

NEVADA STATE BOARD OF PHARMACY
431 W Plumb Lane Reno, NV 89509 (775) 850-1440

APPLICATION BY RECIPROCATATION AS A PHARMACIST

If you are requesting licensure by reciprocation (i.e. you have a current pharmacist license from another state and wish to transfer license information and only need to take the Nevada MPJE), complete this application:

Total Fee: \$330.00 (non-refundable, money order or cashier's check only, no cash)

Money Order or Cashier's Check made payable to: **Nevada State Board of Pharmacy**

Complete Name (no abbreviations):

First: CHOON Middle: WHAN Last: KIM

Mailing Address: 8777 W. MAULE AVE UNIT #2020

City: LAS VEGAS State: NV Zip Code: 89148

Telephone: _____ E-mail Address: _____

Date of Birth: _____ Place of Birth: SEOUL, SOUTH KOREA

Social Security Number: _____ Sex: ☒ M or ☐ F

Original State of Licensure you are reciprocating from must be active and issued by exam;

State: MA Date of Issuance: 7/25/2007

College of Pharmacy Information

Graduation Date: 05/18/2007
(mm/dd/yy)

Degree Received: ☒ PharmD ☐ BS in Pharmacy ☐ Other (check one)

Name of Pharmacy School: Massachusetts College of Pharmacy, Boston

Location of School: Boston, MA 179 LONGWOOD AVE 02115

If you are a **foreign graduate** you must attach a copy of your FPGE certificate to THIS APPLICATION.
You also need to complete the college of pharmacy information

Board Use Only

Received: 2-21-17 Amount: \$330.00 Entity #: 95849

Laws _____ MPJE 7/23

Other states where you are (or were) licensed as a pharmacist or print none

State	Lic #	Is the license active?	State	Lic #	Is the license active?
<u>HI</u>	<u>PH-2707</u>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	_____	_____	Yes <input type="checkbox"/> No <input type="checkbox"/>
_____	_____	Yes <input type="checkbox"/> No <input type="checkbox"/>	_____	_____	Yes <input type="checkbox"/> No <input type="checkbox"/>

**Attach separate sheet if needed

					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"/> Yes <input checked="" type="checkbox"/> No					
1. Been charged, arrested or convicted of a felony or misdemeanor in <u>any</u> state?..... <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
2. Been the subject of an administrative action whether completed or pending in <u>any</u> state?..... <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
3. Had your license subjected to any discipline for violation of pharmacy or drug laws in <u>any</u> state?.... <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
If you marked YES to any of the numbered questions (1-3) above, please include the following information and provide an expiration or documents:					
Board Administrative Action:		State	Date:	Case #:	
			/ /		
Criminal Action:	State	Date:	Case #:	County	Court
		/ /			

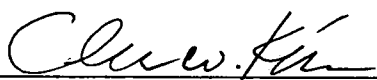
FEDERALLY MANDATED REQUIREMENTS

In response to Federally mandated requirements, the Nevada Legislature and Attorney General require that we include this questions as part of all applications.

4. Are you the subject of a court order for the support of a child?.....Yes ☐ No ☒
4a. If you marked Yes, to the question 4, are you in compliance with the court order?.....Yes ☐ No ☐

I have read all questions, answers and statements and know the contents thereof. I hereby certify, under penalty of perjury, that the information furnished on this application are true, accurate 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 hereby authorize the Nevada State Board of Pharmacy, its agents, servants and employees, to conduct any investigation(s) of my business, professional, social and moral background, qualification and reputation, as it may deem necessary, proper or desirable

No liability of any sort or kind shall attach to the said Nevada State Board of Pharmacy, its members, servants or employees because or by reason of the use of the authorization.


Original Signature, no copies or stamps accepted

2-14-2017
Date

Paul Edwards

From: Jonathan Chan
Sent: Monday, February 27, 2017 1:35 PM
To: Paul Edwards
Subject: Fraudulent concern

Hello Paul,

My name is Jonathan Chan, and I am a registered pharmacist in the state of Massachusetts. My Massachusetts license number is PH26578. I'm writing to express my concern from a text message and conversation I had today with a former classmate from Massachusetts College of Pharmacy at Boston, MA. The classmate's name is Choon Kim, and he often goes by the nickname "John". He is approximately 40 years old.

