 28-106.111(4), Florida Administrative Code. Any request for an administrative proceeding to challenge or contest the material facts or charges contained in the Administrative Complaint must conform to Rule 28-106.2015(5), Florida Administrative Code.**

**Please note that mediation under Section 120.573, Florida Statutes, is not available to resolve this Administrative Complaint.**

### **NOTICE REGARDING ASSESSMENT OF COSTS**

**Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.**

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**CASE NO. 2014-11951**

**GREGORY G. GAISER, R.Ph.,**

**RESPONDENT.**

---

**ADMINISTRATIVE COMPLAINT**

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Pharmacy against Respondent, Gregory G. Gaiser, R.Ph., and in support thereof alleges:

1. Petitioner is the state department charged with regulating the practice of pharmacy pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 465, Florida Statutes.
2. At all times material to this Complaint, Respondent was a licensed pharmacist within the state of Florida, having been issued license number PS 39659.

3. Respondent's address of record is 516 Minola Drive, Miami Springs, Florida 33166.

4. Respondent is licensed pursuant to Chapter 465, Florida Statutes, and is a health care practitioner as defined in Section 456.001(4), Florida Statutes (2014).

5. At all times material to this complaint, Respondent was the prescription department manager ("PDM") of record for Complete Pharmacy & Medical Solutions ("Permittee"), a permitted community pharmacy in the state of Florida.

6. On or about July 14, 2014, Department Investigator conducted a routine inspection of Permittee and noted that Permittee was engaging in sterile compounding without having been issued a special sterile compounding permit.

7. Section 456.072(1)(k), Florida Statutes (2013, 2014), provides that failing to perform any statutory or legal obligation placed upon a licensee is grounds for disciplinary action.

8. Section 465.022(11)(a), Florida Statutes (2013, 2014), provides that the prescription department manager must ensure the permittee's compliance with all rules adopted under those chapters as they relate to

the practice of the profession of pharmacy and the sale of prescription drugs.

9. Rule 64B16-28.100(8), Florida Administrative Code, provides in pertinent part that any pharmacy engaged in sterile compounding must obtain a special sterile compounding permit.

10. As set forth above, Permittee was engaging in sterile compounding without first having been issued a special sterile compounding permit.

11. Based on the foregoing, Respondent has violated Section 456.072(1)(k), Florida Statutes (2013, 2014) by violating Section 465.022(11)(a), Florida Statutes (2013, 2014), by violating Rule 64B16-28.100(8), Florida Administrative Code, which provides that any pharmacy engaging in sterile compounding must first obtain a special sterile compounding permit.

WHEREFORE, Petitioner respectfully requests that the Board of Pharmacy enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 30<sup>th</sup> day of October, 2014.

JOHN H. ARMSTRONG, MD, FACS  
State Surgeon General and  
Secretary of Health



Marc D. Taupier  
Assistant General Counsel  
Fla. Bar No. 106732  
Florida Department of Health  
Office of the General Counsel  
4052 Bald Cypress Way, Bin #C65  
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Facsimile: (850) 245-4683  
Email: marc.taupier@flhealth.gov

FILED  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK Angel Sanders  
DATE OCT 30 2014

PCP: October 30, 2014  
PCP Members: Whizer + Philip

## **NOTICE OF RIGHTS**

**Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.**

## **NOTICE REGARDING ASSESSMENT OF COSTS**

**Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.**

---



**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**CASE NO. 2017-22550**

**GREGORY G. GAISER, R.PH.,**

**RESPONDENT.**

\_\_\_\_\_ /

**ADMINISTRATIVE COMPLAINT**

COMES NOW, Petitioner, Department of Health ("Department"), by and through its undersigned counsel, and files this Administrative Complaint before the Board of Pharmacy ("Board") against Respondent, Gregory G. Gaiser, R.Ph., and in support thereof alleges:

1. Petitioner is the state agency charged with regulating the practice of pharmacy pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 465, Florida Statutes.

2. At all times material to this Administrative Complaint, Respondent was a licensed pharmacist within the state of Florida, having been issued license number PS39659.

3. Respondent's address of record is 516 Minola Drive, Miami Springs, Florida 33166.

4. Respondent may have an additional address of 5829 NW 158<sup>th</sup> Street, Miami Lakes, Florida 33014.

5. At all times material to this Administrative Complaint, Respondent was a licensed pharmacist within the State of Alabama.

6. At all times material to this Administrative Complaint, Complete Pharmacy and Medical Solutions was a permitted non-resident pharmacy in the State of Alabama.

7. At all times material to this Administrative Complaint, Respondent was the supervising pharmacist for Complete Pharmacy and Medical Solutions.

8. On or about December 31, 2014, the non-resident pharmacy permit for Complete Pharmacy and Medical Solutions expired, and was not timely renewed by Respondent.

9. On or about October 10, 2017, the Alabama State Board of Pharmacy issued a Final Order, whereby disciplining Respondent's Alabama pharmacist license for one or more of the following violations:

- a. Respondent allowed the pharmacy to dispense prescription medications into the State of Alabama while it did not possess a current non-resident pharmacy permit; and/or
- b. Respondent allowed the pharmacy to ship prescription medications into the State of Alabama without a current non-resident pharmacy permit.

10. The violations underlying the discipline by the Alabama State Board of Pharmacy would constitute violations under Florida law.

11. Section 456.072(1)(f), Florida Statutes (2017), provides that having a license or the authority to practice any regulated profession revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law, constitutes grounds for disciplinary action. The licensing authority's acceptance of a relinquishment of licensure, stipulation, consent order, or

other settlement, offered in response to or in anticipation of the filing of charges against the license, shall be construed as action against the license.

12. On or about October 10, 2017, the Alabama State Board of Pharmacy issued a Final Order, whereby disciplining Respondent's pharmacist license for one or more of the conduct specified in paragraph seven, which would constitute a violation of Florida law.

13. Based on the foregoing, Respondent has violated Section 456.072(1)(f), Florida Statutes (2017).

**[REMAINDER LEFT BLANK]**

WHEREFORE, the Petitioner respectfully requests that the Board of Pharmacy enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

**SIGNED this** 19<sup>th</sup> **day of** April, **2018.**

Celeste Philip, M.D., M.P.H.  
Surgeon General and Secretary

Hannah Phillips, Fla. Bar No. 1003347  
Raj Misra

Assistant General Counsel  
Fla. Bar No. 108907  
Florida Department of Health  
Office of the General Counsel  
4052 Bald Cypress Way, Bin C-65  
Tallahassee, FL 32399-3265  
Telephone: (850) 558-9875  
Facsimile: (850) 245-4662  
Email: raj.misra@flhealth.gov

FILED  
DEPARTMENT OF HEALTH  
DEPUTY CLERK

CLERK: Angel Sanders  
DATE: APR 19 2018

PCP Meeting: April 19, 2018  
PCP Members: Debra Glass; Mark Mikhael

## **NOTICE OF RIGHTS**

**Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.**

**A request or petition for an administrative hearing must be in writing and must be received by the Department within 21 days from the day Respondent received the Administrative Complaint, pursuant to Rule 28-106.111(2), Florida Administrative Code. If Respondent fails to request a hearing within 21 days of receipt of this Administrative Complaint, Respondent waives the right to request a hearing on the facts alleged in this Administrative Complaint pursuant to Rule 28-106.111(4), Florida Administrative Code. Any request for an administrative proceeding to challenge or contest the material facts or charges contained in the Administrative Complaint must conform to Rule 28-106.2015(5), Florida Administrative Code.**

**Please note that mediation under Section 120.573, Florida Statutes, is not available to resolve this Administrative Complaint.**

## **NOTICE REGARDING ASSESSMENT OF COSTS**

**Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.**

FILED DATE FEB 26 2015

Department of Health

By: Angel Sander

Deputy Agency Clerk

**STATE OF FLORIDA  
BOARD OF PHARMACY**

DEPARTMENT OF HEALTH, PETITIONER,	CASE NO.: 2014-11950
COMPLETE PHARMACY & MEDICAL SOLUTIONS, RESPONDENT.	LICENSE NO.: PH 22993

**FINAL ORDER  
APPROVING SETTLEMENT AGREEMENT**

THIS CAUSE came before the Board of Pharmacy (hereinafter the "Board") pursuant to Section 120.57(4), *Florida Statutes*, on February 11, 2015, in Gainesville, Florida, for consideration of a Settlement Agreement (attached hereto as Exhibit A) entered into between the parties in the above-styled cause. Upon consideration of the Settlement Agreement, the documents submitted in support thereof, and being otherwise advised in the premises, it is hereby **Ordered** and **Adjudged**:

1. The Settlement Agreement as submitted is hereby approved, adopted, and incorporated herein by reference. Accordingly, the parties shall adhere to and abide by all the terms of the Settlement Agreement.
2. Costs of investigation and prosecution are \$ 1,161.26. ✓

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 25<sup>th</sup> day of February, 2015.

BOARD OF PHARMACY



Allison Dudley, J.D.  
Interim Executive Director  
On Behalf of  
Michele Weizer, PharmD, Chair

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to **Complete Pharmacy & Medical Solutions**, 5829 North West 158th Street, Miami Lakes, Florida 33014 ; and **Robert S. Stroud, Esquire**, Blalock Walters, P.A., 2 North Tamiami Trail, Suite 408, Sarasota, Florida 34236-5591; and via electronic mail to **Matthew Witters**, Assistant General Counsel, Prosecution Services Unit, [matthew.witters@flhealth.gov](mailto:matthew.witters@flhealth.gov), and to **David D. Flynn**, Assistant Attorney General, Department of Legal Affairs, [david.flynn@myfloridalegal.com](mailto:david.flynn@myfloridalegal.com) this 26<sup>th</sup> day of February, 2015.



DEPUTY AGENCY CLERK



**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**CASE NO. 2014-11950**

**COMPLETE PHARMACY & MEDICAL SOLUTIONS,**

**RESPONDENT.**

---

**SETTLEMENT AGREEMENT**

Pursuant to Section 120.57(4), Florida Statutes, the parties offer this Settlement Agreement to the Board of Pharmacy (Board) as disposition of the Administrative Complaint, attached as Exhibit A, in lieu of further administrative proceedings.

**STIPULATED FACTS**

1. At all times material to this matter, **COMPLETE PHARMACY & MEDICAL SOLUTIONS** was a permitted community pharmacy in the state of Florida, having been issued license number PH 22993. Respondent's mailing address of record is 5829 NW 158<sup>th</sup> Street, Miami Lakes, Florida 33014.

2. Respondent was charged by an Administrative Complaint, filed by the Department of Health (Department) and properly served upon Respondent, with violations of Chapters 456 and 465, Florida Statutes.

### **STIPULATED LAW**

1. Respondent admits that Respondent is subject to the provisions of Chapters 456 and 465, Florida Statutes, and the jurisdiction of the Department.

2. Respondent admits that the allegations in the Administrative Complaint, if proven true, constitute violations of law and cause the Respondent to be subject to discipline by the Board of Pharmacy.

### **PROPOSED DISPOSITION**

1. **Appearance-** Respondent shall be present when this Settlement Agreement is presented to the Board and under oath shall answer all questions asked by the Board concerning this case and its disposition.

