



.....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, 2015 to October 31, 2017

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

\$180.00 (postmarked on or before 10/31/2015) **OR** \$320.00 (postmarked after 10/31/2015)

LICENSE: 13105

Phic Kaing Lim

LUCRETIA AVE,
Los Angeles, CA 90026

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

*Must be postmarked no later
than NOV 06 2015
or late fees will apply!*

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**

<OR>

RENEW ONLINE

1. Go to <http://bop.nv.gov>
 2. Click "Applications" then, "License Renewal", FOLLOW instructions
 3. Use: **USER ID:**
PASSWORD: *****
- *New Users: once logged in, when asked for OLD password, use the above password, then change*

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?..... ☐ Yes ☒ No

1. Been charged, arrested or convicted of a felony or misdemeanor in any state?..... ☒ Yes ☐ No
2. Been the subject of a board citation or an administrative action whether completed or pending in any state?..... ☒ Yes ☐ No
3. Had your license subjected to any discipline for violation of pharmacy or drug laws in any state?..... ☐ Yes ☒ No

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 #:
CA	CA	4/17/2014	4873
		9/17/2014	4966
Criminal Action:	State	Date:	Case #:
CA	CA	October 12011	CR11-1075 SJ
			Los Angeles
			US Court Central District

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 15/17 Renewal period.
 (Dated from Nov. 1, 13 – Oct. 31, 15; 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 - ☐ 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 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: *Phic Kaing Lim* Date: 10/19/2015

11/5/15

Explanation

Administration hearing cases # 4873 and 4906 involve excessive dispensing controlled medications without due diligence. The cases are still pending hearing in December 2015.

Case CR 11-1075-SJO involve Medi-Cal and Medicare fraud since November 2011. The case is still pending.

Phic Lim,





Related Licenses/Registrations/Permits

[http://www2.dca.ca.gov/pls/wllpub/WLLQRYNA\\$LCEV2.QueryView?P_LICENSE_NUM...](http://www2.dca.ca.gov/pls/wllpub/WLLQRYNA$LCEV2.QueryView?P_LICENSE_NUM...) 7/3/2018

99632 GEMMEL PHARMACY OF ONTARIO LICENSED STERILE
COMPOUNDING

CANCELLED

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: AC201300490600
Description of Action: THESE PROCEEDINGS ARE CONCLUDED WITHOUT THE IMPOSITION OF DISCIPLINE.
Effective Date of Action: May 02, 2018

Public documents relating to this action are available here:
<http://www.pharmacy.ca.gov/enforcement/afy1314/ac134906>

Case Number: AC201300487300
Description of Action: THROUGH A DISCIPLINARY ACTION OF THE BOARD, THE LICENSE IS REVOKED, THE REVOCATION IS STAYED, AND THE LICENSEE IS PLACED ON PROBATION FOR THREE YEARS SUBJECT TO THE TERMS AND CONDITIONS IN THE DECISION.
Effective Date of Action: May 02, 2018

Public documents relating to this action are available here:
<http://www.pharmacy.ca.gov/enforcement/fy1314/ac134873>

This information is updated Monday through Friday - Last updated: JUL-02-2018

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

11 In the Matter of the Accusation Against:

Case No. 4873

12 **GEMMEL PHARMACY INC., DBA B & B**
 13 **PHARMACY; PHIC LIM; STANLEY**
 14 **MARC SCHWARTZ**
 10244 Rosecrans Ave.
 Bellflower, CA 90706

A C C U S A T I O N

15 Pharmacy Permit No. PHY 49825,

16 **PHIC LIM**
 17 **1107 Fair Oaks Avenue, #148**
 18 **South Pasadena, CA 91030**

19 Pharmacist License No. RPH 49175,

20 and

21 **STANLEY MARC SCHWARTZ**
 22 **4656 Adagio Lane**
 23 **Cypress, CA 90630**

24 Pharmacist License No. RPH 32928

Respondents.

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1 Complainant alleges:

2 PARTIES

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

5 2. On or about March 23, 2009, the Board issued Pharmacy Permit Number PHY 49825
6 to Gemmel Pharmacy Inc., dba B & B Pharmacy; Phic Lim¹; Stanley Marc Schwartz²
7 (Respondent Pharmacy). The Pharmacy Permit expired on March 1, 2012, and has not been
8 renewed.

9 3. On or about October 22, 1996, the Board issued Pharmacist License Number RPH
10 49175 to Phic Lim (Respondent Lim). The Pharmacist License was in full force and effect at all
11 times relevant to the charges brought herein and will expire on December 31, 2015, if not
12 renewed.

13 4. On or about August 9, 1979, the Board issued Pharmacist License Number RPH
14 32928 to Stanley Marc Schwartz (Respondent Schwartz). The Pharmacist License was in full
15 force and effect at all times relevant to the charges brought herein and will expire on June 30,
16 2015, unless renewed.

17 JURISDICTION

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

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

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

22 7. Section 4300.1 of the Code states:

23 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by
24 operation of law or by order or decision of the board or a court of law, the placement of a license

25 ¹ Phic Lim was the Secretary from March 23, 2009 to December 23, 2011, and the
26 Pharmacist-in-Charge from March 23, 2009 to February 28, 2010.

27 ² Stanley Schwarz was the Pharmacist-in-Charge from March 1, 2010 to December 23,
28 2011.

on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license."

STATUTORY PROVISIONS

8. Section 4301 of the Code states:

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

....

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

"(e) The clearly excessive furnishing of controlled substances in violation of subdivision (a) of Section 11153.5 of the Health and Safety Code. Factors to be considered in determining whether the furnishing of controlled substances is clearly excessive shall include, but not be limited to, the amount of controlled substances furnished, the previous ordering pattern of the customer (including size and frequency of orders), the type and size of the customer, and where and to whom the customer distributes its product.

....

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

....

