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

12 In the Matter of the Statement of Issues
13 Against:

Case No. 6855

14 **CNS PHARMACY INC., DBA CAREMAX**
15 **PHARMACY, CHANG HO YOO, OWNER**

STATEMENT OF ISSUES

16 **Community Pharmacy License Applicant**

17 Respondent.
18

19 **PARTIES**

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

23 2. On or about February 19, 2019, the Board received an application for a Community
24 Pharmacy License from CNS Pharmacy Inc., dba Caremax Pharmacy (Respondent Caremax
25 Pharmacy), owned by Chang Ho Yoo (Yoo). On or about December 1, 2018, Respondent
26 Caremax Pharmacy certified under penalty of perjury to the truthfulness of all statements,
27 answers, and representations in the application. The Board denied the application on October 25,
28 2019.

1 **JURISDICTION**

2 3. This Statement of Issues is brought before the Board under the authority of the
3 following laws. All section references are to the Business and Professions Code (Code) unless
4 otherwise indicated.

5 4. Section 4011 of the Code provides that the Board shall administer and enforce both
6 the Pharmacy Law [Code sections 4000 *et seq.*] and the Uniform Controlled Substances Act
7 [Health & Safety Code sections 11000 *et seq.*].

8 5. Section 4302 states:

9 The board may deny, suspend, or revoke any license of a corporation where
10 conditions exist in relation to any person holding 10 percent or more of the corporate stock
11 of the corporation, or where conditions exist in relation to any officer or director of the
12 corporation that would constitute grounds for disciplinary action against a licensee.

12 **STATUTORY PROVISIONS**

13 6. Section 480 states, in pertinent part:

14 (a) A board may deny a license regulated by this code on the grounds that the
15 applicant has one of the following:

16 (3)

17 (A) Done any act that if done by a licentiate of the business or profession in
18 question, would be grounds for suspension or revocation of license.

19 (B) The board may deny a license pursuant to this subdivision only if the
20 crime or act is substantially related to the qualifications, functions, or duties of the
21 business or profession for which the application is made.

22 7. Section 4059 of the Code states:

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

28 8. Section 4113 of the Code states, in pertinent part: “(c) The pharmacist-in-charge shall
be responsible for a pharmacy’s compliance with all state and federal laws and regulations
pertaining to the practice of pharmacy.”

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1 9. Section 4301 of the Code states:

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

5 ...

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

8 ...

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

11 ...

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

17 10. Section 4306.5 of the Code states:

18 Unprofessional conduct for a pharmacist may include any of the following:

19 (b) Acts or omissions that involve, in whole or in part, the failure to exercise or
20 implement his or her best professional judgment or corresponding responsibility with
21 regard to the dispensing or furnishing of controlled substances, dangerous drugs, or
22 dangerous devices, or with regard to the provision of services.

23 11. Section 4307 states, in pertinent part:

24 (a) Any person who has been denied a license or whose license has been revoked or is
25 under suspension, or who has failed to renew his or her license while it was under
26 suspension, or who has been a manager, administrator, owner, member, officer, director,
27 associate, or partner of any partnership, corporation, firm, or association whose application
28 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, or partner had knowledge of or knowingly participated in any conduct for which
 the license was denied, revoked, suspended, or placed on probation, shall be prohibited
 from serving as a manager, administrator, owner, member, officer, director, associate, or
 partner of a licensee as follows:

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

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

1 12. Health and Safety Code Section 11153 states, in pertinent part:

2 (a) A prescription for a controlled substance shall only be issued for a legitimate
3 medical purpose by an individual practitioner acting in the usual course of his or her
4 professional practice. The responsibility for the proper prescribing and dispensing of
5 controlled substances is upon the prescribing practitioner, but a corresponding
6 responsibility rests with the pharmacist who fills the prescription. Except as authorized by
7 this division, the following are not legal prescriptions:

8 (1) an order purporting to be a prescription which is issued not in the usual
9 course of professional treatment or in legitimate and authorized research; or

10 (2) an order for an addict or habitual user of controlled substances, which is
11 issued not in the course of professional treatment or as part of an authorized
12 narcotic treatment program, for the purpose of providing the user with
13 controlled substances, sufficient to keep him or her comfortable by maintaining
14 customary use.

15 13. Health and Safety Code section 11162.1 states:

16 (a) The prescription forms for controlled substances shall be printed with the
17 following features:

18 ...