2. **Fine-** The Board of Pharmacy shall impose an administrative fine of **TWO THOUSAND DOLLARS (\$2,000.00)**. The fine shall be paid by Respondent to the **Department of Health, Compliance Management Unit, Bin C76, Post Office Box 6320, Tallahassee,**

**Florida 32314-6320**, within **30 days** from the date the Final Order approving and incorporating this Settlement Agreement (Final Order) is filed with the Department Clerk.

3. **Costs**- The Board of Pharmacy shall impose the total, administrative costs associated with the investigation and prosecution of this matter in an amount not to exceed **TWO THOUSAND ONE HUNDRED NINETEEN DOLLARS AND TWELVE CENTS (\$2,119.12)**.

Total costs shall be assessed when the Settlement Agreement is presented to the Board. The costs shall be paid by Respondent to the **Department of Health, Compliance Management Unit, Bin C76, Post Office Box 6320, Tallahassee, Florida 32314-6320**, within **90 days** from the date the Final Order is filed with the Department Clerk.

4. **Correction of Alleged Deficiencies**- At its sole expense, but without admitting any specific deficiency or violation, Respondent shall immediately, or at least forthwith, correct and address all deficiencies and violations listed or alleged in the Administrative Complaint, to the extent necessary to comply with Florida law.

5. **Future Conduct**- Respondent shall not violate Chapters 456, 465, 499, or 893, Florida Statutes; the rules promulgated pursuant thereto;

or any other state or federal law, rule, or regulation relating to the practice or to the ability to practice pharmacy.

6. **Violation of Terms-** It is expressly understood that a violation of the provisions of this Settlement Agreement as approved and incorporated into the Final Order of the Board of Pharmacy shall constitute a violation of an order of the Board for which disciplinary action may be initiated against Respondent pursuant to Chapter 465, Florida Statutes.

7. **No Force or Effect until Final Order-** It is expressly understood that this Settlement Agreement is subject to approval by the Board and has no force or effect until the Board incorporates the terms of this Settlement Agreement into its Final Order.

8. **Purpose of Agreement-** This Settlement Agreement is executed by Respondent for the purpose of avoiding further administrative action with respect to this particular case. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to, or in conjunction with, consideration of the Settlement Agreement. Petitioner and Respondent agree to support this Settlement Agreement at the time it is presented to the Board and shall offer no evidence, testimony, or argument that disputes or

contravenes any stipulated fact or conclusion of law. Furthermore, should this Settlement Agreement not be accepted by the Board, it is agreed that the presentation and consideration of this Settlement Agreement and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration, or resolution of these proceedings.

9. **Not Preclude Additional Proceedings-** Respondent and the Department fully understand that this Settlement Agreement as approved and incorporated into the Final Order will not preclude additional proceedings by the Board or Department against Respondent for acts or omissions not specifically set forth in the Administrative Complaint.

10. **Waiver of Attorney's Fees and Costs-** Respondent waives the right to seek any attorney's fees and costs from the Department in connection with this disciplinary proceeding.

11. **Waiver of Procedural Rights-** Respondent waives all rights to further administrative procedure and to appeal and further review of this Settlement Agreement and the Final Order.


12. **Current Addresses-** Respondent shall keep current his mailing address and his practice address with the Board of Pharmacy and

the Compliance Officer and shall notify the Board of Pharmacy and the Compliance Officer of any change of mailing address or practice address within ten (10) days of the change.

13. **Time of the Essence**- Time is of the essence in all respects concerning this agreement.

WHEREFORE, the parties request that the Board enter a Final Order approving and incorporating this Settlement Agreement in resolution of this matter.

SIGNED this 1st day of December, 2014.

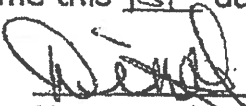
  
Institutional Representative for  
Complete Pharmacy & Medical Solutions  
Case No. 2014-11950

STATE OF Florida  
COUNTY OF Miami-Dade

Before me personally appeared Gregory Gaiser whose identity is known to me or by Florida Drivers License (type of Identification), and who, under oath, acknowledges that his/her signature appears above.

Sworn to and subscribed before me this 1st day of December, 2014.



 Dina Marie Joyner  
Notary Public  
My Commission Expires: Sept. 26, 2017

APPROVED this 11<sup>th</sup> day of December, 2014.

John H. Armstrong, MD, FACS  
State Surgeon General and  
Secretary of Health

  
\_\_\_\_\_  
Marc D. Taupier  
Assistant General Counsel

Counsel for Petitioner

Marc D. Taupier  
Assistant General Counsel  
Florida Bar No. 106732  
Department of Health  
Prosecution Services Unit  
4052 Bald Cypress Way, Bin C-65  
Tallahassee, Florida 32399  
Tel.: (850) 245-4444 ext. 8228  
Fax: (850) 245-4683



**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**CASE NO. 2014-11950**

**COMPLETE PHARMACY & MEDICAL SOLUTIONS,**

**RESPONDENT.**

**ADMINISTRATIVE COMPLAINT**

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Pharmacy against Respondent, Complete Pharmacy and Medical Solutions, and in support thereof alleges:

1. Petitioner is the state department charged with regulating the practice of pharmacy pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 465, Florida Statutes.
2. At all times material to this Complaint, Respondent was a permitted community pharmacy within the state of Florida, having been issued permit number PH 22993.

3. Respondent's address of record is 5829 NW 158<sup>th</sup> Street, Miami Lakes, Florida 33014.

4. Respondent is licensed pursuant to Chapter 465, Florida Statutes, and is a health care practitioner as defined in Section 456.001(4), Florida Statutes (2014).

5. On or about July 14, 2014, Department Investigator conducted a routine inspection of Permittee and noted that Permittee was engaging in sterile compounding without having been issued a special sterile compounding permit.

**COUNT I**

6. Petitioner realleges and incorporates paragraphs one (1) through five (5) as if fully set forth herein.

7. Section 456.072(1)(o), Florida Statutes (2013, 2014), provides that practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform is grounds for disciplinary action.

8. As set forth above, Respondent engaged in sterile compounding without first obtaining a special sterile compounding permit.

9. Based on the foregoing, Respondent violated Section 456.072(1)(o), Florida Statutes (2013, 2014), by practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform.

### COUNT II

10. Petitioner realleges and Incorporates paragraphs one (1) through five (5) as if fully set forth herein.

11. Section 456.072(1)(k), Florida Statutes (2013, 2014), provides that failing to perform any statutory or legal obligation placed upon a licensee is grounds for disciplinary action.

12. Section 465.023(1)(c), Florida Statutes (2013, 2014), provides that the department or the board may revoke or suspend the permit of any pharmacy permittee, and may fine, place on probation, or otherwise discipline any pharmacy permittee if the permittee has violated any of the requirements of this chapter or any of the rules of the Board of Pharmacy.

13. Rule 64B16-28.100(8), Florida Administrative Code, provides in pertinent part that any pharmacy engaged in sterile compounding must obtain a special sterile compounding permit.

14. As set forth above, Respondent was engaging in sterile compounding without first having been issued a special sterile compounding permit.

15. Based on the foregoing, Respondent has violated Section 456.072(1)(k), Florida Statutes (2013, 2014), by violating Section 465.023(1)(c), Florida Statutes (2013, 2014), through a violation of Rule 64B16-28.100(8), Florida Administrative Code, which provides that any pharmacy engaging in sterile compounding must first obtain a special sterile compounding permit.

WHEREFORE, Petitioner respectfully requests that the Board of Pharmacy enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 30<sup>th</sup> day of October, 2014.

JOHN H. ARMSTRONG, MD, FACS  
State Surgeon General and  
Secretary of Health



Marc D. Taupier  
Assistant General Counsel  
Fla. Bar No. 106732  
Florida Department of Health  
Office of the General Counsel  
4052 Bald Cypress Way, Bin #C65  
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Email: marc.taupier@flhealth.gov

FILED  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK Angel Sanders  
DATE OCT 30 2014

PCP: October 30, 2014  
PCP Members: Weizer, Philip

## **NOTICE OF RIGHTS**

**Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.**

## **NOTICE REGARDING ASSESSMENT OF COSTS**

**Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.**

AC# 7585729

STATE OF FLORIDA  
DEPARTMENT OF HEALTH  
DIVISION OF MEDICAL QUALITY ASSURANCE

DATE	LICENSE NO.	CONTROL NO.
02/17/2017	PH 28339	99946

QUALIFICATION(S):  
SPECIAL STERILE COMPOUNDING

The PHARMACY  
named below has met all requirements of  
the laws and rules of the state of Florida.  
Expiration Date: **FEBRUARY 28, 2019**  
**COMPLETE PHARMACY AND MEDICAL SOLUTIONS**  
**COMPLETE PHARMACEUTICS**  
5829 NW 158 STREET  
MIAMI LAKES, FL 33014

STATE OF FLORIDA DEPARTMENT OF HEALTH DIVISION OF MEDICAL QUALITY ASSURANCE	AC# 7585729	LICENSE NO. PH 28339	CONTROL NO. 99946
DATE 02/17/2017			

The PHARMACY  
named below has met all requirements of  
the laws and rules of the state of Florida.

Expiration Date: **FEBRUARY 28, 2019**  
**COMPLETE PHARMACY AND MEDICAL SOLUTIONS**

  
Rick Scott  
GOVERNOR  
Celeste M. Philip, M.D., M.P.H.  
Surgeon General and Secretary

DISPLAY IF REQUIRED BY LAW

QUALIFICATION(S):  
Special Sterile CompoundingEXPIRATION DATE: **FEBRUARY 28, 2019**

Your license number is PH 28339. Please use it in all correspondence with your board/council. Each licensee is solely responsible for notifying the Department in writing of the licensee's current mailing address and practice location address. If you have not received your renewal notice 90 days prior to the expiration date shown on this license, please visit [www.FLHealthSource.gov](http://www.FLHealthSource.gov) and click "Renew A License" to renew online.

Medical Quality Assurance has a new and improved Online Services Portal. In the new system, you have the ability to renew your license, update your mailing and practice location addresses, request a name change, request a duplicate license and update your profile information all from the convenience of your online account.

1. Go to [www.FLHealthSource.gov](http://www.FLHealthSource.gov).
2. Click on "Provider Services" and select "Manage Your License."
3. Select your profession and license type and click "Submit."
4. The question "Have you Registered in Our New Online Service System?" will display.
  - a. Click on "No" if you have not registered for an account in the new system and follow the instructions provided for new user registration.
  - b. Click on "Yes" if you are a returning user. Enter the user ID and password you selected during the registration process, then select "Sign In" to access your MQA Online Services Portal account.

**IMPORTANT ANNOUNCEMENTS**Are You Renewal Ready?

The Department of Health will now review  
your continuing education records at the  
time of license renewal.

To learn more, please visit  
[www.FLHealthSource.gov/AYRR](http://www.FLHealthSource.gov/AYRR)

Grounds for Discipline

You should be familiar with the Grounds for  
Discipline found in Section 456.072(1),  
Florida Statutes, and in the practice act for  
the profession in which you are licensed.