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

9. Section 4022 of the Code states:

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

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

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

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

8 10. Section 4081 of the Code provides:

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

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

21 11. Section 4105 of the Code provides:

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

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

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

3 “(d) Any records that are maintained electronically shall be maintained so that the
4 pharmacist-in-charge, the pharmacist on duty if the pharmacist-in-charge is not on duty, or, in the
5 case of a veterinary food-animal drug retailer or wholesaler, the designated representative on
6 duty, shall, at all times during which the licensed premises are open for business, be able to
7 produce a hard copy and electronic copy of all records of acquisition or disposition or other drug
8 or dispensing-related records maintained electronically.”

9 12. Health and Safety Code section 11153 provides:

10 “(a) A prescription for a controlled substance shall only be issued for a legitimate medical
11 purpose by an individual practitioner acting in the usual course of his or her professional practice.
12 The responsibility for the proper prescribing and dispensing of controlled substances is upon the
13 prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the
14 prescription. Except as authorized by this division, the following are not legal prescriptions: (1)
15 an order purporting to be a prescription which is issued not in the usual course of professional
16 treatment or in legitimate and authorized research; or (2) an order for an addict or habitual user of
17 controlled substances, which is issued not in the course of professional treatment or as part of an
18 authorized narcotic treatment program, for the purpose of providing the user with controlled
19 substances, sufficient to keep him or her comfortable by maintaining customary use.”

20 REGULATORY PROVISIONS

21 13. California Code of Regulations, title 16 (“Regulations”), section 1761 provides:

22 “(a) No pharmacist shall compound or dispense any prescription which contains any
23 significant error, omission, irregularity, uncertainty, ambiguity or alteration. Upon receipt of any
24 such prescription, the pharmacist shall contact the prescriber to obtain the information needed to
25 validate the prescription.

26 “(b) Even after conferring with the prescriber, a pharmacist shall not compound or dispense
27 a controlled substance prescription where the pharmacist knows or has objective reason to know
28 that said prescription was not issued for a legitimate medical purpose.”

COST RECOVERY PROVISION

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

DRUG CLASSIFICATIONS

15. Dilaudid, brand name for hydromorphone, is a controlled substance as defined under Health and Safety Code section 11055, section (b)(1)(J), and a dangerous drug pursuant to Business and Professions Code section 4022. It is used for the relief of pain.

16. Oxycontin, brand name for oxycodone, is a controlled substance as defined under Health and Safety Code section 11055, section (b)(1)(M), and a dangerous drug pursuant to Business and Professions Code section 4022. It is used for the relief of pain.

17. Vicodin ES, brand name for hydrocodone/acetaminophen, is a controlled substance as defined under Health and Safety Code section 11056, section (e)(4), and a dangerous drug pursuant to Business and Professions Code section 4022. It is used for the relief of pain.

BOARD INVESTIGATION

18. On or about March 7, 2011, pursuant to a referral from the Department of Health Care Services, Board Inspectors investigated Respondent Pharmacy to gather prescriptions and other data. The investigation revealed that from about July 1, 2009 to about January 6, 2011, Respondent Pharmacy dispensed a total of about 2438 prescriptions for Oxycontin 80mg for a total of about 215,434 dosage units, of which 1503 (or 61.64%) prescription for total dosage units of 133,854 were from Dr. S.S., Dr. H.G. and Physician Assistant A.G. of Compton Pain Center ("CPC") in Compton. One of the common combinations prescribed by these three practitioners was Oxycontin 80mg with Dilaudid 4mg.

19. A review of the Controlled Substance Utilization Review ("CURES") data for Respondent Pharmacy reveals the following:

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1 a. Physician Assistant A.G. wrote a total of 6,240 controlled substance prescriptions
2 from July 1, 2009 to January 6, 2011, of which 2,504 (40.13%-largest) were dispensed at
3 Respondent Pharmacy.

4 b. Dr. S.S. wrote a total of 1,037 controlled substance prescriptions from July 1, 2009 to
5 January 6, 2011, of which 269 (25.94%-largest) were dispensed at Respondent Pharmacy.

6 c. Dr. H.G. wrote a total of 1,772 controlled substance prescriptions from July 1, 2009
7 to January 6, 2011, of which 328 (18.51%-largest) were dispensed at Respondent Pharmacy.

8 20. The following are the prescriptions written from CPC and dispensed by Respondent
9 Pharmacy between March 23, 2009 and December 23, 2011:

10 a. Patient HH received Oxycontin 80mg above the recommended dosing interval of
11 twice daily, along with Dilaudid 4mg, 1 tab every 6 hours as needed #100.

12 b. Patient KH received Oxycontin 80mg above the recommended dosing interval of
13 twice daily, along with Dilaudid 4mg, 1 tab every 6 hours as needed #100. KH lived in Los
14 Angeles, traveled approximately 18 miles to CPC, and drove additional miles to Respondent
15 Pharmacy to receive her prescriptions.

16 c. Patient JT received a combination of Oxycontin 80mg and hydromorphone 4mg.
17 Oxycontin 80mg – 2 tabs am, 1 pm #90; Dilaudid 4mg, 1 tab every 6 hours as needed #100. JT
18 lived in Los Angeles, traveled approximately 18 miles to CPC, and drove additional miles to
19 Respondent Pharmacy to receive her prescriptions. Respondent Pharmacy also dispensed 2
20 prescriptions for Oxycontin 80mg on July 13, 2009.

21 d. Patient JW received a combination of Oxycontin 80mg and hydromorphone 4mg.
22 Oxycontin 80mg – 2 tabs am, 1 pm #90; Dilaudid 4mg, 1 tab every 6 hours as needed #100. JW
23 lived in Los Angeles, traveled approximately 22 miles to CPC, and drove additional miles to
24 Respondent Pharmacy to receive his prescriptions. JW paid cash for these drugs when they were
25 not covered by insurance.