A week ago (2/20/17) he had text messaged stating he was applying for Nevada licensure to take the MPJE, and asked if it were okay if he used my name as a reference. I told him I do not mind helping him out, however I told him I was not sure I am what they are looking for, because we have no work experience with each other. I told him it is fine, if they want to know how we went to Massachusetts College of Pharmacy together.

Today (2/27/17), he writes me back and says:

"Hey Jon I read the instructions and it says I just need to be acquainted with you. I honestly don't think they need the application because they already approved me to take the exam, but I think I accidentally printed your name where it said signature by my photo. But again it's not that important since I think it was supposed to be a copy. I hope you're not upset bra. It was an honest mistake. You can call me if you have questions 808-386-9060. I think it was just to verify what I look like"

He later calls me today (2/27/17) and tells me he actually forged my signature, and looked me up online, and added my Massachusetts pharmacy license number, city, and state.

I am very concerned if this is true, knowing someone used my name fraudulently. Is it possible he is trying to transfer my Massachusetts license to Nevada, under his identity?

Please let me know if you need any information. My phone number is

Jonathan Chan

Voucher as to moral character. NOTE : A licensed pharmacist in good standing in a state where you are licensed by examination, license transfer, or practiced under legal conditions, must complete and sign this voucher and affix his or her signature to the form on the back of your photographs for identification.

DATE: Feb 23, 2017

To The Nevada State Board of Pharmacy

I hereby certify that I am a licensed pharmacist in good standing in the State of MA, my license number being PH26578. I further certify that I am personally acquainted with Dr. Choon Kim for 10 months (years) and that to the best of my knowledge and belief he or she is of good moral character and has not been involved in any activities that would violate state practice laws or regulations, so as to render him/her unfit to practice pharmacy. I hereby recommend him/her worthy to practice in the state of Nevada.

Remarks: _____

Name: Jonathan Chan

Address: Weston, MA 02493

State: MA

APPLICATION BY RECIPROCATATION AS A PHARMACIST

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Total Fee: \$330.00 (non-refundable, money order or cashier's check only, no cash)

Money Order or Cashier's Check made payable to: Nevada State Board of Pharmacy

Complete Name (no abbreviations):

First: YOUNG Ju Middle: _____ Last: Woo

Mailing Address: 13876 Kemy Ln

City: San Diego State: CA Zip Code: 92130

Telephone: _____ E-mail Address: _____

Date of Birth: _____ Place of Birth: Seoul, Korea

Social Security Number: _____ Sex: ☐ M or ☒ F

Original State of Licensure you are reciprocating from must be active and issued by exam;

State: CA Date of Issuance: 11/8/2004

College of Pharmacy Information

Graduation Date: 05/03/2016
(mm/dd/yy)

Degree Received: ☒ PharmD ☐ BS in Pharmacy ☐ Other (check one)

Name of Pharmacy School: University of Florida

Location of School: Gainesville, Florida

If you are a **foreign graduate** you must attach a copy of your FPGE certificate to THIS APPLICATION.
You also need to complete the college of pharmacy information

Board Use Only

Received: 12-14-16 Amount: \$330.00 Entity #: _____

Laws _____ MPJE _____

Other states where you are (or were) licensed as a pharmacist or print "none"

State	Lic #	Is the license active?	State	Lic #	Is the license active?
CA	56562	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>

**Attach separate sheet if needed

				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 type="checkbox"/>	<input checked="" type="checkbox"/>
2. Been the subject of 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, please include the following information and provide an expiration or documents:					
Board Administrative Action:	State	Date:	Case #:		
pending	CA	6/13/2016	AC 201500555400		
Criminal Action:	State	Date:	Case #:	County	Court
		/ /			


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4. Are you the subject of a court order for the support of a child?.....Yes ☐ No ☒
4a. If you marked Yes, to the question 4, are you in compliance with the court order?.....Yes ☐ No ☐

I have read all questions, answers and statements and know the contents thereof. I hereby certify, under penalty of perjury, that the information furnished on this application are true, accurate 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 hereby authorize the Nevada State Board of Pharmacy, it's agents, servants and employees, to conduct any investigation(s) of my business, professional, social and moral background, qualification and reputation, as it may deem necessary, proper or desirable.