Florida Statutes can be accessed at  
[www.leg.state.fl.us/Statutes](http://www.leg.state.fl.us/Statutes)

C# 7586725

STATE OF FLORIDA  
DEPARTMENT OF HEALTH  
DIVISION OF MEDICAL QUALITY ASSURANCE

DATE	LICENSE NO.	CONTROL NO.
02/17/2017	PH 22993	99945

QUALIFICATION(S):  
SCHEDULE II & III  
COMMUNITY PHARMACY  
3:1 PHARMACY TECHNICIAN RATIO APPROVED

PHARMACY  
named below has met all requirements of  
the laws and rules of the state of Florida.  
Expiration Date: **FEBRUARY 28, 2019**  
COMPLETE PHARMACY & MEDICAL SOLUTIONS  
Complete Pharmaceutics  
329 NW 158TH STREET  
MIAMI LAKES, FL 33014

STATE OF FLORIDA DEPARTMENT OF HEALTH DIVISION OF MEDICAL QUALITY ASSURANCE	AC# 7586725
DATE 02/17/2017	LICENSE NO. PH 22993
	CONTROL NO. 99945

The PHARMACY  
named below has met all requirements of  
the laws and rules of the state of Florida.  
Expiration Date: **FEBRUARY 28, 2019**  
COMPLETE PHARMACY & MEDICAL SOLUTIONS



Rick Scott  
GOVERNOR



Celeste M. Philip, M.D., M.P.H.  
Surgeon General and Secretary

DISPLAY IF REQUIRED BY LAW

QUALIFICATION(S):  
Schedule II & III  
Community Pharmacy  
3:1 Pharmacy Technician Ratio Approved

EXPIRATION DATE: **FEBRUARY 28, 2019**

Your license number is PH 22993. Please use it in all correspondence with your board/council. Each licensee is solely responsible for notifying the Department in writing of the licensee's current mailing address and practice location address. If you have not received your renewal notice 90 days prior to the expiration date shown on this license, please visit [www.FLHealthSource.gov](http://www.FLHealthSource.gov) and click "Renew A License" to renew online.

Medical Quality Assurance has a new and improved Online Services Portal. In the new system, you have the ability to renew your license, update your mailing and practice location addresses, request a name change, request a duplicate license and update your profile information all from the convenience of your online account.

1. Go to [www.FLHealthSource.gov](http://www.FLHealthSource.gov).
2. Click on "Provider Services" and select "Manage Your License."
3. Select your profession and license type and click "Submit."
4. The question "Have you Registered in Our New Online Service System?" will display.
  - a. Click on "No" if you have not registered for an account in the new system and follow the instructions provided for new user registration.
  - b. Click on "Yes" if you are a returning user. Enter the user ID and password you selected during the registration process, then select "Sign In" to access your MQA Online Services Portal account.

**IMPORTANT ANNOUNCEMENTS**

Are You Renewal Ready?

The Department of Health will now review your continuing education records at the time of license renewal.

To learn more, please visit  
[www.FLHealthSource.gov/AYRR](http://www.FLHealthSource.gov/AYRR)

Grounds for Discipline

You should be familiar with the Grounds for Discipline found in Section 456.072(1), Florida Statutes, and in the practice act for the profession in which you are licensed. Florida Statutes can be accessed at [www.leg.state.fl.us/Statutes](http://www.leg.state.fl.us/Statutes)



DEA REGISTRATION NUMBER	THIS REGISTRATION EXPIRES	FEE PAID
FC0713520	08-31-2019	\$731

SCHEDULES	BUSINESS ACTIVITY	DATE ISSUED
2,2N,3 3N,4,5	RETAIL PHARMACY	08-25-2016

COMPLETE PHARMACY AND MEDICAL SOLUTIONS, LLC  
 5829 NW 158TH STREET  
 MIAMI LAKES, FL 33014

**CONTROLLED SUBSTANCE REGISTRATION CERTIFICATE**  
 UNITED STATES DEPARTMENT OF JUSTICE  
 DRUG ENFORCEMENT ADMINISTRATION  
 WASHINGTON, D.C. 20537

Sections 304 and 1008 (21 U.S.C. 824 and 958) of the Controlled Substances Act of 1970, as amended, provide that the Attorney General may revoke or suspend a registration to manufacture, distribute, dispense, import or export a controlled substance.

THIS CERTIFICATE IS NOT TRANSFERABLE ON CHANGE OF OWNERSHIP, CONTROL, LOCATION, OR BUSINESS ACTIVITY, AND IS NOT VALID AFTER THE EXPIRATION DATE.

Form DEA-223 (05/04)

**CONTROLLED SUBSTANCE REGISTRATION CERTIFICATE**  
 UNITED STATES DEPARTMENT OF JUSTICE  
 DRUG ENFORCEMENT ADMINISTRATION  
 WASHINGTON, D.C. 20537

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 MIAMI LAKES, FL 33014

THIS CERTIFICATE IS NOT TRANSFERABLE ON CHANGE OF OWNERSHIP, CONTROL, LOCATION, BUSINESS ACTIVITY, OR VALID AFTER THE EXPIRATION DATE.

IN THE MATTER OF:	)	BEFORE THE ALABAMA STATE
	)	
COMPLETE PHARMACY AND	)	BOARD OF PHARMACY
MEDICAL SOLUTIONS	)	
	)	
Non-Resident Pharmacy	)	Case Number 17-L-0001
Permit Number 113324	)	
	)	
and	)	
	)	
GREGORY GAISER	)	
	)	
Pharmacist License Number 19151	)	

### FINAL ORDER

On October 10, 2017, this cause came before the Alabama State Board of Pharmacy (hereinafter also referred to as the "Board"), on a Complaint against Complete Pharmacy and Medical Solutions (hereinafter also referred to as the "Respondent" or "Respondent Pharmacy") and Mr. Gregory Gaiser (hereinafter referred to as "Respondent" or "Respondent Pharmacist"). Evidence having been adduced thereon, the Board has determined that the following Findings of Fact and Conclusions of Law are supported by the preponderant weight of evidence and law.

#### Findings of Fact

1. The Respondent Pharmacy is a non-resident pharmacy located at 5859 NW 158 Street, Miami Lakes, Florida 33014 to which the Board issued permit number 113324 and Respondent Pharmacist is a licensed pharmacist license who holds license number 19151, issued by the Board. The Respondent Pharmacist is the supervising pharmacist for the Respondent Pharmacy. (Board's Exhibit One)

2. The Respondents were notified of the charges; the Respondent Pharmacist attended the administrative hearing and the Respondents were represented at the administrative hearing by counsel, Mr. John Hutto, Esq. (Board's Exhibits One and Two)

3. The Respondents made no objection to the timeliness of the Notice of Hearing or the specificity of the Statement of Charges.

4. As of December 31, 2014 the Respondent Pharmacy's permit as a non-resident pharmacy for the State of Alabama expired and the Respondent failed to timely renew its non-resident pharmacy permit for the years 2015-2016, submitting a renewal application for that period received by the Board on December 14, 2016. The Respondents continued to dispense prescription into the State of Alabama while it did not possess a valid, current non-pharmacy permit. (Board's Exhibits Two and Three)

5. The Respondent Pharmacy failed to renew its 2017-2018 non-resident pharmacy in a timely manner and shipped prescriptions into the State of Alabama without a valid permit in 2015, 2016 and 2017. (Board's Exhibits Two and Three)

6. Based on the Administrative Complaint dated October 30, 2014 by the State of Florida Department of Public Health against the Respondent Pharmacist for the failure to obtain a special sterile compounding permit, the State of Florida Board of Pharmacy on February 25, 2015 issued a Final Order Approving Settlement Agreement wherein the Responding Pharmacist, among other things, was fined and required to complete twelve hours of continuing education on laws and rules of pharmacy. (Board's Exhibits One "A" and Four)

7. On August 4, 2014 through August 12, 2014 the Respondent Pharmacy was inspected by the Department of Health and Human Services, Food and Drug Administration during which twelve violations concerning sterile product processing were observed as shown on the Form FDA 483. (Board's Exhibits One "B" and Five; Respondents' Exhibit One)

8. On January 23, 2017 the Respondent Pharmacy was again inspected by the Department of Health and Human Services Food and Drug Administration during which two

violations concerning labeling and beyond use dates were observed as shown on the Form FDA 483. (Board's Exhibits One "C" and Seven)

9. The Public Health Service, Food and Drug Administration on March 10, 2016 issued a Warning Letter to the Respondents regarding the failure of the Respondents' practices in producing sterile drug products thus failing to meet the conditions required under Section 503B of the Food, Drug and Cosmetic Act. (Board's Exhibits One "B", One "C", One "D" and Six)

10. The Respondents' submitted responses to the August 4, 2014 through August 12, 2014 and January 23, 2017 inspections by the Department of Health and Human Services Food and Drug Administration and the Warning Letter of March 10, 2016 including standard operating procedures and other actions to correct violations observed during the inspections. (Respondents' Exhibits Two through Six, Nine through Fourteen)

11. The Oregon State Board of Pharmacy disciplined the Respondent Pharmacy in an order dated November 7, 2016 for the failure of the Respondent Pharmacy to obtain a permit to dispense prescriptions and compounding patient specific drug products in the State of Oregon from January 1, 2015 through March 29, 2016. (Board's Exhibit Eight)

### Conclusions of Law

1. The Alabama State Board of Pharmacy has jurisdiction in this cause pursuant to Code of Alabama (1975), § 34-23-34, § 34-23-92 (12), and § 41-22-12.

2. The Respondents were properly notified of the charges; the Respondent Pharmacist attended and the Respondents were represented at the administrative hearing by counsel.

3. The Respondents made no objection to the timeliness of the Notice of Hearing or the specificity of the Statement of Charges at the administrative hearing.

4. The Respondent Pharmacy's permit as a non-resident pharmacy in the State of Alabama is due to be SUSPENDED and have other disciplinary sanctions imposed in that it is guilty of violating Code of Alabama (1975), § 34-23-33 (7) in that it operated as a pharmacy and dispensed medication to citizens of the State of Alabama during 2015, 2016 and/or 2017 without a valid permit in violation of Code of Alabama (1975), § 34-23-30 and/or § 34-23-31.

The Board finds that each day it operated is a separate and distinct offense.

5. The Respondent Pharmacy's permit as a non-resident pharmacy in the State of Alabama is due to be SUSPENDED and have other disciplinary sanctions imposed in that it is guilty of violating Code of Alabama (1975), § 34-23-33 (2) based upon any or all of the violations of paragraph four above of this Final Order.

6. The Respondent Pharmacy's permit as a non-resident pharmacy in the State of Alabama is due to be SUSPENDED and have other disciplinary sanctions imposed in that it is guilty of violating Code of Alabama (1975), § 34-23-33 (13) in that it violated Board Rule 680-X-2.22 (2) (d) based upon any or all of the violations of paragraph four above of this Final Order.

7. The Respondent Pharmacy's permit as a non-resident pharmacy in the State of Alabama is due to be SUSPENDED and have other disciplinary sanctions imposed in that it is guilty of violating Code of Alabama (1975), § 34-23-33 (6) based upon any or all of the violations of the preceding paragraphs of this Final Order.