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1 e. Patient DU received a combination of Oxycontin 80mg and hydromorphone 4mg.
2 Oxycontin 80mg – 2 tabs am, 1 pm #90; Dilaudid 4mg, 1 tab every 6 hours as needed #100. DU
3 lived in Los Angeles, traveled approximately 23 miles to CPC, and drove additional miles to
4 Respondent Pharmacy to receive his prescriptions.

5 f. Patient AS received a combination of Oxycontin 80mg and hydromorphone 4mg.
6 Oxycontin 80mg – 2 tabs am, 1 pm #90; Dilaudid 4mg, 1 tab every 6 hours as needed #100. AS
7 lived in Los Angeles, traveled approximately 12 miles to CPC, and drove additional miles to
8 Respondent Pharmacy to receive his prescriptions.

9 g. Patient JJ received a combination of Oxycontin 80mg and hydromorphone 4mg.
10 Oxycontin 80mg – 2 tabs am, 1 pm #90; Dilaudid 4mg, 1 tab every 6 hours as needed #100. JJ
11 lived in Los Angeles, traveled approximately 18 miles to CPC, and drove additional miles to
12 Respondent Pharmacy to receive his prescriptions.

13 h. Patient FJ received a combination of Oxycontin 80mg and hydromorphone 4mg.
14 Oxycontin 80mg – 2 tabs am, 1 pm #90; Dilaudid 4mg, 1 tab every 6 hours as needed #100. FJ
15 lived in Los Angeles, traveled approximately 10 miles to CPC, and drove additional miles to
16 Respondent Pharmacy to receive his prescriptions.

17 i. Patient MC received a combination of Oxycontin 80mg and hydromorphone 4mg.
18 Oxycontin 80mg – 2 tabs am, 1 pm #90; Dilaudid 4mg, 1 tab every 6 hours as needed #100. MC
19 lived in Los Angeles, traveled approximately 16 miles to CPC, and drove additional miles to
20 Respondent Pharmacy to receive his prescriptions. Respondent Pharmacy's printed CURES
21 report for MC shows that on June 16, 2010, July 14, 2010 and August 13, 2010, MC used
22 multiple physicians and pharmacies to obtain his pain medications. MC also paid cash for his
23 pain medications when they were not covered by his insurance.

24 j. Patient LM received a combination of Oxycontin 80mg and hydromorphone 4mg.
25 Oxycontin 80mg – 2 tabs am, 1 pm #90; Dilaudid 4mg, 1 tab every 6 hours as needed #100. LM
26 lived in Long Beach, traveled approximately 3 miles to CPC, and drove additional miles to
27 Respondent Pharmacy to receive his prescriptions.

28 ///

1 k. Patient EA received hydrocodone/acetaminophen 7.5/750mg, above the
2 recommended dose of 4000mg/day of acetaminophen. Respondent Pharmacy dispensed
3 4500mg/day to EA who lived in Moreno Valley, traveled approximately 50 miles to visit his
4 physician, and drove additional miles to Respondent Pharmacy to receive his prescriptions.

5 l. Patient RA received hydrocodone/acetaminophen 7.5/750mg, above the
6 recommended dose of 4000mg/day of acetaminophen. Respondent Pharmacy dispensed 3000-
7 4500 mg/day to RA.

8 m. Patient KB received hydrocodone/acetaminophen 7.5/750mg, above the
9 recommended dose of 4000mg/day of acetaminophen. Respondent Pharmacy dispensed 3000-
10 4500mg/day to KB. KB lived in Highland, traveled approximately 6 miles to visit his physician
11 in San Bernardino, and drove an additional 67 miles to Respondent Pharmacy to receive his
12 prescriptions.

13 n. Patient JH received hydrocodone/acetaminophen 7.5/750mg, above the recommended
14 dose of 4000mg/day of acetaminophen. Respondent Pharmacy dispensed 3000-4500mg/day to
15 JH. JH lived in Pomona, traveled approximately 40 miles to visit his physician in Beverly Hills,
16 and drove additional miles to Respondent Pharmacy to receive his prescriptions.

17 o. Patient BH received hydrocodone/acetaminophen 7.5/750mg, 4500mg/day above the
18 recommended dose of 4000mg/day of acetaminophen. Respondent Pharmacy dispensed
19 4500mg/day to BH.

20 p. Patient NM received hydrocodone/acetaminophen 7.5/750mg, above the
21 recommended dose of 4000mg/day of acetaminophen. Respondent Pharmacy dispensed 3000-
22 4500mg/day to NM. NM lived in Anaheim, traveled approximately 17 miles to visit her physician
23 in Pico Rivera, and drove additional miles to Respondent Pharmacy to receive her prescriptions.

24 q. Patient KA received a combination of Oxycontin 80mg and hydromorphone 4mg.
25 Oxycontin 80mg – 2 tabs am, 1 pm #90; Dilaudid 4mg, 1 tab every 6 hours as needed #100.

26 r. Patient EM received Oxycontin 80mg above the recommended dosing interval of
27 twice daily. EM was also prescribed Dilaudid 4mg, 1 tab every 6 hours as needed #90. EM lived
28 in Los Angeles, traveled approximately 18 miles CPC, and drove additional miles to Respondent

1 Pharmacy to receive his prescriptions. Respondent Pharmacy's printed Controlled Substance
 2 Utilization Review ("CURES") report for EM shows that on June 9, 2010, EM used multiple
 3 physicians to obtain his pain medications.