19 (2) A watermark shall be printed on the backside of the prescription blank; the
20 watermark shall consist of the words "California Security Prescription."

21 ...

22 (b) Each batch of controlled substance prescription forms shall have the lot number
23 printed on the form and each form within that batch shall be numbered sequentially
24 beginning with the numeral one.

25 14. Health and Safety Code section 11164 states, in pertinent part:

26 Except as provided in Section 11167, no person shall prescribe a controlled
27 substance, nor shall any person fill, compound, or dispense a prescription for a controlled
28 substance, unless it complies with the requirements of this section.

(a) Each prescription for a controlled substance classified in Schedule II, III, IV, or V,
except as authorized by subdivision (b), shall be made on a controlled substance
prescription form as specified in Section 11162.1 and shall meet the following
requirements:

REGULATORY PROVISIONS

15. 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.

1 (b) Even after conferring with the prescriber, a pharmacist shall not compound or
2 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.

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

4 (a) For the purpose of denial, suspension, or revocation of a personal or facility
5 license pursuant to Division 1.5 (commencing with Section 475) of the Business and
6 Professions Code, a crime or act shall be considered substantially related to the
7 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.

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9 17. Federal Code of Regulations, title 21, section 1306.05 states, in pertinent
10 part:

11 (a) All prescriptions for controlled substances shall be dated as of, and signed on, the
12 day when issued and shall bear the full name and address of the patient, the drug
name, strength, dosage form, quantity prescribed, directions for use, and the name,
address and registration number of the practitioner.

13 **DEFINITIONS**

14 18. Section 4022 states:

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

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

18 (b) Any device that bears the statement: “Caution: federal law restricts this device to
19 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.

20 (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.

21 19. Section 4036.5 states:

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

24 20. Oxycodone is a Schedule II controlled substance pursuant to Health and Safety Code
25 section 11055, subdivision (b)(1)(M), and a dangerous drug pursuant to Business and Professions
26 Code section 4022. Oxycodone is an opioid pain medication.

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FACTUAL ALLEGATIONS

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2 21. Since January 13, 2000, Chang Ho Yoo is and has been the Individual Licensed
3 Owner of PCH Medical Pharmacy, located in Long Beach, California. From January 31, 2016 to
4 August 1, 2018, Yoo was the Pharmacist-in-Charge of PCH Medical Pharmacy. From July 1,
5 2015 to January 31, 2016, Seung Pil Sun was the Pharmacist-in-Charge of PCH Medical
6 Pharmacy, and he has been the Pharmacist-in-Charge since August 1, 2018.

7 22. The Controlled Substance Utilization Review and Evaluation System (CURES) is
8 California’s Prescription Drug Monitoring Program (PDMP). Pharmacies in California are
9 required to report all filled prescriptions for Schedule II, III, and IV controlled substances to the
10 database every week. The data is collected statewide and can be used by licensed prescribers and
11 pharmacists to evaluate and determine whether their patients are utilizing controlled substances
12 correctly and whether a patient has used multiple prescribers and multiple pharmacies to fill
13 controlled substance prescriptions. Law enforcement and regulatory agencies such as the Board
14 have access to the CURES database for official oversight or investigatory purposes.

15 23. The Board analyzed CURES dispensing data reported by PCH Medical Pharmacy and
16 determined that the pharmacy filled a number of prescriptions under the prescribing authority of
17 Dr. Annamalai Ashokan. Previous Board investigations of other pharmacies had identified
18 prescriptions from Dr. Ashokan that did not conform to the written prescription requirements of
19 Health and Safety Code section 11162.1.

20 24. On or about May 14, 2019, the Board conducted an inspection of PCH Medical
21 Pharmacy.