8. The Respondent Pharmacy's permit as a non-resident pharmacy in the State of Alabama is due to be SUSPENDED and have other disciplinary sanctions imposed and the Respondent Pharmacist's license to practice pharmacy in the State of Alabama is due to be placed on PROBATION and have other disciplinary sanctions imposed in that they are guilty of violating Code of Alabama (1975), § 34-23-33 (2) based upon engaging in sterile compounding in the State of Florida without having been issued a special sterile compounding permit as set forth and

reflected in the Administrative Complaint dated October 30, 2014, the Settlement Agreement dated December 1, 2014 and the Final Order referenced in the Settlement Agreement.

9. The Respondent Pharmacy's permit as a non-resident pharmacy in the State of Alabama is due to be SUSPENDED and have other disciplinary sanctions imposed and the Respondent Pharmacist's license to practice pharmacy in the State of Alabama is due to be placed on PROBATION and have other disciplinary sanctions imposed in that they are guilty of violating Code of Alabama (1975), § 34-23-33 (13) in that they violated Board Rule 680-X-2.22 (2) (d) based upon any or all of the violations of paragraph eight above of this Final Order.

10. The Respondent Pharmacy's permit as a non-resident pharmacy in the State of Alabama is due to be SUSPENDED and have other disciplinary sanctions imposed and the Respondent Pharmacist's license to practice pharmacy in the State of Alabama is due to be placed on PROBATION and have other disciplinary sanctions imposed in that they are guilty of violating Code of Alabama (1975), § 34-23-33 (6) based upon any or all of the violations of paragraphs eight and/or nine above of this Final Order.

11. The Respondent Pharmacy's permit as a non-resident pharmacy in the State of Alabama is due to be SUSPENDED and have other disciplinary sanctions imposed in that it is guilty of violating Code of Alabama (1975), § 34-23-33 (7) in that they operated and/or conducted business activities in this State during 2014, 2015, 2016 and/or 2017 without possessing the permit required by Code of Alabama (1975), § 34-23-32.

The Board finds that each day it operated and/or conducted the above referenced business activities is a separate and distinct offense.

12. The Respondent Pharmacy's permit as a non-resident pharmacy in the State of Alabama is due to be SUSPENDED and have other disciplinary sanctions imposed and the Respondent Pharmacist's license to practice pharmacy in the State of Alabama is due to be placed

on PROBATION and have other disciplinary sanctions imposed in that they are guilty of violating Code of Alabama (1975), § 34-23-33 (2) in that they violated 503B of the FD&C based upon the observations and/or findings set out in a Form 483 dated August 12, 2014 resulting from an inspection by the FDA.

13. The Respondent Pharmacy's permit as a non-resident pharmacy in the State of Alabama is due to be SUSPENDED and have other disciplinary sanctions imposed and the Respondent Pharmacist's license to practice pharmacy in the State of Alabama is due to be placed on PROBATION and have other disciplinary sanctions imposed in that they are guilty of violating Code of Alabama (1975), § 34-23-33 (2) in that they violated the statutory provisions based upon the deficiencies and/or violations set out and described in a Warning Letter issued by the FDA dated March 10, 2016.

14. The Respondent Pharmacy's permit as a non-resident pharmacy in the State of Alabama is due to be SUSPENDED and have other disciplinary sanctions imposed and the Respondent Pharmacist is due to be placed on PROBATION and have other disciplinary sanctions imposed in that they are guilty of violating Code of Alabama (1975), § 34-23-33 (2) in that they violated 503B of the FD&C based upon the observations and/or findings set out in a Form FDA 483 dated February 13, 2017 resulting from an inspection by the FDA.

15. The Respondent Pharmacy's permit as a non-resident pharmacy in the State of Alabama is due to be SUSPENDED and have other disciplinary sanctions imposed and the Respondent Pharmacist's license to practice pharmacy in the State of Alabama is due to be placed on PROBATION and have other disciplinary sanctions imposed in that they are guilty of violating Code of Alabama (1975), § 34-23-33 (6) based upon any or all of the violations of paragraphs eleven through fourteen above of this Final Order.

16. The Respondent Pharmacy's permit as a non-resident pharmacy in the State of Alabama is due to be SUSPENDED and have other disciplinary sanctions imposed and the

Respondent Pharmacist's license to practice pharmacy in the State of Alabama is due to be placed on PROBATION and have other disciplinary sanctions imposed in that they are guilty of violating Code of Alabama (1975), § 34-23-33 (13) in that they violated Board Rule 680-X-2.22 (2) (a) based upon any or all of the violations of paragraphs eleven through fourteen above of this Final Order.

17. The Respondent Pharmacy's permit as a non-resident pharmacy in the State of Alabama is due to be SUSPENDED and have other disciplinary sanctions imposed and the Respondent Pharmacist's license to practice pharmacy in the State of Alabama is due to be placed on PROBATION and have other disciplinary sanctions imposed in that they are guilty of violating Code of Alabama (1975), § 34-23-33 (13) in that they violated Board Rule 680-X-2.22 (2) (b) based upon any or all of the violations of paragraphs eleven through fourteen above of this Final Order.

18. The Respondent Pharmacy's permit as a non-resident pharmacy in the State of Alabama is due to be SUSPENDED and have other disciplinary sanctions imposed and the Respondent Pharmacist's license to practice pharmacy in the State of Alabama is due to be placed on PROBATION and have other disciplinary sanctions imposed in that they are guilty of violating Code of Alabama (1975), § 34-23-33 (13) in that they violated Board Rule 680-X-2.22 (2) (d) based upon any or all of the violations of paragraphs eleven through fourteen above of this Final Order.

19. The Respondent Pharmacist's license to practice pharmacy in the State of Alabama is due to be placed on PROBATION and have other disciplinary sanctions imposed in that he is guilty of violating Code of Alabama (1975), § 34-23-33 (2) based upon discipline entered by the Oregon State Board of Pharmacy on or about November 7, 2016 in connection with him dispensing prescriptions and compounding patient specific prescriptions into Oregon from on or about January 1, 2015 until on or about March 29, 2016 without registering with the Oregon Board of Pharmacy.



20. The Respondent Pharmacist's license to practice pharmacy in the State of Alabama is due to be placed on PROBATION and have other disciplinary sanctions imposed in that he is guilty of violating Code of Alabama (1975), § 34-23-33 (6) based upon any or all of the violations of paragraph nineteen above of this Final Order.

21. The Respondent Pharmacist's license to practice pharmacy in the State of Alabama is due to be placed on PROBATION and have other disciplinary sanctions imposed in that he is guilty of violating Code of Alabama (1975), § 34-23-33 (13) in that he violated Board Rule 680-X-2.22 (2) (d) based upon any or all of the violations of paragraph nineteen above of this Final Order.

22. The Respondent Pharmacy's controlled permit in the State of Alabama is due to be SUSPENDED and have other disciplinary sanctions imposed and the Respondent Pharmacist's controlled substance permit in the State of Alabama is due to be placed on PROBATION and have other disciplinary sanctions imposed in that they are guilty of violating Code of Alabama (1975), § 20-2-54 (a) (4) by violating the provisions of Code of Alabama (1975), §34-23-1 et seq., said violation being based upon any or all of the violations contained in the preceding paragraphs above of the Final Order.

### ORDER

In accordance with the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED as follows:

1. The Respondents shall not ship or otherwise distribute into the State of Alabama any human growth hormone preparations for off label uses; and
2. The Respondent Pharmacist's license to practice pharmacy and controlled

substance permit in the State of Alabama are placed on PROBATION for a period of three (3) years from the date of this Final Order; and

3. The Respondent Pharmacist is ORDERED to pay to the Board an administrative fine of Fourteen Thousand (\$14,000.00) Dollars; said fine shall be paid in thirty (30) days from the date of this Final Order and future applications for renewal shall not be granted unless said fine has been paid; and

4. The Respondent Pharmacy's controlled substance permit and permit as a non-resident pharmacy in the State of Alabama are SUSPENDED, said SUSPENSION immediately revert to PROBATION for a period of three (3) years from the date of this Final Order; and

5. The Respondent Pharmacy is ORDERED to pay to the Board an administrative fine of Fifteen Thousand (\$15,000.00) Dollars; said fine shall be paid in thirty (30) days from the date of this Final Order and future applications for renewal shall not be granted unless said fine has been paid; and

6. Any future violations of this Order, the Alabama Pharmacy Practice Act, the laws that regulate the sale and/or dispensing of prescription or legend drugs and/or narcotics or any Rule of the Alabama State Board of Pharmacy or the pharmacy law or rules of the Board of Pharmacy of another state may, upon hearing and proof thereof, result in further disciplinary sanctions.

DONE and ORDERED, this \_\_\_\_\_ day of October 2017.  
10/20/2017

*Buddy Bunch*

---

Mr. Buddy Bunch, President  
Alabama State Board of Pharmacy

Copies to:

Mr. John Hutto, Esq.

Mr. James S. Ward, Esq.

Dr. Susan Alverson, Executive Secretary

Mr. Vance L. Alexander, Esq.

**11B**

.....DO NOT FOLD OR STAPLE ABOVE THIS LINE.....

Nevada State Board of Pharmacy – Renewal Application - PHARMACIST

431 W Plumb Lane • Reno, NV 89509 • bop.nv.gov

For the period of November 1, 2013 to October 31, 2019  
MONEY ORDER ONLY (NO BUSINESS or PERSONAL CHECKS, NO CASH)  
\$860.00 (MUST be postmarked by 10/31/2018)

860-

LICENSE: 09833  
LAN THI TRAN-NGUYEN  
N PALM ST  
LA HABRA, CA 90631

Please make any changes to name or address next to the old information

RENEW BY MAIL

1. Complete ALL sections on this form
2. Sign and date this form
3. Send MO with this form (do NOT staple)
4. Mail original form/payment to address above
5. NO COPIES
6. NO SIGNATURE STAMPS ACCEPTED

MUST BE POSTMARKED BY 10/31/2018  
OR WILL BE PERMANENTLY EXPIRED

Section 1: Since your <u>last renewal</u> or recent licensure have you: (Please fill in completely)						Yes	No
Been diagnosed or treated for any mental illness, including alcohol or substance abuse, or Physical condition that would impair your ability to perform the essential functions of your license?.....						<input type="checkbox"/>	<input checked="" type="checkbox"/>
1. Been charged, arrested or convicted of a felony or misdemeanor in <u>any</u> state? .....						<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Been the subject of a board citation or an administrative action whether completed or pending in <u>any</u> state? .....						<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Had your license subjected to any discipline for violation of pharmacy or drug laws in <u>any</u> state? .....						<input checked="" type="checkbox"/>	<input type="checkbox"/>
If you marked YES to any of the numbered questions (1-3) above, include the following information & letter of explanation							
Board Administrative Action:		State	Date:	Case #:			
License canellation		CA	6/3/2012	SAER 09-00115-CJC			
Criminal Action:	State	Date:	Case #:	County	Court		
Sentence	CA	06/03/2011	09-00115-CJC	ORANGE	US Central District		
Section 2:							
Are you the subject of a court order for the support of a child?.....						Yes	No
						<input type="checkbox"/>	<input checked="" type="checkbox"/>
IF you marked YES to the question above, are you in compliance with the court order?.....						<input type="checkbox"/>	<input type="checkbox"/>
Section 3: (Fees apply to either status)							
By signing below, you certify that you have completed <u>ALL</u> required CE Hours due for the 13/19 Renewal period. (Dated from Nov. 1, 11 – Oct. 31, 17; 1.25hrs per mo.). The exemption period is 2yrs after graduation only.							
OR you may check the box for Inactive if you did NOT complete CE.							
Inactive - <input type="checkbox"/> By checking this box you certify that you are <u>NOT</u> practicing in NV and do not wish to comply with the CE requirements of NV and would like your license changed to <u>inactive</u> status. Before re-activating your license it will be necessary to submit an application and to become compliant with current CE requirements (NAC 639.219). See reverse of insert for more information.							
Section 4: NON-DISCIPLINARY STATE-MANDATED QUESTIONS							
1. Though it is <u>NOT</u> required to have, SB21 requires the Board to ask if you have a Nevada State Business license and if you do, please provide the #:							
09833 Leave blank if non-applicable							
2. Have you ever served in the military, either active, reserve or retired? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Branch: _____							
Military Occupation/Specialty: _____				Dates of Service: _____			