4 **FIRST CAUSE FOR DISCIPLINE**

5 **(Failure to Assume Co-Responsibility to Validate Legitimacy of Prescription)**

6 21. Respondents Pharmacy, Lim and Schwartz are subject to disciplinary action under
 7 Code section 4301, subdivisions (d) and (j) for violating Health and Safety Code section 11153,
 8 subdivision (a), and Code section 4301, subdivision (o), for violating Regulations sections 1761,
 9 in that between March 23, 2009 to December 23, 2011, Respondents failed to assume
 10 corresponding responsibility by failing to validate the legitimacy of the prescriptions and/or
 11 reviewing the patients' drug therapy, by dispensing prescriptions to physician shoppers, and/or by
 12 dispensing erroneous/uncertain prescriptions. Complainant refers to and incorporates all the
 13 allegations contained in paragraphs 18-20, as though set forth fully.

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Failure to Maintain Records)**

16 22. Respondents Pharmacy and Lim are subject to disciplinary action under Code section
 17 4301, subdivision (o) for violating Code sections 4081 and 4105, in that during the Board
 18 investigation on March 7, 2011, Respondents could not produce prescription hardcopies for RX
 19 ## 1574617, 1578157, 1556336, 1578979, 1558050, 1558030, 1560968 and 1562161 for the
 20 period between March 23, 2009 and February 28, 2010.

21 **DISCIPLINE CONSIDERATIONS**

22 23. To determine the degree of discipline, if any, to be imposed on Respondent Lim,
 23 Complainant alleges that on or about April 27, 2011, the Board of Pharmacy issued Citation
 24 Number CI 2010 48039 to Respondent Lim for violations of Regulations section 1751.3,
 25 subdivision (b), 1751.7, subdivision (a), and 1716.2. Respondent Lim was ordered to pay a fine
 26 of \$1,500.00. That Citation is now final and is incorporated by reference as if fully set forth.

27 ///

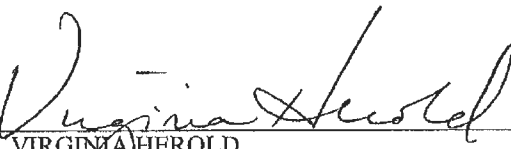
28 ///

PRAYER

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

1. Revoking or suspending Pharmacy Permit Number PHY 49825, issued to Gemmel Pharmacy Inc., dba B & B Pharmacy; Phic Lim; Stanley Marc Schwartz;
2. **Revoking or suspending** Pharmacist License Number RPH 49175, issued to Phic Lim;
3. Revoking or suspending Pharmacist License Number RPH 32928, issued to Stanley Marc Schwartz;
4. Ordering Gemmel Pharmacy Inc., dba B & B Pharmacy, Phic Lim and Stanley Marc Schwartz to jointly and severally pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
5. Taking such other and further action as deemed necessary and proper.

DATED: 4/5/14


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

LA2013509961
 51485506.doc

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7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

12 **P S ENTERPRISE, INC.,**
d.b.a. HUNTINGTON PHARMACY;
 13 **PHIC LIM, President, Pharmacist-In-**
Charge

14 2300 Huntington Dr.
 San Marino, CA 91108

15 **Pharmacy Permit No. PHY 45238,**

16 and

17 **PHIC LIM**
 18 1553 Lucretia Ave.
 Los Angeles, CA 90026

19 **Pharmacist License No. RPH 49175,**

20 Respondents.

Case No. 4906

OAH No. 2014080925 [Consolidated]

FIRST AMENDED ACCUSATION

22 Complainant alleges:

23 **PARTIES**

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

26 2. On May 29, 2001, the Board of Pharmacy issued Pharmacy Permit Number PHY
 27 45238 to Respondent P S Enterprise, Inc., doing business as Huntington Pharmacy; with Phic Lim
 28 as the President since May 29, 2001 and Pharmacist-in-Charge since March 10, 2010 (Respondent

1 Pharmacy). The Pharmacy Permit expired on May 1, 2012, and has not been renewed.

2 3. On October 22, 1996, the Board of Pharmacy issued Pharmacist License Number
3 RPH 49175 to Phic Lim (Respondent Phic Lim). The Pharmacist License was in full force and
4 effect at all times relevant to the charges brought herein and will expire on December 31, 2017
5 unless it is renewed.

6 **JURISDICTION**

7 4. This Accusation is brought before the Board under the authority of the following
8 laws. All section references are to the Business and Professions Code unless otherwise indicated.

9 5. Section 4300 of the Code states in relevant part that “[e]very license issued may be
10 suspended or revoked.”

11 6. Section 4300.1 of the Code states:

12 The expiration, cancellation, forfeiture, or suspension of a board-issued license
13 by operation of law or by order or decision of the board or a court of law, the
14 placement of a license on a retired status, or the voluntary surrender of a license by a
15 licensee shall not deprive the board of jurisdiction to commence or proceed with any
16 investigation of, or action or disciplinary proceeding against, the licensee or to render a
17 decision suspending or revoking the license.

16 **STATUTES**

17 7. Section 490 of the Code states in relevant part:

18 (a) In addition to any other action that a board is permitted to take against a
19 licensee, a board may suspend or revoke a license on the ground that the licensee has
20 been convicted of a crime, if the crime is substantially related to the qualifications,
21 functions, or duties of the business or profession for which the license was issued.

22 (b) Notwithstanding any other provision of law, a board may exercise any
23 authority to discipline a licensee for conviction of a crime that is independent of the
24 authority granted under subdivision (a) only if the crime is substantially related to the
25 qualifications, functions, or duties of the business or profession for which the licensee's
26 license was issued.

27 (c) A conviction within the meaning of this section means a plea or verdict of
28 guilty or a conviction following a plea of nolo contendere. An action that a board is
permitted to take following the establishment of a conviction may be taken when the
time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal,
or when an order granting probation is made suspending the imposition of sentence,
irrespective of a subsequent order under Section 1203.4 of the Penal Code.

1 8. Section 4022 of the Code states:

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

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

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

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

12 9. Section 4081 of the Code states in relevant part:

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

24 (b) The owner, officer, and partner of a pharmacy, wholesaler, third-party
25 logistics provider, or veterinary food-animal drug retailer shall be jointly responsible,
26 with the pharmacist-in-charge, responsible manager, or designated representative-in-
27 charge, for maintaining the records and inventory described in this section.