No liability of any sort or kind shall attach to the said Nevada State Board of Pharmacy, it's members, servants or employees because or by reason of the use of the authorization.


Original Signature, no copies or stamps accepted

11/17/16
Date

1 KAMALA D. HARRIS
Attorney General of California
2 JAMES M. LEDAKIS
Supervising Deputy Attorney General
3 MARICHELE S. TAHMIC
Deputy Attorney General
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5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-3154
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:

Case No. 5554

12 **VONS CORPORATION DBA VONS**
13 **PHARMACY 2406**
14 **750 North Imperial Avenue**
El Centro, CA 92243

A C C U S A T I O N

15 **Pharmacy Permit No. PHY 43000**
16 **(Change of Ownership to Pharmacy Permit**
No. 52136)

17 **and**

18 **YOUNG JU WOO**
19 **13876 Kerry Lane**
San Diego, CA 92130

20 **Pharmacist License No. 56562**

21 **and**

22 **ROGELIO VEGA**
23 **P.O. Box 924**
Calipatria, CA 92233

24 **Pharmacy Technician Registration No. TCH**
25 **55763**

26 Respondents.

27
28 *///*

1 Complainant alleges:

2 **PARTIES**

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

5 2. On or about August 25, 1997, the Board of Pharmacy issued Pharmacy Permit
6 Number PHY 43000 to Vons Corporation to do business as Vons Pharmacy 2406 (Respondent
7 Vons). The Pharmacy Permit was cancelled on April 17, 2015 pursuant to a change of ownership.

8 3. On or about November 8, 2004, the Board of Pharmacy issued Pharmacist License
9 Number RPH 56562 to Young Ju Woo (Respondent Woo). Woo was the Pharmacist-in-Charge
10 of Vons from July 18, 2010 through June 23, 2014. The Pharmacist License was in full force and
11 effect at all times relevant to the charges brought herein and will expire on February 29, 2016,
12 unless renewed.

13 4. On or about March 29, 2004, the Board of Pharmacy issued Pharmacy Technician
14 Registration Number TCH 55763 to Rogelio A. Vega (Respondent Vega). The Pharmacy
15 Technician Registration was in full force and effect at all times relevant to the charges brought
16 herein and will expire on September 30, 2017, unless renewed.

17 **JURISDICTION**

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

21 6. Section 4300 of the Code states:

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

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

25 (1) Suspending judgment.

26 (2) Placing him or her upon probation.

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

(4) Revoking his or her license.

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

...

(e) The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board shall have all the powers granted therein. The action shall be final, except that the propriety of the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

7. Section 4300.1 of the Code states:

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

STATUTORY AND REGULATORY 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:

...

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

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

...

(j) The violation of any of the statutes of this state, 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.

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

...

9. Section 4022 of the Code states:

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

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

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

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

10. Section 4059 of the Code states in part:

(a) A person may not furnish any dangerous drug, except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7. A person may not furnish any dangerous device, except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7.

...

11. Section 4060 of the Code states:

No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly labeled with the name and address of the supplier or producer.

Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, a physician assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs and devices.

12. Section 4081 of the Code states:

(a) All records of manufacture and of sale, acquisition, or disposition of dangerous drugs or dangerous devices shall be at all times during business hours open to inspection by authorized officers of the law, and shall be preserved for at least three

years from the date of making. A current inventory shall be kept by every manufacturer, wholesaler, pharmacy, veterinary food-animal drug retailer, physician, dentist, podiatrist, veterinarian, laboratory, clinic, hospital, institution, or establishment holding a currently valid and unrevoked certificate, license, permit, registration, or exemption under Division 2 (commencing with Section 1200) of the Health and Safety Code or under Part 4 (commencing with Section 16000) of Division 9 of the Welfare and Institutions Code who maintains a stock of dangerous drugs or dangerous devices.

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

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

13. Section 4105 of the Code states:

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

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

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

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

(f) When requested by an authorized officer of the law or by an authorized representative of the board, the owner, corporate officer, or manager of an entity licensed by the board shall provide the board with the requested records within three business days of the time the request was made. The entity may request in writing an extension of this timeframe for a period not to exceed 14 calendar days from the date the records were requested. A request for an extension of time is subject to the approval of the board. An extension shall be deemed approved if the board fails to deny the extension request within two business days of the time the extension request was made directly to the board.