Section 5: It is a violation of Nevada law to falsify this application and sanctions will be imposed for misrepresentation. I hereby certify that I have read this application. I certify that all statements made are true and correct. I attest to knowledge of and compliance with the guidelines of the Centers for Disease Control and Prevention concerning the prevention of transmission of infectious agents through safe and appropriate injection practices. I understand that Nevada law requires a licensed pharmacist who, in their professional or occupational capacity, comes to know or has reasonable cause to believe, a child has been abused/neglected, to report the abuse/neglect to an agency which provides child welfare services or to a local law enforcement agency.	
Original Signature: <u>Languyer</u>	Date: <u>07/02/2018</u>

From: Tran Nguyen, Lan Thi  
N. Palm Street  
La Habra, CA 90631

July 2, 2018

To: Ms. Lisa J. Hedaria, Director of Finance/ Technology  
Nevada State Board of Pharmacy  
431 W. Plumb Lane  
Reno, NV 98509  
(775) 850-1440

Dear Madame,

As per your instruction on my specific license renewal status, I would like to provide the explanation for my criminal conviction was selling over the daily limit of the cold medicine namely Claritin-D, leading to the felony conviction for distribution of a listed chemical (Pseudo-ephedrine) knowing and having a reasonable cause to believe it will be used to manufacture methamphetamine in violation of 21 U.S.C § 841 (c) (2) as charged with 1 count indictment.

I have attached the filled renewal form and the money order of \$860.00 in this envelope for you to review and process my order.

Your consideration to expedite my renewal is gratefully appreciated.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Lan Nguyen', written over a horizontal line.

Tran-Nguyen, Lan Thi



**BE AWARE AND TAKE CARE:**  
Talk to your pharmacist!  
CALIFORNIA STATE BOARD OF PHARMACY

# Nevada State Board of Pharmacy

431 W. PLUMB LANE • RENO, NEVADA 89509  
(775) 850-1440 • 1-800-364-2081 • FAX (775) 850-1444  
E-mail: [pharmacy@pharmacy.nv.gov](mailto:pharmacy@pharmacy.nv.gov) • Website: [bop.nv.gov](http://bop.nv.gov)

## BOARD OF PHARMACY

**Licensee Name:** TRAN-NGUYEN LAN THI  
**License Type:** REGISTERED PHARMACIST  
**License Number:** 43129  
**License Status:** CANCELLED Definition  
Voluntary Surrender Definition  
**Expiration Date:** August 21, 2013  
**Issue Date:** March 06, 1990  
**Address:** 1400 W WHITTIER AVE  
**City:** BREA  
**State:** CA  
**Zip:** 92821  
**County:** ORANGE  
**Actions:** Yes

## Related Licenses/Registrations/Permits

Number	Name	Type	Status
49001	DU PHARMACY	RETAIL PHARMACY	REVOKED

## Public Disclosure

### Administrative Disciplinary Actions

Current web site information on Board of Pharmacy disciplinary actions only goes as far back as *January 1998* following the effective date of the disciplinary penalty.

Disciplinary actions rendered by the Board and penalties imposed become operative on the effective date of the action except in situations where the licensee obtains a court-ordered stay through the appeal process. This may occur after the publication of the information on this website.

To obtain information prior to January 1998 or for information on specific discipline listed submit a written request to the *State Board of Pharmacy, 1625 N. Market Blvd, Suite N219, Sacramento, CA 95834, Attention Public Records Desk.*

**Case Number:** AC200900372700  
**Description of Action:** BY STIPULATION: THE LICENSE IS VOLUNTARILY SURRENDERED.  
**Effective Date of Action:** August 21, 2013

Public documents relating to this action are available here:  
<http://www.pharmacy.ca.gov/enforcement/fy0910/ac093727>

**This information is updated Monday through Friday - Last updated: JUL-11-2018**

***Disclaimer***

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

In the Matter of the Accusation Against:

**LAN THI TRAN NGUYEN**  
Main Street  
Susanville, CA 96130

**Pharmacist License No. RPH 43129**

**And**

**DU PHARMACY**  
10042 Lampson Ave  
Garden Grove, CA 92840

**Pharmacy License No. PHY 49001**

Respondent.

Case No. 3727

OAH No. 2010110837

Also Pertaining To

Citation No. CI 2010 48444  
OAH No. 2011090607

Citation No. CI 2009 43894  
OAH No. 2011090383, and

Citation No. CI 2010 47822  
OAH No. 2011090603

**DECISION AND ORDER**

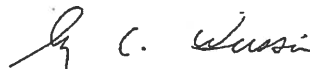
The attached Stipulated Surrender and Revocation of Licenses and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on August 21, 2013.

It is so ORDERED on July 22, 2013.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By



\_\_\_\_\_  
STANLEY C. WEISSER  
Board President

1 KAMALA D. HARRIS  
Attorney General of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 DESIREE I. KELLOGG  
Deputy Attorney General  
4 State Bar No. 126461  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2996  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

12 **J. AN THI TRAN NGUYEN**  
13 **North Palm Street**  
14 **La Habra, CA 90631**

15 **Pharmacist License No. RPH 43129**

16 **DU PHARMACY**  
17 **10042 Lampson Ave**  
**Garden Grove, CA 92840**

18 **Pharmacy License No. PHY 49001**

19  
20 Respondents.

Case No. 3727

OAH No. 2010110837

**STIPULATED SURRENDER AND  
REVOCATION OF LICENSES AND  
ORDER**

Also Pertaining To

Citation No. CI 2010 48444

OAH No. 2011090607

Citation No. CI 2009 43894

OAH No. 2011090383, and

Citation No. CI 2010 47822

OAH No. 2011090603

23 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
24 interest and the responsibility of the Board of Pharmacy, Department of Consumer Affairs, the  
25 parties hereby agree to the following Stipulated Surrender and Revocation of Licenses and Order  
26 to submit to the Board for approval and adoption as the final disposition of the Accusation in this  
27 case, and of Citation No. CI 2010 48444, Citation No. CI 2009 43894 and Citation No. CI 2010  
28 47822, also issued to Respondents.

1 PARTIES

2 1. Virginia Herold (Complainant), Executive Officer of the Board of Pharmacy, brought  
3 this action solely in her official capacity and is represented in this matter by Kamala D. Harris,  
4 Attorney General of the State of California, by Desiree I. Kellogg, Deputy Attorney General.

5 2. Both Respondents, Lan Thi Tran Nguyen (Respondent Tran Nguyen) and Lan Thi  
6 Tran Nguyen dba Du Pharmacy (Respondent Du Pharmacy), are represented in this proceeding  
7 by attorney Miranda McCroskey, of Law Office of Miranda McCroskey, 1432 Edinger Avenue,  
8 Suite 240, Tustin, California 92780 (telephone (714) 389-2257).

9 3. On or about March 6, 1990, the Board of Pharmacy issued Pharmacist License No.  
10 RPH 43129 to Respondent Tran Nguyen. The Pharmacist License was in full force and effect at  
11 all times relevant to the charges brought in Accusation No. 3727. The Pharmacist License was  
12 suspended by the Board of Pharmacy on December 30, 2011.

13 4. On or about March 24, 2008, the Board of Pharmacy issued Pharmacy License No.  
14 PHY 49001 to Respondent Du Pharmacy. The Pharmacy License was in full force and effect at  
15 all times relevant to the charges brought in Accusation No. 3727. The Pharmacy License was  
16 cancelled by the Board of Pharmacy on July 15, 2011.<sup>1</sup>

17 ACCUSATION AND CITATIONS

18 5. Accusation No. 3727 was filed before the Board of Pharmacy (Board), Department of  
19 Consumer Affairs, and is currently pending against Respondents. The Accusation and all other  
20 statutorily required documents were properly served on Respondents on November 2, 2010.  
21 Respondents timely filed their Notice(s) of Defense contesting the Accusation. A copy of  
22 Accusation No. 3727 is attached as Exhibit A and incorporated by reference.

23 6. On April 8, 2011, Citation No. CI 2010 47822, with a fine of \$1,475,000.00, was  
24 issued to Respondent Tran Nguyen. Respondent timely appealed the Citation. A copy of Citation  
25 No. CI 2010 47822 is attached as Exhibit B and incorporated herein by reference.

26  
27 <sup>1</sup> Pursuant to Business and Professions Code section 4300.1, the cancellation of the license  
28 does not deprive the Board of jurisdiction to proceed with disciplinary action against the  
pharmacy license.

1           7.     On April 8, 2011, Citation No. CI 2009 43894, with a fine of \$1,475,000.00, was  
2 issued to Respondent Du Pharmacy. Respondent timely appealed the Citation. A copy of  
3 Citation No. CI 2009 43894 is attached as Exhibit C and incorporated herein by reference.

4           8.     On June 9, 2011, Citation No. CI 2010 48444, with a fine of \$500.00, was issued to  
5 Respondent Tran-Nguyen. Respondent timely appealed the Citation. A copy of Citation No. CI  
6 2010 48444 is attached as Exhibit D and incorporated herein by reference.

7                               ADVISEMENT AND WAIVERS

8           9.     Respondents have carefully read, fully discussed with counsel, and understand the  
9 allegations in Accusation No. 3727, and in each of the above listed Citations (No. CI 2010 47822,  
10 CI 2009 43894 and CI 2010 48444). Respondents have also carefully read, fully discussed with  
11 counsel, and understand the effects of this Stipulated Surrender and Revocation of Licenses and  
12 Order.

13          10.    Respondents are fully aware of their legal rights in this matter, including the right to a  
14 hearing on the charges and allegations in the Accusation and any pending citation(s); the right to  
15 confront and cross-examine the witnesses against them; the right to present evidence and to  
16 testify on their own behalf; the right to the issuance of subpoenas to compel the attendance of  
17 witnesses and the production of documents; the right to reconsideration and court review of an  
18 adverse decision; and all other rights accorded by the California Administrative Procedure Act  
19 and other applicable laws.

20          11.    Respondents voluntarily, knowingly, and intelligently waive and give up each and  
21 every right set forth above. Respondents withdraw their notice(s) of appeal or other requests for  
22 hearing on the above citations, and agree that those citations are final as modified below.