28 10. Section 4301 of the Code states:

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

...

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

...

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

...

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

...

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

...

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

11. Section 4307 of the Code states:

(a) Any person who has been denied a license or whose license has been revoked or is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control of any partnership, corporation, trust, firm, or association whose application for a license has been denied or revoked, is under suspension or has been placed on probation, and while acting as the manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control had knowledge of or

1 knowingly participated in any conduct for which the license was denied, revoked,
2 suspended, or placed on probation, shall be prohibited from serving as a manager,
3 administrator, owner, member, officer, director, associate, partner, or in any other
4 position with management or control of a licensee as follows:

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

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

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

14 (c) The provisions of subdivision (a) may be alleged in any pleading filed
15 pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the
16 Government Code. However, no order may be issued in that case except as to a person
17 who is named in the caption, as to whom the pleading alleges the applicability of this
18 section, and where the person has been given notice of the proceeding as required by
19 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government
20 Code. The authority to proceed as provided by this subdivision shall be in addition to
21 the board's authority to proceed under Section 4339 or any other provision of law.

22 12. Section 4332 of the Code states in relevant part:

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

28 13. Health and Safety Code section 11153 states in relevant part:

29 (a) A prescription for a controlled substance shall only be issued for a legitimate
30 medical purpose by an individual practitioner acting in the usual course of his or her
31 professional practice. The responsibility for the proper prescribing and dispensing of
32 controlled substances is upon the prescribing practitioner, but a corresponding
33 responsibility rests with the pharmacist who fills the prescription. Except as authorized
34 by this division, the following are not legal prescriptions: (1) an order purporting to be
35 a prescription which is issued not in the usual course of professional treatment or in
36 legitimate and authorized research; or (2) an order for an addict or habitual user of
37 controlled substances, which is issued not in the course of professional treatment or as
38 part of an authorized narcotic treatment program, for the purpose of providing the user
39 with controlled substances, sufficient to keep him or her comfortable by maintaining
40 customary use.

41 ///

42 ///

14. Health and Safety Code section 11200 states:

(a) No person shall dispense or refill a controlled substance prescription more than six months after the date thereof.

(b) No prescription for a Schedule III or IV substance may be refilled more than five times and in an amount, for all refills of that prescription taken together, exceeding a 120-day supply.

(c) No prescription for a Schedule II substance may be refilled.

REGULATIONS

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

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

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

16. California Code of Regulations, title 16, section 1761, states:

(a) No pharmacist shall compound or dispense any prescription which contains any significant error, omission, irregularity, uncertainty, ambiguity or alteration. Upon receipt of any such prescription, the pharmacist shall contact the prescriber to obtain the information needed to validate the prescription.

(b) Even after conferring with the prescriber, a pharmacist shall not compound or dispense a controlled substance prescription where the pharmacist knows or has objective reason to know that said prescription was not issued for a legitimate medical purpose.

17. California Code of Regulations, title 16, section 1770, states:

For the purpose of denial, suspension, or revocation of a personal or 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 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 to perform the functions authorized by his license or registration in a manner consistent with the public health, safety, or welfare.

COST RECOVERY

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

DRUG CLASSIFICATIONS

19. Dilaudid is a brand name for hydromorphone. Dilaudid is a Schedule II controlled substance and a dangerous drug. (Health & Saf. Code, § 11055, subd. (b)(1)(J); Bus. & Prof. Code, § 4022.) Dilaudid is indicated for severe pain.

20. OxyContin is a brand name for oxycodone. OxyContin is a Schedule II controlled substance and a dangerous drug. (Health & Saf. Code, § 11055, subd. (b)(1)(M); Bus. & Prof. Code, § 4022.) OxyContin is indicated for moderate to severe pain.

21. Lyrica is a brand name for pregabalin. Lyrica is a Schedule V controlled substance and a dangerous drug. (Code Fed. Regs., tit. 21, § 1308.15, subd. (e)(13); Bus. & Prof. Code, § 4022.) Lyrica is indicated for fibromyalgia, diabetic nerve pain, spinal cord injury nerve pain, pain after shingles, and partial onset seizures in adults with epilepsy.

BOARD INVESTIGATION

22. From 2011 to 2013, the Board conducted a series of investigations of Respondent Pharmacy. Respondent Pharmacy's controlled substance log, prescription copies, Patient Activity Reports (PARs) and other documents, revealed violations of the Pharmacy Law.

FIRST CAUSE FOR DISCIPLINE

(Conviction of a Substantially Related Crime)

(As to Respondent Phic Lim)

23. Respondent Phic Lim is subject to disciplinary action under sections 490 and 4301, subdivision (1), in conjunction with California Code of Regulations, title 16, section 1770, in that Respondent Phic Lim was convicted of a crime that is substantially related to the qualifications, functions, and duties of a registered pharmacist.

24. On or about December 11, 2015, Respondent Phic Lim pleaded guilty to one felony count of structuring of currency transactions (31 U.S.C. § 5324(a)(3).) On or about February 8, 2016, Respondent was sentenced to 12 months and one day in a federal penitentiary and ordered to pay a fine of \$15,000 and a special assessment of \$100. Following release from imprisonment, Respondent was placed on supervised release for three years upon terms and conditions that, in relevant part, require him to obtain prior written approval from his probation officer before being

1 employed in any position that requires licensing and/or certification by a local, state, or federal
2 agency. (*United States of America v. Phic Lim* (C.D.Cal. 2016) No. CR-11-1075-SJO-5).)

3 25. The circumstances of the conviction are that beginning not earlier than July 2009,
4 Respondent and his wife, a co-defendant, engaged in a pattern of knowingly and intentionally
5 depositing cash proceeds in structured amounts (that is, in individual transactions less than
6 \$10,000), resulting in combined deposits per day of more than \$10,000, and using multiple bank
7 accounts.