1 14. Title 16, California Code of Regulations (CCR), section 1714 states in part.

2 ...

3 (b) Each pharmacy licensed by the board shall maintain its facilities, space, fixtures,
4 and equipment so that drugs are safely and properly prepared, maintained, secured
5 and distributed. The pharmacy shall be of sufficient size and unobstructed area to
6 accommodate the safe practice of pharmacy.

7 ...

8 (d) Each pharmacist while on duty shall be responsible for the security of the
9 prescription department, including provisions for effective control against theft or
10 diversion of dangerous drugs and devices, and records for such drugs and devices.
11 Possession of a key to the pharmacy where dangerous drugs and controlled
12 substances are stored shall be restricted to a pharmacist.

13 ...

14 15. Title 16, CCR, section 1718 states:

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

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

21 16. Health and Safety Code section 11350 states in part:

22 Except as otherwise provided in this division, every person who possesses (1) any
23 controlled substance specified in subdivision (b), (c), (e), or paragraph (1) of
24 subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of
25 subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section
26 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled
27 substance classified in Schedule III, IV, or V which is a narcotic drug, unless upon
28 the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to
practice in this state, shall be punished by imprisonment in a county jail for not more
than one year, except that such person shall instead be punished pursuant to
subdivision (h) of Section 1170 of the Penal Code if that person has one or more
prior convictions for an offense specified in clause (iv) of subparagraph (C) of
paragraph (2) of subdivision (e) of Section 667 of the Penal Code or for an offense
requiring registration pursuant to subdivision (c) of Section 290 of the Penal Code.

...

17. Health and Safety Code section 11351 states:

Except as otherwise provided in this division, every person who possesses for
sale or purchases for purposes of sale (1) any controlled substance specified in
subdivision (b), (c), or (e) of Section 11054, specified in paragraph (14), (15), or
(20) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of
Section 11055, or specified in subdivision (h) of Section 11056, or (2) any

1 controlled substance classified in Schedule III, IV, or V which is a narcotic drug.
2 shall be punished by imprisonment pursuant to subdivision (h) of Section 1170
3 of the Penal Code for two, three, or four years.

4 COST RECOVERY

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

11 DRUGS

12 19. Hydrocodone with acetaminophen, sold under the brand names Norco and Vicodin,
13 was a Schedule III controlled substance as designated by Health and Safety Code section
14 11055(b)(1)(l) at the times pertinent to this Accusation and is currently classified a Schedule II
15 controlled substance pursuant to Health and Safety Code section 11056(e)(4). It is a dangerous
16 drug pursuant to Business and Professions Code section 4022. It is used for the relief of pain.

17 FACTS

18 20. On or about December 5, 2013, the Board was notified that Respondent Vega, a
19 Pharmacy Technician, was terminated from his employment by Respondent Vons for theft of
20 hydrocodone in 2013.

21 21. Respondent Vons became aware of the theft after being notified of the discrepancy
22 between the amount of hydrocodone/apap 10/325 purchased by the pharmacy and the amount
23 dispensed. The pharmacy conducted an investigation that revealed an unusual amount of inventory
24 adjustments for hydrocodone between January 1, 2013 and November 1, 2013. All the
25 adjustments were negative adjustments that reduced the inventory of hydrocodone by 34,642 pills.
26 The adjustments were made using Vega's unique password and were made when Vega was
27 scheduled to work. Vega made the inventory adjustments to hide his theft.

28 22. After making inventory adjustments to cover his thefts, Vega admitted that he placed
the stolen tablets into his smock and exited the pharmacy. Vega sold the stolen tablets for \$1.00

per tablet for financial gain. Later, when interviewed by a Board inspector, Vega admitted to stealing only insulin and antibiotics from the pharmacy for his personal use.

23. On or about January 23, 2014, the Board received documents from Respondents Woo and Vons in response to the Board's request for more information. Woo and Vons reported the loss of 14,967 tablets of hydrocodone 5mg/apap; 9,977 tablets of hydrocodone 7.5mg/apap; and 180,459 tablets of hydrocodone 10mg/apap. Respondents also provided an audit for the period May 1, 2010 to December 30, 2013 that showed the shortages above but failed to identify the specific strengths of tablets lost. In addition, the audit did not include a beginning inventory on May 1, 2010 and Respondents did not perform an ending inventory on December 30, 2013.