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25. The Board inspector collected data of all prescriptions filled by PCH Medical Pharmacy from May 14, 2016 to May 14, 2019. A review of all the prescriptions from Dr. Ashokan during this time period reflected the following dispensing trends:

MEDICATION	CONTROLLED SUBSTANCE	NUMBER OF PRESCRIPTIONS	PERCENT OF DR. ASHOKAN'S PRESCRIPTIONS FILLED
Oxycodone HCl 30 mg	Yes – Schedule II	219	57.63%
Cyclobenzaprine 10 mg	No	64	16.84%
Doc-q-lace 100 mg	No	63	16.58%
Ibuprofen 800 mg	No	30	7.89%
Gabapentin 800 mg	No	4	1.05%
TOTAL		380	100.00%

26. The Board's investigation identified multiple objective factors of irregularity—or red flags—indicating that Dr. Ashokan's prescriptions for a controlled substance (Oxycodone) were not issued for a legitimate medical purpose. These red flags include, but are not limited to:

(a) Oxycodone constituted over 50% of Dr. Ashokan's prescriptions

27. Of the 380 total prescriptions PCH Medical Pharmacy received from Dr. Ashokan, 57.63% prescribed oxycodone, a commonly abused medication. Oxycodone not only accounted for over half of Dr. Ashokan's prescribing, but it was also the only controlled substance prescribed by Dr. Ashokan, according to PCH Medical Pharmacy's prescription records.

(b) Oxycodone 30 mg was prescribed to all 48 of Dr. Ashokan's patients

28. PCH Medical Pharmacy filled prescriptions from Dr. Ashokan for a total forty-eight (48) patients. All forty-eight (48) patients had at least one prescription from Dr. Ashokan for Oxycodone at the same 30 mg strength, regardless of inter-patient variability in age, weight, drug allergies, medical histories, severity of symptoms being treated, tolerance to drugs, and patient preferences regarding drug therapy plans.

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1 (c) *The highest available strength (30 mg) was prescribed in all 219 Oxycodone*
2 *prescriptions*

3 29. PCH Medical Pharmacy filled 219 prescriptions from Dr. Ashokan for oxycodone.
4 All 219 prescriptions were for an immediate-release formulation of oxycodone. Immediate-
5 release oxycodone is available in 5 mg, 10 mg, 15 mg, 20 mg, and 30 mg strengths. For all 219
6 oxycodone prescriptions, Dr. Ashokan exclusively prescribed 30 mg, the highest available
7 strength, despite the standard practice of prescribers to treat patients with the lowest effective
8 dose of medication (to minimize risk of side effects and toxicity) and to also initiate therapy with
9 a low dosage of medication and increase only if necessary.

10 (d) *Multiple, consecutive Oxycodone prescriptions were processed in a day*

11 30. On numerous dates, PCH Medical Pharmacy processed multiple prescriptions from
12 Dr. Ashokan on the same day. Often, these prescriptions were processed within minutes of each
13 other and assigned consecutive or nearly consecutive prescription numbers by the dispensing
14 computer software, indicating that PCH Medical Pharmacy processed the prescriptions
15 consecutively or nearly consecutively. For example:

16 31. On May 23, 2016, between 3:17 p.m. and 3:35 p.m., PCH Medical Pharmacy
17 processed eight (8) prescriptions for four (4) patients from Dr. Ashokan. All four (4) patients
18 received prescriptions for 120 Oxycodone 30 mg tablets.

19

Date and Time	Rx	Patient	Medication	Quantity
5/23/2016 15:17	7559797	LM	Oxycodone HCl 30 mg tablet	120
5/23/2016 15.:19	7559798	LM	Ibuprofen 800 mg tablet	30
5/23/2016 15:24	7559801	SG	Oxycodone HCl 30 mg tablet	120
5/23/2016 15:27	7559802	SG	Cyclobenzaprine 10 mg tablet	30
5/23/2016 15:32	7559804	DA	Oxycodone HCl 30 mg tablet	120
5/23/2016 15:33	7559805	DA	Cyclobenzaprine 10 mg tablet	30
5/23/2016 15:35	7559806	LP	Oxycodone HCl 30 mg tablet	120
	7559807	LP	Gabapentin 800 mg tablet	

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32. On May 31, 2016, between 2:42 p.m. and 3:27 p.m., PCH Medical Pharmacy processed sixteen (16) prescriptions for eight (8) patients from Dr. Ashokan. All eight (8) patients received prescriptions for 120 oxycodone 30 mg tablets.