8 26. In total, Respondent and his wife made structured deposits of at least \$105,826 in
9 such cash proceeds. Respondent made those structured deposits knowing that the relevant
10 financial institutions had a legal obligation to report currency transactions in excess of \$10,000,
11 and Respondent acted for the purpose of evading that reporting obligation.

12 27. As an example of the structuring in which Respondent was engaged, on August 4,
13 2009, Respondent and his wife made two cash deposits in the amounts of \$1,662 and \$9,000 into
14 a Chase Bank account ending in numbers 0725.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Commission of Act of Dishonesty, Fraud, Deceit, Corruption)**

17 **(As to Respondent Phic Lim)**

18 28. Respondent Phic Lim is subject to disciplinary action under Code section 4301,
19 subdivision (f), in conjunction with California Code of Regulations, title 16, section 1770, in that
20 Respondent Phic Lim committed an act involving moral turpitude, dishonesty, fraud, deceit or
21 corruption. Complainant realleges paragraphs 21–26.

22 **THIRD CAUSE FOR DISCIPLINE**

23 **(Failure to Validate Legitimacy of Prescriptions)**

24 **(As to All Respondents)**

25 29. Respondents are subject to disciplinary action under Code section 4301, subdivisions
26 (d) and (j) for violating Health and Safety Code section 11153, subdivision (a), and Code section
27 4301, subdivision (o), for violating California Code of Regulations, title 16, section 1761,
28 subdivisions (a) and (b), in that between 2009 and 2011, Respondents failed to assume

corresponding responsibility by failing to validate the legitimacy of the prescriptions they dispensed; by failing to review the patients' drug therapy; by dispensing prescriptions to physician shoppers or habitual users; and/or by dispensing erroneous or uncertain prescriptions. The circumstances are as follows:

A. Patient E.H. Received Prescriptions From Other Pharmacies While Receiving Lyrica 300 mg from Respondents

30. On or about February 5, 2010, Respondents dispensed prescription number 699247 to Patient E.H. The prescription consisted of 60 tablets of Lyrica 300 mg, a 30-day supply.

31. Respondents refilled the prescription five times between March and December, 2017.

32. Respondents knew or should have known that Patient E.H. obtained prescriptions from five other pharmacies and seven doctors during the time that he received prescriptions from Respondents.

B. Patient P.G. Received an Excessive Amount of OxyContin 80 mg

33. On or about November 25, 2009, Respondents dispensed prescription number 693275 to Patient P.G. The prescription consisted of 90 pills of OxyContin 80 mg, a 30-day supply.

34. On or about December 1, 2009, Respondents dispensed a 30-day supply of Patient P.G.'s prescription.

35. On or about December 24, 2009, Respondents dispensed another 30-day supply to Patient P.G. 30 days early.

36. Respondents knew or should have known that Patient P.G. received prescriptions from two different doctors while receiving his prescriptions from Respondents.

C. Patient S.A. Received an Excessive Amount of Hydrocodone/APAP 10/325

37. On or about June 22, 2010, Respondents dispensed prescription number 711850 to Patient S.A. The prescription consisted of 120 pills of hydrocodone/APAP 10 mg /325 mg, a 30-day supply.

38. On or about July 6, 2010, Respondents dispensed a refill 16 days early.

39. On or about July 21, 2010 Respondents dispensed a refill 15 days early.

40. Respondents knew or should have known that Patient S.A. obtained 120

hydrocodone/APAP 10 mg/325 mg from four other pharmacies during the period in which she obtained the prescriptions from Respondents.

41. Respondents knew or should have known that Respondent lived in Palmdale and traveled to San Dimas and Azusa for her prescriptions.

D. Patient Y.B. Received an Excessive Amount of Hydrocodone/APAP 10/325

42. On or about January 21, 2011, Respondents dispensed prescription number 724719 to Patient Y.B. The prescription consisted of 45 pills of hydrocodone/APAP 10 mg/325 mg, an 11-day supply.

43. On or about January 26, 2011, Respondents dispensed a refill six days early.

44. On or about February 3, 2011, Respondents dispensed a refill eight days early.

45. On or about February 8, 2011, Respondents dispensed a refill six days early.

46. On or about February 21, 2011, Respondents dispensed a refill.

47. On or about February 25, 2011, Respondents dispensed a refill seven days early.

48. On or about March 4, 2011, Respondents ran a CURES report on Patient Y.B.

A CURES report is a report generated from California's Controlled Substance Utilization Review and Evaluation System. All prescription drug history information is maintained in CURES, a database which contains about 86 million records. The database includes information about the drug dispensed, drug quantity and strength, patient name, address, prescriber name, and authorization number, including DEA number and prescription number.

49. By virtue of the information conveyed in the CURES report, Respondents knew or should have known that during the period in which Patient Y.B. obtained prescriptions from Respondents, she also obtained prescriptions from 16 other pharmacies and 13 doctors.

50. Respondents knew or should have known that Patient Y.B. lived in San Gabriel and traveled to Glendora and Norwalk for her prescriptions.