24. Vega's theft of hydrocodone accounted for the loss of 34,642 tablets between January 1, 2013 and November 1, 2013. However, Respondents reported the loss of 14,967 tablets of hydrocodone 5mg/apap; 9,977 tablets of hydrocodone 7.5mg/apap; and 180,459 tablets of hydrocodone 10mg/apap. Respondents attributed the rest of the loss to a "flurry of robberies and other activity both internal and external" without further explanation.

25. A Board inspector conducted an inspection of the pharmacy on May 29, 2014. Because of the lack of a beginning inventory and accurate ending inventory, the Board inspector performed an audit for the period May 1, 2010 to May 1, 2013 from documents provided by Woo and Vons for hydrocodone/apap in four strengths: 10/325, 5/500, 5/325 and 7.5/750. However, a beginning inventory was not available to the Board inspector. This audit showed:

Hydrocodone/ apap strength	Beginning Inventory	Acquisition Until 5/1/2013	Dispo. Until 5/1/2013	On hand 5/1/2013	Expected	Variance
7.5/750mg	N/A	31,720	25,395	170	6325	-6155
10/325mg	N/A	190,891	103,677	480	87,214	-86,734
5/500mg	N/A	300,895	199,845	520	1049	-529
5/325mg	N/A	20,525	20,300	480	225	255

26. Because of the lack of a starting inventory, the Board inspector requested that Respondents perform an audit with actual beginning and ending inventories for hydrocodone apap 10/325 and 5/325 for the period May 1, 2013 through May 29, 2014. The beginning inventory was obtained from the DEA inventory on May 1, 2013 and the ending inventory was taken from:

the stock on hand on the day of the Board's inspection. Respondents' audit showed a loss of controlled substances:

Drug	Beginning inventory 5/1/2013	Acquisition	Disposition	Ending inventory 5/29/2014	Variance
Hydrocodone/apap 10/325mg	480	75,000	53,323	2,785	-19,372
Hydrocodone/apap 5/325mg	480	47,700	46,226	1,477	-477

FIRST CAUSE FOR DISCIPLINE

AS TO VONS PHARMACY 2406 AND YOUNG JU WOO

(Failure to Maintain Pharmacy Security)

27. Respondents are subject to disciplinary action under Code section 4301(o) for violating title 16, CCR, 1714, subdivisions (b) and (d) for failing to provide effective control against theft or diversion of dangerous drugs in that Respondents failed to protect against the theft of approximately 34,000 tablets hydrocodone/apap between January 1, 2013 and November 1, 2013, the loss of 19,372 tablets of hydrocodone/apap 10/325mg and 477 tablets of hydrocodone/apap 5/325mg between May 1, 2013 and May 29, 2014, and the reported loss of 180,459 tablets of hydrocodone 10mg/apap, as more fully set forth in paragraphs 20 – 26 above and incorporated by this reference as though set forth in full herein.

SECOND CAUSE FOR DISCIPLINE

AS TO VONS PHARMACY 2406 AND YOUNG JU WOO

(Failure to Maintain Records of Acquisition and Disposition)

28. Respondents are subject to disciplinary action under Code section 4301(o) for violating Code sections 4081 and 4105 in that Respondents failed to maintain a current inventory such that an accurate count of the loss of hydrocodone/apap could not be determined for the periods May 1, 2010 through December 30, 2013 and May 1, 2010 through May 1, 2013, although all of the audits showed a loss of hydrocodone/apap, as more fully set forth in paragraphs 20 – 26 above and incorporated by this reference as though set forth in full herein.

1 **THIRD CAUSE FOR DISCIPLINE**

2 **AS TO ROGELIO VEGA ONLY**

3 **(Unlawful Possession of Controlled Substances)**

4 29. Respondent Vega is subject to disciplinary action under Code section 4060 in
5 conjunction with Health and Safety Code section 11350 for unlawfully possessing controlled
6 substances in that Respondent Vega, while employed at Vons Pharmacy 2406 stole approximately
7 34,000 tablets of hydrocodone/apap, as more fully set forth in paragraphs 20 – 26 above and
8 incorporated by this reference as though set forth in full herein.