Date and Time	Rx	Patient	Medication	Quantity
5/31/2016 14:42	7560099	DS	Oxycodone HCl 30 mg tablet	90
5/31/2016 14:45	7560100	DS	Oxycodone HCl 30 mg tablet	30
	7560101	DS	Ibuprofen 800 mg tablet	30
5/31/2016 14:50	7560102	MC Sr.	Oxycodone HCl 30 mg tablet	120
5/31/2016 14:53	7560103	MC Sr.	Ibuprofen 800 mg tablet	30
5/31/2016 15:02	7560104	MS	Oxycodone HCl 30 mg tablet	90
	7560105	MS	Oxycodone HCl 30 mg tablet	30
5/31/2016 15:03	7560106	MS	Gabapentin 800 mg tablet	30
5/31/2016 15:05	7560107	LW	Oxycodone HCl 30 mg tablet	90
5/31/2016 15:08	7560108	LW	Oxycodone HCl 30 mg tablet	30
	7560109	LW	Ibuprofen 800 mg tablet	30
5/31/2016 15:09	7560110	SSL	Oxycodone HCl 30 mg tablet	120
5/31/2016 15:10	7560111	SSL	Ibuprofen 800 mg tablet	30
5/31/2016 15:16	7560112	KW	Oxycodone HCl 30 mg tablet	120
5/31/2016 15:17	7560113	KW	Ibuprofen 800 mg tablet	30
5/31/2016 15:21	7560114	MW	Oxycodone HCl 30 mg tablet	90
5/31/2016 15:22	7560115	MW	Oxycodone HCl 30 mg tablet	30
5/31/2016 15:23	7560116	MW	Ibuprofen 800 mg tablet	30
5/31/2016 15:26	7560117	JM	Oxycodone HCl 30 mg tablet	90
5/31/2016 15:27	7560118	JM	Oxycodone HCl 30 mg tablet	30
	7560119	JM	Cyclobenzaprine 10 mg tablet	30

33. On August 22, 2016, between 3:11 p.m. and 4:27 p.m., PCH Medical Pharmacy processed sixteen (16) prescriptions for eight (8) patients from Dr. Ashokan. All eight (8) patients received prescriptions for 120 oxycodone 30 mg tablets.

Date and Time	Rx	Patient	Medication	Quantity
8/22/2016 15:11	7563242	LW	Oxycodone 30 mg tablet	120
8/22/2016 15:12	7563243	LW	Doc-q-lace 100 mg softgel	30
8/22/2016 15:14	7563244	MC	Oxycodone 30 mg tablet	90
	7563245	MC	Oxycodone 30 mg tablet	30
8/22/2016 15:15	7563246	MC	Doc-q-lace 100 mg softgel	30
8/22/2016 15:16	7563247	MW	Oxycodone 30 mg tablet	90

8/22/2016 15:17	7563248	MW	Oxycodone 30 mg tablet	30
8/22/2016 15:18	7563249	MW	Ibuprofen 800 mg tablet	30
	7563250	LP	Oxycodone 30 mg tablet	120
8/22/2016 15:19	7563251	LP	Doc-q-lace 100 mg softgel	30
8/22/2016 15:21	7563254	LM	Oxycodone 30 mg tablet	120
8/22/2016 15:22	7563255	LM	Doc-q-lace 100 mg softgel	30
8/22/2016 15:23	7563257	SG	Oxycodone 30 mg tablet	120
8/22/2016 15:24	7563258	SG	Doc-q-lace 100 mg softgel	30
8/22/2016 15:25	7563260	JM	Oxycodone 30 mg tablet	120
8/22/2016 15:26	7563261	JM	Cyclobenzaprine 10 mg tablet	30
8/22/2016 16:21	7563290	DL	Oxycodone 30 mg tablet	120
8/22/2016 16:27	7563291	DL	Doc-q-lace 100 mg soffgel	30

34. On October 26, 2016, between 12:35 p.m. and 3:55 p.m., PCH Medical Pharmacy processed twenty-seven (27) prescriptions for fourteen (14) patients from Dr. Ashokan. All fourteen (14) patients received prescriptions for oxycodone 30 mg tablets—thirteen (13) of them received prescriptions for 120 tablets, and one (1) of them received prescriptions for 150 tablets.