23                               CULPABILITY

24          12.    Respondents admit the truth of each and every charge and allegation in Accusation  
25 No. 3727, and agree that cause exists for discipline. Respondent Tran Nguyen hereby surrenders  
26 her Pharmacist License No. RPH 43129 for the Board's formal acceptance. Respondent Du  
27 Pharmacy hereby agrees to the revocation of its Pharmacy License No. PHY 49001 by the Board.

13. Respondents understand that by signing this stipulation they enable the Board to issue an order accepting the surrender of, or imposing revocation on, their respective licenses without further process or opportunity to be heard.

## CONTINGENCY

14. This stipulation shall be subject to approval by the Board of Pharmacy. Respondents understand and agree that counsel for Complainant and the staff of the Board of Pharmacy 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 their 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 Revocation 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.

15. The parties understand and agree that facsimile copies of this Stipulated Surrender and Revocation of Licenses and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

16. This Stipulated Surrender and Revocation of Licenses 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 and Revocation of Licenses 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.

17. 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 Modifying Citations and (two) Disciplinary Orders as to each of the two Respondents:

**ORDER MODIFYING CITATIONS**

IT IS HEREBY ORDERED that:

18. As to Citation No. CI 2010 47822, issued to Respondent Tran Nguyen, the \$1,475,000.00 fine assessed by the citation is reduced to \$5,000.00 and is due and payable within thirty days of the execution of this Stipulation. The Citation in all other respects remains unchanged, and is now final.

19. As to Citation No. CI 2009 43894, issued to Respondent Du Pharmacy, the \$1,475,000.00 fine assessed by the citation is reduced to \$5,000.00 and is due and payable within thirty days of the execution of this Stipulation. The Citation in all other respects remains unchanged, and is now final.

20. As to Citation No. CI 2010 48444, issued to Respondent Tran Nguyen, the \$500.00 fine assessed by the citation is reduced to zero or eliminated. The Citation in all other respects remains unchanged, and is now final.

21. With regard to each of the Citations, this shall constitute a satisfactory resolution of this matter, and shall be represented as such in any public disclosure(s). This stipulation shall become part of the record with regard to each of the respective Citations.

**DISCIPLINARY ORDER AS TO RESPONDENT TRAN NGUYEN**

IT IS HEREBY ORDERED that Pharmacist License No. RPH 43129, issued to Respondent Tran Nguyen, is surrendered and accepted by the Board of Pharmacy.

1. The surrender of Respondent Tran Nguyen's Pharmacist License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent Tran Nguyen. This stipulation constitutes a record of the discipline and shall become a part of Respondent Tran Nguyen's license history with the Board of Pharmacy.

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

3. Respondent Tran Nguyen shall cause to be delivered to the Board her pocket license(s) and, if one was issued, her wall certificate(s) on or before the effective date of the Decision and Order.

1           4.     Respondent Tran Nguyen may not apply, reapply, or petition for any licensure or  
2 registration of the Board for three (3) years from the effective date of the Board's Decision and  
3 Order.

4           5.     If Respondent Tran Nguyen ever files an application for licensure or a petition for  
5 reinstatement in the State of California, the Board shall treat it as a new application for licensure.  
6 Respondent Tran Nguyen must comply with all the laws, regulations and procedures for licensure  
7 in effect at the time the application or petition is filed, and all of the charges and allegations  
8 contained in Accusation No. 3727 shall be deemed to be true, correct and admitted by Respondent  
9 Tran Nguyen when the Board determines whether to grant or deny the application.

10          6.     If Respondent Tran Nguyen ever applies for licensure or petitions for reinstatement in  
11 the State of California, Tran Nguyen shall pay the agency its costs of investigation and  
12 enforcement in the amount of \$27,443.00 (\$15,560.00 in prosecutorial costs and \$11,883.00 in  
13 investigative costs) and \$40,000.00 payable to the Board as a civil penalty, prior to issuance of a  
14 new or reinstated license. Respondent Tran Nguyen understands and agrees that the  
15 aforementioned civil penalty is an administrative fine pursuant to 11 U.S.C. §523(a)(7), and is  
16 non-dischargeable in bankruptcy. Respondent further understands and agrees that the filing of  
17 bankruptcy by Respondent shall not relieve Respondent of the obligation to pay the balance of  
18 this amount to the Board.

19          7.     If Respondent Tran Nguyen should ever apply or reapply for a new license or  
20 certification, or petition for reinstatement of a license, by any other health care licensing agency  
21 in the State of California, all of the charges and allegations contained in Accusation No. 3727  
22 shall be deemed to be true, correct, and admitted by Respondent Tran Nguyen for the purpose of  
23 any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

24                   **DISCIPLINARY ORDER AS TO RESPONDENT DU PHARMACY**

25           IT IS HEREBY ORDERED that Pharmacy License No. PHY 49001, issued to  
26 Respondent Du Pharmacy, is revoked by the Board of Pharmacy.

27          1.     The revocation of Respondent Du Pharmacy's license by the Board shall constitute  
28 the imposition of discipline against Respondent Du Pharmacy. This stipulation constitutes a

1 record of the discipline and shall become a part of Respondent Du Pharmacy's license history  
2 with the Board of Pharmacy.

3 2. Respondent Du Pharmacy shall lose any and all remaining rights and privileges as a  
4 Pharmacy in California as of the effective date of the Board's Decision and Order.

5 3. Respondent Du Pharmacy shall cause to be delivered to the Board its pocket  
6 license(s) and, if one or more was issued, its wall certificate(s), on or before the effective date of  
7 the Decision and Order.

8 4. Respondent Du Pharmacy may not apply, reapply, or petition for any licensure or  
9 registration of the Board for three (3) years from the effective date of the Decision and Order.

10 5. If Respondent Du Pharmacy ever applies for licensure or petitions for reinstatement  
11 in the State of California, the Board shall treat it as a petition for reinstatement. Respondent Du  
12 Pharmacy must comply with all laws, regulations and procedures for licensure in effect at the  
13 time the application or petition is filed, and all of the charges in Accusation No. 3727 shall be  
14 deemed to be true, correct and admitted by Respondent Du Pharmacy when the Board determines  
15 whether to grant or deny the petition.

16 6. If Respondent ever applies for licensure or petitions for reinstatement in the State of  
17 California, Respondent shall pay the Board, on the basis of joint and several liability, any part of  
18 the \$27,433.00 in costs of investigation and enforcement of this case and the civil penalty in the  
19 amount of \$40,000.00, made payable by Respondent Tran Nguyen by the Disciplinary Order  
20 above, that has/have not yet been paid to the Board or otherwise discharged by Respondent Tran  
21 Nguyen pursuant to the Disciplinary Order above, prior to issuance to Respondent Du Pharmacy  
22 of a reinstated license.

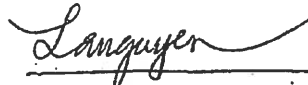
23 7. If Respondent Du Pharmacy ever applies for a license or certification, or petitions for  
24 reinstatement of a license, by any other health care licensing agency in the State of California, all  
25 of the charges in Accusation No. 3727 shall be deemed to be true, correct, and admitted by  
26 Respondent Du Pharmacy for the purpose of any Statement of Issues or any other proceeding  
27 seeking to deny or restrict licensure.  
28



1 ACCEPTANCE

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

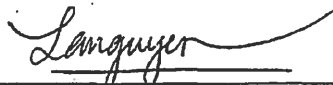
7  
8 DATED: APRIL 25<sup>th</sup>, 2013



9 LAN THI TRAN NGUYEN  
Respondent Tran Nguyen

10 I have carefully read the above Stipulated Surrender and Revocation of Licenses and Order  
11 and have fully discussed it with my attorney, Miranda McCroskey. I understand the stipulation  
12 and the effect it will have on my Pharmacy License. I enter into this Stipulated Surrender and  
13 Revocation of Licenses and Order voluntarily, knowingly, and intelligently, and agree to be  
14 bound by the Decision and Order of the Board of Pharmacy.

15  
16 DATED: APRIL 25<sup>th</sup>, 2013



17 LAN THI TRAN NGUYEN DBA DU  
18 PHARMACY  
Respondent Du Pharmacy

19  
20 I have read and fully discussed with Respondent Du Pharmacy and Respondent Tran  
21 Nguyen the terms and conditions and other matters contained in this Stipulated Surrender and  
22 Revocation of Licenses and Order. I approve its form and content.

23 DATED: 4/20/13

24   
MIRANDA MCCROSKEY  
Attorney for Respondents

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ENDORSEMENT

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

Dated: 5/1/13

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
JAMES M. LEDAKIS  
Supervising Deputy Attorney General

DESHREE I. KELLOGG  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 3727**

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
3 DESIREE I. KELLOGG  
Deputy Attorney General  
4 State Bar No. 126461  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2996  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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

11  
12 In the Matter of the Accusation Against:

13 **LAN THI TRAN NGUYEN**  
North Palm Street  
14 La Habra, CA 90631

15 **Pharmacist License No. RPH 43129**

16 **DU PHARMACY**  
10042 Lampson Ave  
17 Garden Grove, CA 92840

18 **Permit No. PHY 49001**

19 Respondents.  
20

Case No. 3727

**ACCUSATION**

21 Complainant alleges:

22 **PARTIES**

- 23 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity  
24 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
- 25 2. On or about March 6, 1990, the Board of Pharmacy issued Pharmacist License  
26 Number RPH 43129 to Lan Thi Tran Nguyen (Respondent). The Pharmacist License was in full  
27 force and effect at all times relevant to the charges brought herein and will expire on July 31,  
28 2011, unless renewed.

3. On or about March 24, 2008, the Board of Pharmacy issued Permit No. PHY 49001 to Lan Thi Tran Nguyen to do business as Du Pharmacy (Respondent). Permit No. PHY 49001 was in full force and effect at all times relevant to the charges brought herein and will expire on March 1, 2011. Lan Thi Tran Nguyen is and at all times has been the individual licensed owner and pharmacist-in-charge of Du Pharmacy since March 24, 2008.

## 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 unless otherwise indicated.

5. Section 4300(a) of the Code states that “[e]very license issued may be suspended or revoked.”

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

## STATUTORY AND REGULATORY PROVISIONS

7. Section 482 of the Code states:

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

- (a) Considering the denial of a license by the board under Section 480; or
- (b) Considering the suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

8. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

9. Section 493 of the Code states:

1 Notwithstanding any other provision of law, in a proceeding conducted by a  
2 board within the department pursuant to law to deny an application for a license or  
3 to suspend or revoke a license or otherwise take disciplinary action against a person  
4 who holds a license, upon the ground that the applicant or the licensee has been  
5 convicted of a crime substantially related to the qualifications, functions, and duties  
6 of the licensee in question, the record of conviction of the crime shall be conclusive  
7 evidence of the fact that the conviction occurred, but only of that fact, and the board  
8 may inquire into the circumstances surrounding the commission of the crime in  
9 order to fix the degree of discipline or to determine if the conviction is substantially  
10 related to the qualifications, functions, and duties of the licensee in question.

11 As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,'  
12 and 'registration.'

13 10. Section 4032 of the Code states:

14 'License' means and includes any license, permit, registration, certificate, or  
15 exemption issued by the board and includes the process of applying for and renewing  
16 the same.

17 11. Section 4113(c) states:

18 The pharmacist-in-charge shall be responsible for a pharmacy's compliance  
19 with all state and federal laws and regulations pertaining to the practice of pharmacy.