9 **FOURTH CAUSE FOR DISCIPLINE**

10 **AS TO ROGELIO VEGA ONLY**

11 **(Unlawful Furnishing of Controlled Substances)**

12 30. Respondent Vega is subject to disciplinary action under Code section 4059 for
13 unlawfully furnishing controlled substances in that Respondent Vega, while employed at Vons
14 Pharmacy 2406 furnished hydrocodone/apap to himself and others when he stole approximately
15 34,000 tablets of hydrocodone/apap, as more fully set forth in paragraphs 20 – 26 above and
16 incorporated by this reference as though set forth in full herein.

17 **FIFTH CAUSE FOR DISCIPLINE**

18 **AS TO ROGELIO VEGA ONLY**

19 **(Unlawful Possession of Controlled Substances for Sale)**

20 31. Respondent Vega is subject to disciplinary action under Code section 4301
21 subdivisions (j) and/or (o) in conjunction with Health and Safety Code section 11351 for
22 unlawfully possessing controlled substances for sale in that Respondent Vega, while employed at
23 Vons Pharmacy 2406 stole approximately 34,000 tablets of hydrocodone/apap and sold the tablets,
24 as more fully set forth in paragraphs 20 – 26 above and incorporated by this reference as though
25 set forth in full herein.

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1 **SIXTH CAUSE FOR DISCIPLINE**

2 **AS TO ROGELIO VEGA ONLY**

3 **(Committing Acts Involving Dishonesty, Fraud or Deceit)**

4 32. Respondent Vega is subject to disciplinary action under Code section 4301,
5 subdivision (f) for committing acts involving dishonesty, fraud or deceit in that Respondent Vega,
6 while employed at Vons Pharmacy 2406, stole approximately 34,000 tablets of hydrocodone apap
7 and made false adjustments to the pharmacy's records to cover up his theft, as more fully set forth
8 in paragraphs 20 – 26 above and incorporated by this reference as though set forth in full herein.

9 **SEVENTH CAUSE FOR DISCIPLINE**

10 **AS TO ROGELIO VEGA ONLY**

11 **(Subverting Investigation and Signing a False Document)**

12 33. Respondent Vega is subject to disciplinary action under Code section 4301,
13 subdivisions (q) and (g) for attempting to subvert an investigation of the Board and knowingly
14 making or signing a false document. The circumstances are as follows.

15 34. Respondent Vega informed the Board inspector that he never stole medications
16 containing hydrocodone from Vons Pharmacy 2406 and signed a statement indicating the only
17 products he had taken from Vons 2406 were insulin and antibiotics. However, Respondent Vega
18 admitted to the theft of hydrocodone to a Vons loss prevention employee and signed a statement
19 that he stole hydrocodone, as more fully set forth in paragraphs 20 – 26 above and incorporated by
20 this reference as though set forth in full herein.

21 **DISCIPLINE CONSIDERATIONS**

22 35. To determine the degree of discipline, if any, to be imposed on Respondent Vons
23 Pharmacy 2406, Complainant alleges that on or about January 15, 2015, in a prior action, the
24 Board of Pharmacy issued Citation Number CI 2013 61625 to Vons Pharmacy for a medication
25 error in violation of title 16, CCR, section 1716. This Citation is now final and is incorporated by
26 reference as if fully set forth.

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1 PRAYER

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

4 1. Revoking or suspending Pharmacy Permit Number PHY 43000, issued to Vons
5 Corporation, dba Vons Pharmacy 2406;

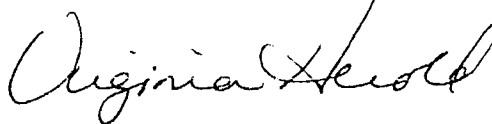
6 2. Revoking or suspending Pharmacist License 56562 issued to Young Ju Woo;

7 3. Revoking or suspending Pharmacy Technician Registration Number TCH 55763
8 issued to Rogelio A. Vega;

9 4. Ordering Vons Corporation, dba Vons Pharmacy 2406, Young Ju Woo and Rogelio
10 A. Vega, jointly and severally, to pay the Board of Pharmacy the reasonable costs of the
11 investigation and enforcement of this case, pursuant to Business and Professions Code section
12 125.3; and,

13 5. Taking such other and further action as deemed necessary and proper.

14
15 DATED: 6/13/16



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

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