Date and Time	Rx	Patient	Medication	Quantity
10/26/2016 12:35	7566086	MW	Oxycodone 30 mg tablet	90
10/26/2016 12:36	7566087	MW	Oxycodone 30 mg tablet	30
10/26/2016 12:37	7566088	MW	Gabapentin 800 mg tablet	30
10/26/2016 14:18	7566099	DL	Oxycodone 30 mg tablet	120
10/26/2016 14:19	7566100	DL	Cyclobenzaprine 10 mg tablet	30
10/26/2016 14:23	7566105	MC	Oxycodohe 30 mg tablet	90
10/26/2016 14:24	7566107	MC	Oxycodone 30 mg tablet	30
10/26/2016 14:25	7566108	MC	Cyclobenzaprine 10 mg tablet	30
10/26/2016 14:28	7566110	MC, Sr.	Oxycodone 30 mg tablet	120
10/26/2016 14:30	7566111	MC, Sr.	Cyclobenzaprine 10 mg tablet	30
10/26/2016 14:33	7566113	SSL	Oxycodone 30 mg tablet	90
10/26/2016 14:34	7566114	SSL	Oxycodone 30 mg tablet	30
10/26/2016 14:35	7566115	SSL	Doc-q-lace 100 mg softgel	30
10/26/2016 14:39	7566116	DW	Oxycodone 30 mg tablet	90
10/26/2016 14:40	7566117	DW	Oxycodone 30 mg tablet	30
10/26/2016 14:41	7566118	DW	Doc-q-lace 100 mg softgel	30
10/26/2016 14:48	7566128	CM	Oxycodone 30 mg tablet	90
10/26/2016 14:49	7566129	CM	Oxycodone 30 mg tablet	30
10/26/2016 15:00	7566136	BP	Oxycodone 30 mg tablet	120
10/26/2016 15:02	7566137	BP	Doc-q-lace 100 mg softgel	30
10/26/2016 15:27	7566146	RH	Oxycodone 30 mg tablet	90
10/26/2016 15:28	7566147	RH	Oxycodone 30 mg tablet	60

10/26/2016 15:29	7566148	RH	Doc-q-lace 100 mg softgel	30
10/26/2016 15:36	7566153	BSJ	Oxycodone 30 mg tablet	120
10/26/2016 15:37	7566154	BSJ	Cyclobenzaprine 10 mg tablet	30
10/26/2016 15:44	7566155	MS	Oxycodone 30 mg tablet	90
10/26/2016 15:45	7566156	MS	Oxycodone 30 mg tablet	30
10/26/2016 15:46	7566157	MS	Doc-q-lace 100 mg softgel	30
10/26/2016 15:48	7566160	KW	Oxycodone 30 mg tablet	90
10/26/2016 15:49	7566161	KW	Oxycodone 30 mg tablet	30
	7566162	KW	Doc-q-lace 100 mg softgel	30
10/26/2016 15:52	7566167	PB	Oxycodone 30 mg tablet	120
	7566168	PB	Cyclobenzaprine 10 mg tablet	30
10/26/2016 15:54	7566169	EE	Oxycodone 30 mg tablet	120
10/26/2016 15:55	7566170	EE	Doc-q-lace 100 mg softgel	30

35. On November 28, 2016, between 1:49 p.m. and 4:22 p.m., PCH Medical Pharmacy processed twenty-nine (29) prescriptions for fifteen (15) patients from Dr. Ashokan. All fifteen (15) patients received prescriptions for 120 oxycodone 30 mg tablets.

Date and Time	Rx	Patient	Medication	Quantity
11/28/2016 13:49	7567503	MW	Oxycodone 30 mg tablet	90
11/28/2016 13:50	7567507	MW	Oxycodone 30 mg tablet	30
11/28/2016 13:51	7567508	MW	Cyclobenzaprine 10 mg tablet	30
11/28/2016 13:55	7567509	DS	Oxycodone 30 mg tablet.	90
11/28/2016 13:56	7567510	DS	Oxycodone 30 mg tablet	30
11/28/2016 13:57	7567511	DS	Doc-q-lace 100 mg softgel	30
11/28/2016 14:03	7567522	EE	Oxycodone 30 mg tablet	120
	7567523	EE	Doc-q-lace 100 mg softgel	30
11/28/2016 14:06	7567528	BSJ	Oxycodone 30 mg tablet	120
11/28/2016 14:07	7567529	BSJ	Ibuprofen 800 mg tablet	30
11/28/2016 14:09	7567533	MC	Oxycodone 30 mg tablet	90
11/28/2016 14:10	7567534	MC	Oxycodone 30 mg tablet	30
11/28/2016 14:11	7567535	MC	Cyclobenzaprine 10 mg tablet	30
11/28/2016 14:18	7567542	MS	Oxycodone 30 mg tablet	90
11/28/2016 14:19	7567543	MS	Oxycodone 30 mg tablet	30
	7567544	MS	Cyclobenzaprine 10 mg tablet	30
11/28/2016 15:03	7567554	BP	Oxycodone 30 mg tablet	120
11/28/2016 15:19	7567564	CM	Oxycodone 30 mg tablet	90
11/28/2016 15:32	7567565	CM	Oxycodone 30 mg tablet	30
11/28/2016 15:35	7567566	CM	Cyclobenzaprine 10 mg tablet	30
11/28/2016 15:37	7567569	KW	Oxycodone 30 mg tablet	90
11/28/2016 15:38	7567570	KW	Oxycodone 30 mg tablet	30