20 12. Section 4301 of the Code states:

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

25 ....

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

28 ....

(l) The conviction of a crime substantially related to the qualifications,  
functions, and duties of a licensee under this chapter. The record of conviction of a  
violation of Chapter 13 (commencing with Section 801) of Title 21 of the United  
States Code regulating controlled substances or of a violation of the statutes of this  
state regulating controlled substances or dangerous drugs shall be conclusive  
evidence of unprofessional conduct. In all other cases, the record of conviction shall  
be conclusive evidence only of the fact that the conviction occurred. The board may  
inquire into the circumstances surrounding the commission of the crime, in order to  
fix the degree of discipline or, in the case of a conviction not involving controlled  
substances or dangerous drugs, to determine if the conviction is of an offense  
substantially related to the qualifications, functions, and duties of a licensee under this  
chapter. A plea of guilty or a conviction following a plea of nolo contendere is  
deemed to be a conviction within the meaning of this provision. The board may take  
action when the time for appeal has elapsed or the judgment of conviction has been

1 affirmed on appeal or when an order granting probation is made suspending the  
2 imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the  
3 Penal Code allowing the person to withdraw his or her plea of guilty and to enter a  
4 plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation,  
5 information or indictment.

6 ....

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

12 ...

13 13. Section 4307 of the Code states:

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

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

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

(b) 'Manager, administrator, owner, member, officer, director, associate or  
partner,' as used in this section and Section 4308, may refer to a pharmacist or to any  
other person who serves in that 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.

14. Title 16, California Code of Regulations, section 1769 states:

....

1 (b) When considering the suspension or revocation of a facility or a  
2 personal license on the ground that the licensee or the registrant has been convicted of  
a crime, the board, in evaluating the rehabilitation of such person and his present  
eligibility for a license will consider the following criteria:

3 (1) Nature and severity of the act(s) or offenses(s).

4 (2) Total criminal record.

5 (3) The time that has elapsed since commission of the act(s) or offense(s).

6 (4) Whether the licensee has complied with all terms of parole, probation,  
7 restitution or any other sanctions lawfully imposed against the licensee.

8 (5) Evidence, if any, of rehabilitation submitted by the licensee.

9 15. Title 16, California Code of Regulations, section 1770 states:

10 For the purpose of denial, suspension, or revocation of a personal or  
11 facility license pursuant to Division 1.5 (commencing with Section 475) of the  
Business and Professions Code, a crime or act shall be considered substantially  
12 related to the qualifications, functions or duties of a licensee or registrant if to a  
substantial degree it evidences present or potential unfitness of a licensee or registrant  
13 to perform the functions authorized by his license or registration in a manner  
consistent with the public health, safety, or welfare.

#### 14 COST RECOVERY

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

#### 19 DRUGS

20 17. Pseudoephedrine is a listed I chemical as defined by title 21, United States Code,  
21 Section 802(34) ("the term 'listed I chemical' means a chemical specified by regulation of the  
22 Attorney General as a chemical that is used in manufacturing a controlled substance in violation  
23 of this subchapter and is important to the manufacture of the controlled substances, and such term  
24 includes...(K) Pseudoephedrine, its salts, optical isomers, and salts of optical isomers").

25 18. Methamphetamine is a schedule II controlled substance as designated by Health and  
26 Safety Code section 11055(d)(2), and is a dangerous drug pursuant to Business and Professions  
27 Code section 4022.  
28



1 FIRST CAUSE FOR DISCIPLINE

2 (February 5, 2010 Conviction for Sale of Chemical to be Used to Manufacture Controlled  
3 Substance on May 13, 2009)

4 19. Respondents are subject to disciplinary action under sections 490 and 4301(l) of the  
5 Code in that Respondent Lan Thi Tran Nguyen was convicted of a crime that is substantially  
6 related to the qualifications, duties and functions of a pharmacist. The circumstances are as  
7 follows:

8 a. On or about February 5, 2010, in a criminal proceeding entitled *United States v.*  
9 *Lan Thi Tran Nguyen*, in United States District Court for the Central District of California, case  
10 number 09-115-CJC, a jury rendered a verdict against Respondent and found her guilty of  
11 distribution of pseudoephedrine, knowing or having reasonable cause to believe that the  
12 pseudoephedrine would be used to manufacture a controlled substance, namely methamphetamine  
13 in violation of Title 21, United States Code, section 841(c)(2). Her sentencing hearing date is  
14 scheduled for January 31, 2011.

15 b. The facts that led to the conviction were that Respondent worked as the  
16 pharmacist in charge and owned Respondent Du Pharmacy in Garden Grove, California in April  
17 and May 2009. On or about April 28, 2009, the Drug Enforcement Administration and local  
18 police executed a probation search of the hotel room of a confidential informant. In his hotel  
19 room, law enforcement officials found 144 "blister packs" of pseudoephedrine and a business  
20 card for "Du Pharmacy." The informant agreed to cooperate with law enforcement agents and  
21 stated that he obtained the pseudoephedrine from Respondent Du Pharmacy.

22 c. On May 13, 2009, the informant conducted an undercover buy of  
23 pseudoephedrine. Respondent sold the informant 9 cardboard cases, each containing 24  
24 individually wrapped blister packs of products containing pseudoephedrine. Each blister pack  
25 contained 10 pills, each pill consisted of a 240 milligram dosage. In sum, Respondent sold the  
26 informant 2,160 pills of pseudoephedrine, totaling 518.4 grams. Respondent knew that  
27 pseudoephedrine could be used to make methamphetamine and that there are limits to the amount  
28 of pseudoephedrine that can be sold in a single transaction. For example, when law enforcement

1 officials searched Respondent's pharmacy, they found an Internet printout with passages  
2 highlighted describing how pseudoephedrine could be used to make methamphetamine.  
3 Additionally, Respondent received a training entitled "Pseudoephedrine Learner's Guide" while  
4 working at CVS Pharmacy in 2006. This training discussed how pseudoephedrine could be used  
5 to make methamphetamine and that customers were limited to purchasing certain amounts of  
6 pseudoephedrine per day and per month. Respondent also admitted to law enforcement officials  
7 that she ordered cases of OHM brand cold medication containing pseudoephedrine from a  
8 wholesaler on a daily basis.

### 9 **SECOND CAUSE FOR DISCIPLINE**

#### 10 **(Unprofessional Conduct-Violating Laws Regulating Controlled Substances)**

11 20. Respondents are subject to disciplinary action under section 4301(j) of the Code for  
12 violations of the California Uniform Controlled Substances Act, including Health and Safety  
13 Code section 11100(g)(3), which limits the amount of pseudoephedrine that can be sold in a  
14 single transaction, as is more fully described in paragraph 19 above.

### 15 **THIRD CAUSE FOR DISCIPLINE**

#### 16 **(Unprofessional Conduct-Violations of the Chapter)**

17 21. Respondents are subject to disciplinary action under Code section 4301(o) for  
18 violations of the Pharmacy Act in that Respondent Lan Thi Tran Nguyen sold more than three  
19 packages of a product she knew to contain pseudoephedrine and more than 9 grams of  
20 pseudoephedrine in a single transaction in violation of Health and Safety Code section  
21 11100(g)(3), as is more fully described in paragraph 19 above.

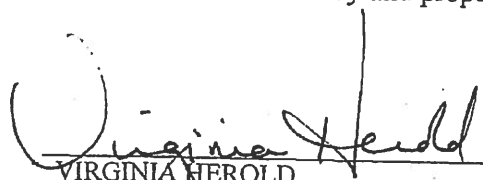
### 22 **PRAYER**

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

- 25 1. Revoking or suspending Pharmacist License Number RPH 43129, issued to Lan Thi  
26 Tran Nguyen;
- 27 2. Revoking or suspending Permit No. PHY 49001 issued to Du Pharmacy;

- 1        2.    Ordering Lan Thi Tran Nguyen and Du Pharmacy to pay the Board of Pharmacy the  
2 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
3 Professions Code section 125.3;  
4        3.    Taking such other and further action as deemed necessary and proper.

5  
6 DATED: 10/29/10



VIRGINIA HEROLD  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*

11 SD2010701042  
12 70304813.doc

**Exhibit B**

**Citation No. 2010 47822**

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

**CITATION AND FINE**

<b>Citation Number</b> CI 2010 47822	<b>Name, License No.</b> LAN THI TRAN-NGUYEN , RPH 43129.
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**JURISDICTION:** Bus. & Prof. Code § 4005; CCR, title 16, § 1775; Bus. & Prof. Code § 4113 subd. (c)

<b>VIOLATION CODE SECTION</b>	<b>OFFENSE</b>	<b>AMOUNT OF FINE</b>
Bus. & Prof. Code § 4067 subd. (a)	Internet; Dispensing Dangerous Drugs or Devices without Prescription; No person shall dispense or furnish, or cause to be furnished dangerous drugs...on the internet...without a prescription issued pursuant to a good faith examination	\$1,475,000.00

**CONDUCT:**

Dispensing Internet Prescriptions - Lan Tran-Nguyen was not in compliance with Business and Professions Code section 4067, subdivision (a), which prohibits furnishing or dispensing controlled substances via the Internet without a good faith prior exam. Specifically, from 08/21/09 to 10/02/09, Lan Tran-Nguyen furnished a total of 59 prescriptions issued via the Internet, which were without a good faith prior exam while she was working at Du Pharmacy located at 10042 Lampson Ave., Garden Grove, CA. Violation of pharmacy law. The prescriptions included:

Patient Name	City	Medication	Dr's Name	City	State	Rx Date/Time
jm	Elk Grove	Soma	Kareem Tannous	Freeport	NY	
rv	Harbor City	Soma	Samson Orusa	Clarksville	TN	
am	Sacramento	Soma	Kareem Tannous	Freeport	NY	
gr	Huntington	Soma	Samson Orusa	Clarksville	TN	
jw	Lancaster	Ultram	Kareem Tannous	Freeport	NY	
gl	Vallejo	Soma	Jack Olin	Boca Raton	FL	
ay	Coalinga	Fioricet	James Frede	Wailuku	HI	0:26:25
dm	Azusa	Soma	Joseph Kamaka III	Wailuku	HI	2:36:00
mr	Concord	Soma	Samson Orusa	Clarksville	TN	
sb	Monterey	Soma	Joseph Kamaka III	Wailuku	HI	
fa	Gardena	Soma	James Frede	Wailuku	HI	1:56:48
cj	Castaic	Soma	Samson Orusa	Clarksville	TN	23:09:43
ko	Portola Hills	Fioricet	Laura Garabedian	Glen Oaks	NY	23:43:24
dh	Lakeport	Soma	Kareem Tannous	Freeport	NY	0:38:26
mp	Tulare	Soma	Joseph Kamaka III	Wailuku	HI	0:05:32
mg	Nevada City	Soma	Samson Orusa	Clarksville	TN	2:31:58
jk	Canyon Country	Soma	Samson Orusa	Clarksville	TN	
gg	El Segundo	Soma	Kareem Tannous	Freeport	NY	3:29:03
jr	Westlake	Ultram	Kareem	Freeport	NY	1:55:07