E. Daily Logs Reveal Questionable Prescribing and Dispensing Patterns

51. The daily logs for Respondent Pharmacy reveal prescribing and dispensing patterns from which Respondents knew or should have known that the prescriptions they filled were not issued for a lawful medical purpose. Specifically, the daily logs show that out-of-area patients

received a combined 123 prescriptions for pain killers, including OxyContin 80 mg, morphine sulphate, and hydromorphone/Dilaudid 4 mg between January 4, 2010 and February 6, 2010, as follows:

	Date	Rx No.	Count	Drug
January 4, 2010				
1	1/4/2010	696115	90	OxyContin 80 mg
2	1/4/2010	696137	90	OxyContin 80 mg
3	1/4/2010	696141	90	OxyContin 80 mg
4	1/4/2010	696145	90	OxyContin 80 mg
5	1/4/2010	696150	90	OxyContin 80 mg
6	1/4/2010	696155	90	OxyContin 80 mg
7	1/4/2010	696161	90	OxyContin 80 mg
8	1/4/2010	696169	90	OxyContin 80 mg
January 5, 2010				
9	1/5/2010	696270	90	OxyContin 80 mg
10	1/5/2010	696274	90	OxyContin 80 mg
11	1/5/2010	696278	90	OxyContin 80 mg
12	1/5/2010	696282	90	OxyContin 80 mg
13	1/5/2010	696286	90	OxyContin 80 mg
14	1/5/2010	696291	90	OxyContin 80 mg
15	1/5/2010	696295	90	OxyContin 80 mg
January 7, 2010				
16	1/7/2010	696489	90	OxyContin 80 mg
17	1/7/2010	696493	90	OxyContin 80 mg
18	1/7/2010	696500	90	OxyContin 80 mg
19	1/7/2010	696504	90	OxyContin 80 mg
20	1/7/2010	696505	60	Hydromorphone 4 mg

	Date	Rx No.	Count	Drug
21	1/7/2010	696510	90	OxyContin 80 mg
22	1/7/2010	696514	90	OxyContin 80 mg
23	1/7/2010	696518	90	OxyContin 80 mg
January 8, 2010				
24	1/8/2010	696600	90	OxyContin 80 mg
25	1/8/2010	696604	90	OxyContin 80 mg
26	1/8/2010	696608	90	OxyContin 80 mg
27	1/8/2010	696613	90	OxyContin 80 mg
28	1/8/2010	696617	90	OxyContin 80 mg
29	1/8/2010	696621	90	OxyContin 80 mg
January 9, 2010				
30	1/9/2010	696717	90	OxyContin 80 mg
31	1/9/2010	696718	60	Morphine sulphate 50 mg
32	1/9/2010	696722	90	OxyContin 80 mg
33	1/9/2010	696727	90	OxyContin 80 mg
34	1/9/2010	696730	90	OxyContin 80 mg
35	1/9/2010	696734	90	OxyContin 80 mg
36	1/9/2010	696735	60	Hydromorphone 4 mg
37	1/9/2010	696740	90	OxyContin 80 mg
38	1/9/2010	696748	90	OxyContin 80 mg
39	1/9/2010	696752	90	OxyContin 80 mg
40	1/9/2010	696756	90	OxyContin 80 mg
41	1/9/2010	696760	90	OxyContin 80 mg
January 11, 2010				
42	1/11/2010	696788	90	OxyContin 80 mg
43	1/11/2010	696796	60	Morphine sulphate 50 mg

	Date	Rx No.	Count	Drug
44	1/11/2010	696801	90	OxyContin 80 mg
45	1/11/2010	696805	90	OxyContin 80 mg
46	1/11/2010	696809	90	OxyContin 80 mg
47	1/11/2010	696813	90	OxyContin 80 mg
48	1/11/2010	696815	60	Hydromorphone 4 mg
49	1/11/2010	696831	90	OxyContin 80 mg
50	1/11/2010	696832	100	Dilaudid 4 mg
51	1/11/2010	696835	90	OxyContin 80 mg
52	1/11/2010	696836	100	Dilaudid 4 mg
January 12, 2010				
53	1/12/2010	696924	90	OxyContin 80 mg
54	1/12/2010	696928	90	OxyContin 80 mg
55	1/12/2010	696932	90	OxyContin 80 mg
56	1/12/2010	696937	90	OxyContin 80 mg
57	1/12/2010	696941	90	OxyContin 80 mg
58	1/12/2010	696942	60	Hydromorphone 4 mg
59	1/12/2010	696943	90	OxyContin 80 mg
60	1/12/2010	696949	90	OxyContin 80 mg
61	1/12/2010	696953	90	OxyContin 80 mg
62	1/12/2010	696972	90	OxyContin 80 mg
January 16, 2010				
63	1/16/2010	697326	90	OxyContin 80 mg
64	1/16/2010	697330	90	OxyContin 80 mg
65	1/16/2010	697334	90	OxyContin 80 mg
66	1/16/2010	697343	90	OxyContin 80 mg
67	1/16/2010	697349	90	OxyContin 80 mg

	Date	Rx No.	Count	Drug
68	1/16/2010	697353	90	OxyContin 80 mg
69	1/16/2010	697357	90	OxyContin 80 mg
70	1/16/2010	697361	90	OxyContin 80 mg
71	1/16/2010	697365	90	OxyContin 80 mg
72	1/16/2010	697369	90	OxyContin 80 mg
January 18, 2010				
73	1/18/2010	697399	90	OxyContin 80 mg
74	1/18/2010	697409	90	OxyContin 80 mg
75	1/18/2010	697416	90	OxyContin 80 mg
76	1/18/2010	697422	90	OxyContin 80 mg
77	1/18/2010	697427	90	OxyContin 80 mg
78	1/18/2010	697436	90	OxyContin 80 mg
79	1/18/2010	697440	90	OxyContin 80 mg
80	1/18/2010	697444	90	OxyContin 80 mg
81	1/18/2010	697448	90	OxyContin 80 mg
82	1/18/2010	697454	90	OxyContin 80 mg
83	1/18/2010	697458	90	OxyContin 80 mg
84	1/18/2010	697462	90	OxyContin 80 mg
January 23, 2010				
85	1/23/2010	697925	90	OxyContin 80 mg
86	1/23/2010	697934	90	OxyContin 80 mg
87	1/23/2010	697938	90	OxyContin 80 mg
88	1/23/2010	697942	90	OxyContin 80 mg
89	1/23/2010	697946	90	OxyContin 80 mg
90	1/23/2010	697950	90	OxyContin 80 mg
91	1/23/2010	697955	90	OxyContin 80 mg

	Date	Rx No.	Count	Drug
92	1/23/2010	697960	90	OxyContin 80 mg
93	1/23/2010	697965	90	OxyContin 80 mg
94	1/23/2010	697969	90	OxyContin 80 mg
January 25, 2010				
95	1/25/2010	698017	90	OxyContin 80 mg
96	1/25/2010	698021	90	OxyContin 80 mg
97	1/25/2010	698025	90	OxyContin 80 mg
98	1/25/2010	698029	90	OxyContin 80 mg
99	1/25/2010	698033	90	OxyContin 80 mg
100	1/25/2010	698037	90	OxyContin 80 mg
101	1/25/2010	698069	90	OxyContin 80 mg
102	1/25/2010	698077	90	OxyContin 80 mg
103	1/25/2010	698080	90	OxyContin 80 mg
104	1/25/2010	698082	100	Dilaudid 4 mg
January 30, 2010				
105	1/30/2010	698644	90	OxyContin 80 mg
106	1/30/2010	698647	90	OxyContin 80 mg
107	1/30/2010	698652	90	OxyContin 80 mg
108	1/30/2010	698655	90	OxyContin 80 mg
109	1/30/2010	698658	90	OxyContin 80 mg
110	1/30/2010	698661	90	OxyContin 80 mg
111	1/30/2010	698664	90	OxyContin 80 mg
112	1/30/2010	698667	90	OxyContin 80 mg
113	1/30/2010	698679	90	OxyContin 80 mg
February 6, 2010				
114	2/6/2010	699317	90	OxyContin 80 mg

	Date	Rx No.	Count	Drug
115	2/6/2010	699320	90	OxyContin 80 mg
116	2/6/2010	699323	90	OxyContin 80 mg
117	2/6/2010	699326	90	OxyContin 80 mg
118	2/6/2010	699329	90	OxyContin 80 mg
119	2/6/2010	699334	90	OxyContin 80 mg
120	2/6/2010	699337	90	OxyContin 80 mg
121	2/6/2010	699340	90	OxyContin 80 mg
122	2/6/2010	699343	90	OxyContin 80 mg
123	2/6/2010	699346	90	OxyContin 80 mg

FOURTH CAUSE FOR DISCIPLINE

(Unauthorized Dispensing of Controlled Substance Refill)

(As to All Respondents)

52. Respondents are subject to disciplinary action under Code section 4301, subdivision (j), for violating Health and Safety Code section 11200, in that Respondents dispensed a controlled substance refill more than six months after the date of the original prescription. On or about February 5, 2010, Respondents dispensed prescription number 699247 to Patient E.H. The prescription consisted of 60 tablets of Lyrica 300 mg, a 30-day supply. Respondents dispensed a refill prescription on December 17, 2010, which was more than six months from the date of the original prescription.

FIFTH CAUSE FOR DISCIPLINE

(Failure to Keep Complete Accountability)

(As to All Respondents)

53. Respondents are subject to disciplinary action under Code section 4301, subdivision (o), for violating Code sections 4081, 4332, and California Code of Regulations, title 16, section 1718, in that, pursuant to an audit based on Respondent Pharmacy's records from March 25, 2010 to December 23, 2011, Respondents could not account for 142 tablets of Dilaudid 4 mg and 200

1 tablets of OxyContin 80 mg.

2 54. The Selected Data Audit Summary follows:

3 Drug	Initial Amount	Amount Ordered	Total	Amount Dispensed	Amt. to Account	Stock On Hand	Short- age
4 Dilaudid 4 mg	840	7,300	8,140	7,320	820	620	200
5 OxyCon- tin 80 mg	820	22,900	23,720	23,550	170	28	142

7 **DISCIPLINARY CONSIDERATIONS**

8 55. To determine the degree of discipline, if any, to be imposed on Respondent Phic Lim,
9 Complainant alleges that on or about April 27, 2011, the Board issued Citation Number CI 2010
10 48039 to Respondent Phic Lim for violations of California Code of Regulations, title 16, sections
11 1751.3, subdivision (b), 1751.7, subdivision (a), and 1716.2. Respondent Phic Lim was ordered to
12 pay a fine of \$1,500. That Citation is now final and is incorporated herein by reference as if set
13 forth fully.

14 **OTHER MATTERS**

15 56. Pursuant to Business and Professions Code section 4307, if Pharmacy Permit Number
16 PHY 45238 or Pharmacist License Number RPH 49175 is disciplined as part of the Board's
17 Decision, then Phic Lim shall be prohibited from serving as a manager, administrator, owner,
18 member, officer, director, associate, partner, or in any other position with management or control
19 of a licensee for a period (1) not to exceed five years if either Pharmacy Permit Number PHY
20 45238 or Pharmacist License Number RPH 49175 is placed on probation as part of the Board's
21 decision, or (2) until said licenses are reinstated if they are revoked as part of the Board's
22 decision.

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PRAYER

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

1. Revoking or suspending Pharmacy Permit Number PHY 45238, issued to P S Enterprise, Inc., doing business as Huntington Pharmacy; with Phic Lim as the President and Pharmacist-in-Charge;
2. Revoking or suspending Pharmacist License Number RPH 49175, issued to Phic Lim;
3. Prohibiting Phic Lim, pursuant to Business and Professions Code section 4307, from serving as a manager, administrator, owner, member, officer, director, associate, partner, or in any other position with management or control of a licensee for a period (1) not to exceed five years if either Pharmacy Permit Number PHY 45238 or Pharmacist License Number RPH 49175 is placed on probation as part of the Board's decision, or (2) until said licenses are reinstated if they are revoked as part of the Board's decision;
4. Ordering P S Enterprise, Inc., d.b.a. Huntington Pharmacy and Phic Lim, jointly and severally, to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
5. Taking such other and further action as deemed necessary and proper.

DATED: 2/17/17

Virginia Herold

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

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