	Village		Tannous			
bp	Van Nuys	Soma	Howard Strassberg	Brooksville	NY	5:08:25
jl	West Covina	Soma	Samson Orusa	Clarksville	TN	1:00:38
ro	Carmel Valley	Soma	Gloria Fong	Delaware	DE	
gm	Santa Barbara	Soma	Leland Hilburg	Tarzana	CA	0:21:49
ac	Paradise	Ultram	Kareem Tannous	Freeport	NY	
gb	San Bernardino	Soma	Samson Orusa	Clarksville	TN	3:52:14
dg	Hemet	Fioricet	Samson Orusa	Clarksville	TN	0:35:14
mk	Portola Hills	Soma	Terrill Brown	Visalia	CA	5:12:27
mh	Hacienda Height	Soma	Samuel Neil Grief	Chicago	IL	
ar	Orville	Soma	Jack Olin	Boca Raton	FL	3:43:49
jm	Murrieta	Soma	Samuel Neil Grief	Chicago	IL	
vg	Santa Fe Springs	Soma	Howard Strassberg	Old Brooksville	NY	5:00:39
jp	Thermal	Ultram	Samson Orusa	Clarksville	TN	01:01:25
ts	Sacramento	Soma	Howard Strassberg	Old Brooksville	NY	
kr	Quincy	Soma	Samson Orusa	Clarksville	TN	1:29:02
jb	Willows	Soma	Kareem Tannous	Freeport	NY	5:19:41
mm	Oceano	Soma	Kareem Tannous	Freeport	NY	
ch	Oroville	Soma	Kareem Tannous	Freeport	NY	12:11:04
gb	Torrance	Soma	Charles Myers	Mishawaka	IN	
jk	Concord	Ultram	Irving Harper III	Kihei	HI	0:31:46
gh	Fresno	Soma	Samson Orusa	Clarksville	TN	22:50:47
pp	Roseville	Soma	Elaina George	Atlanta	GA	3:29:12
ar	Mountainview	Soma	Samson Orusa	Clarksville	TN	
te	Truckee	Soma	Bob Thompson	West Frankfurt	IL	5:23:22
jw	Stockton	Soma	Gloria Fong	Delaware	DE	3:55:23
dw	Concord	Soma	James Frede	Wailuku	HI	
ml	San Jose	Ultram	Howard Strassberg	Old Brooksville	NY	22:27:37
hc	Van Nuys	Soma	Kareem Tannous	Freeport	NY	
dk	Stockton	Soma	Samson Orusa	Clarksville	TN	
jz	Mill Valley	Fioricet	Samson Orusa	Clarksville	TN	
jd	Glendora	Soma	Gloria Fong	Newark	DE	0:28:02
gr	Lomita	Soma	Samuel Neil Grief	Chicago	IL	
ml	Mercede	Soma	Samuel Neil Grief	Chicago	IL	
pp	Fresno	Soma	Samson Orusa	Clarksville	TN	
kg	Pacheco	Soma	Laura Garabedian	Glen Oaks	NY	
wb	Tracy	Soma	James Frede	Wailuku	HI	
es	Corning	Soma	Samuel Neil Grief	Chicago	IL	
as	Temecula	Soma	Charles Myers	Mishawaka	IN	
ja	Napa	Soma	Samuel Neil Grief	Chicago	IL	

CITATION ISSUED ON: April 8, 2011

TOTAL AMOUNT OF FINE(S): \$1,475,000.00

PAYMENT OF FINE(S) DUE BY: May 8, 2011

**Exhibit C**

**Citation No. 2009 43894**

**BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA  
CITATION AND FINE**

<b>Citation Number</b> CI 2009 43894	<b>Name, License No.</b> DU PHARMACY, PHY 49001
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<b>JURISDICTION:</b> Bus. & Prof. Code § 4005; CCR, title 16, § 1775; Bus. & Prof. Code § 4301, subd. (o)		
<b>VIOLATION CODE SECTION</b>	<b>OFFENSE</b>	<b>AMOUNT OF FINE</b>
Bus. & Prof. Code § 4067 subd. (a)	Internet; Dispensing Dangerous Drugs or Devices without Prescription; No person shall dispense or furnish, or cause to be furnished dangerous drugs...on the internet...without a prescription issued pursuant to a good faith examination	\$1,475,000.00

**CONDUCT:**

Dispensing Internet Prescriptions Du Pharmacy was not in compliance with Business and Professions Code section 4067, subdivision (a), which prohibits furnishing or dispensing dangerous drugs via the Internet without a good faith prior exam. Specifically, from 08/21/09 to 10/02/09, Du Pharmacy, located at 10042 Lampson Ave., Garden Grove, CA, furnished total of 59 prescriptions issued via the Internet, which were without a good faith prior exam, and written by in and out-of-state prescribers . Violation of pharmacy law. The prescriptions included:

Patient Name	City	Medication	Dr's Name	City	State	Rx Date/Time
jm	Elk Grove	Soma	Kareem Tannous	Freeport	NY	
rv	Harbor City	Soma	Samson Orusa	Clarksville	TN	
am	Sacramento	Soma	Kareem Tannous	Freeport	NY	
gr	Huntington	Soma	Samson Orusa	Clarksville	TN	
jw	Lancaster	Ultram	Kareem Tannous	Freeport	NY	
gl	Vallejo	Soma	Jack Olin	Boca Raton	FL	
ay	Coalinga	Fioricet	James Frede	Wailuku	HI	0:26:25
dm	Azusa	Soma	Joseph Kamaka III	Wailuku	HI	2:36:00
mr	Concord	Soma	Samson Orusa	Clarksville	TN	
sb	Monterey	Soma	Joseph Kamaka III	Wailuku	HI	
fa	Gardena	Soma	James Frede	Wailuku	HI	1:56:48
cj	Castaic	Soma	Samson Orusa	Clarksville	TN	23:09:43
ko	Portola Hills	Fioricet	Laura Garabedian	Glen Oaks	NY	23:43:24
dh	Lakeport	Soma	Kareem Tannous	Freeport	NY	0:38:26
mp	Tulare	Soma	Joseph Kamaka III	Wailuku	HI	0:05:32
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jk	Canyon Country	Soma	Samson Orusa	Clarksville	TN	
gg	El Segundo	Soma	Kareem	Freeport	NY	3:29:03



			Tannous			
jr	Westlake Village	Ultram	Kareem Tannous	Freeport	NY	1:55:07
bp	Van Nuys	Soma	Howard Strassberg	Brooksville	NY	5:08:25
jl	West Covina	Soma	Samson Orusa	Clarksville	TN	1:00:38
ro	Carmel Valley	Soma	Gloria Fong	Delaware	DE	
gm	Santa Barbara	Soma	Leland Hilburg	Tarzana	CA	0:21:49
ac	Paradise	Ultram	Kareem Tannous	Freeport	NY	
gb	San Bernardino	Soma	Samson Orusa	Clarksville	TN	3:52:14
dg	Hemet	Fioricet	Samson Orusa	Clarksville	TN	0:35:14
mk	Portola Hills	Soma	Terrill Brown	Visalia	CA	5:12:27
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vg	Santa Fe Springs	Soma	Howard Strassberg	Old Brooksville	NY	5:00:39
jp	Thermal	Ultram	Samson Orusa	Clarksville	TN	01:01:25
ts	Sacramento	Soma	Howard Strassberg	Old Brooksville	NY	
kr	Quincy	Soma	Samson Orusa	Clarksville	TN	1:29:02
jb	Willows	Soma	Kareem Tannous	Freeport	NY	5:19:41
mm	Oceano	Soma	Kareem Tannous	Freeport	NY	
ch	Oroville	Soma	Kareem Tannous	Freeport	NY	12:11:04
gb	Torrance	Soma	Charles Myers	Mishawaka	IN	
jk	Concord	Ultram	Irving Harper III	Kihei	HI	0:31:46
gh	Fresno	Soma	Samson Orusa	Clarksville	TN	22:50:47
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jw	Stockton	Soma	Gloria Fong	Delaware	DE	3:55:23
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jz	Mill Valley	Fioricet	Samson Orusa	Clarksville	TN	
jd	Glendora	Soma	Gloria Fong	Newark	DE	0:28:02
gr	Lomita	Soma	Samuel Neil Grief	Chicago	IL	
ml	Mercede	Soma	Samuel Neil Grief	Chicago	IL	
pp	Fresno	Soma	Samson Orusa	Clarksville	TN	
kg	Pacheco	Soma	Laura Garabedian	Glen Oaks	NY	
wb	Tracy	Soma	James Frede	Wailuku	HI	
es	Corning	Soma	Samuel Neil Grief	Chicago	IL	
as	Temecula	Soma	Charles Myers	Mishawaka	IN	
ja	Napa	Soma	Samuel Neil Grief	Chicago	IL	

CITATION ISSUED ON: April 8, 2011

TOTAL AMOUNT OF FINE(S): \$1,475,000.00

PAYMENT OF FINE(S) DUE BY: May 8, 2011

**Exhibit D**

**Citation No. 2010 48444**

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

**CITATION AND FINE**

<b>Citation Number</b>	<b>Name, License No</b>
CI 2010 48444	LAN THI TRAN-NGUYEN , RPH 43129

**JURISDICTION:** Bus. & Prof. Code § 4005; CCR, title 16, § 1775;

<b>VIOLATION CODE SECTION</b>	<b>OFFENSE</b>	<b>AMT OF FINE</b>
Bus. & Prof. Code § 4306.5/CCR, Title 16, § 1764/Civil Code § 56.10 subd. (a) et seq.	Misuse of education, etc. by pharmacist outside course of practice of pharmacy as Unprofessional Conduct /Unauthorized disclosure of prescription and medical information	\$500.00

**CONDUCT:**

Unauthorized Disclosure and Maintenance of Patient Specific Records- Pharmacist Lan Thi Tran-Nguyen was not in compliance with the Business and Professions Code Section 4306.5 which states unprofessional conduct for a pharmacist includes any of the following: acts or omissions that involve, in whole or in part the inappropriate exercise of his or her education, training, or experience as a pharmacist, whether or the act or omission arises in the course of the practice of pharmacy or the ownership, management, administrations, or operation of a pharmacy or other entity licensed by the board and as it relates to the California Code of Regulations 1764 that states no pharmacist shall exhibit or reveal the contents of any prescription with any person other than the patient or his or her authorized representative and Civil Code 56.10(a) that states no provider of health care shall disclose medical information regarding a patient without first obtaining authorization. Specifically between May 2010 to October 2010 while working at Pharmerica located at 11205 Knott Avenue, Suite C in Cypress, pharmacist Lan Thi Tran-Nguyen acted unprofessionally when she accessed, obtained, and removed unauthorized copies of highly confidential patient specific records including prescriptions, from Pharmerica in Cypress even after RPH Nguyen signed the Statement of Confidentiality "HIPAA Privacy & Security" form on 5/20/10 that stated, "If my employment with PharMerica ends, whether voluntarily or involuntarily, I hereby agree not to use or disclose any Health Information to anyone for any reason". This is a violation of pharmacy law.

<b>CITATION ISSUED ON:</b> June 09, 2011	<b>TOTAL AMOUNT OF FINE(S):</b> \$500.00
<b>PAYMENT OF FINE(S) DUE BY:</b> July 09, 2011	