1	11/28/2016 15:39	7567571	KW	Doc-q-lace 100 mg softgel	30
2	11/28/2016 15:43	7567572	SSL	Oxycodone 30 mg tablet	90
3	11/28/2016 15:44	7567573	SSL	Oxycodone 30 mg tablet	30
4	11/28/2016 15:45	7567574	SSL	Cyclobenzaprine 10 mg tablet	30
5	11/28/2016 15:48	7567579	PB	Oxycodone 30 mg tablet	90
6	11/28/2016 15:49	7567580	PB	Oxycodone 30 mg tablet	30
7		7567581	PB	Cyclobenzaprine 10 mg tablet	30
8	11/28/2016 15:53	7567582	MC,Sr.	Oxycodone 30 mg tablet	120
9	11/28/2016 15:54	7567583	MC,Sr.	Doc-q-lace 100 mg softgel	30
10	11/28/2016 15:59	7567591	DC	Oxycodone 30 mg tablet	90
11	11/28/2016 16:00	7567592	DC	Oxycodone 30 mg tablet	30
12		7567593	DC	Doc-q-lace 100 mg softgel	30
13	11/28/2016 16:11	7567598	JT	Oxycodone 30 mg tablet	90
14		7567599	JT	Oxycodone 30 mg tablet	30
15	11/28/2016 16:12	7567600	JT	Cyclobenzaprine 10 mg tablet	30
16	11/28/2016 16:19	7567603	TA	Oxycodone 30 mg tablet	90
17	11/28/2016 16:21	7567604	TA	Oxycodone 30 mg tablet	30
18	11/28/2016 16:22	7567605	TA	Ibuprofen 800 mg tablet	30

(e) Patients had addresses of record excessively far from PCH Medical Pharmacy

36. Of the forty-eight (48) patients who had Dr. Ashokan's prescriptions filled by PCH Medical Pharmacy, twenty-three (23) of them had addresses of record that were more than twenty (20) miles from PCH Medical Pharmacy, which is located in Long Beach, California. Together, these twenty-three (23) patients received 193 prescriptions from Dr. Ashokan that were ultimately filled by PCH Medical Pharmacy.

(f) Dr. Ashokan's written prescriptions lacked required security features

37. The Board's investigator reviewed sixty (60) prescription documents for Oxycodone 30 mg from Dr. Ashokan that had been filled by PCH Medical Pharmacy. These prescription documents failed to include a lot number and a "California Security Prescription" watermark—both security features that are required by law. These omitted security features alone invalidated the prescriptions and visibly indicated that the prescriptions were not written legitimately.

(g) Dr. Ashokan's written prescriptions had incorrect issue dates

38. Seven (7) of the reviewed prescription documents were dated September 27, 2016 but were processed and dispensed by PCH Medical Pharmacy on September 26, 2016. These prescriptions were also invalid because they had patently incorrect issue dates.

1 39. None of the sixty (60) prescription documents had handwritten notes indicating a
2 pharmacist at PCH Medical Pharmacy had ever contacted Dr. Ashokan to obtain additional
3 information to validate the prescriptions.

4 40. Given these numerous factors of irregularity, Chang Ho Yoo and PCH Medical
5 Pharmacy knew, or had objective reason to know, that there were potential problems with Dr.
6 Ashokan's prescriptions. These red flags put Yoo and PCH Medical Pharmacy on notice to
7 conduct further inquiries into the legitimacy of the prescriptions.

8 41. The Board inspector reviewed additional CURES data for three other pharmacies
9 located near both PCH Medical Pharmacy and Dr. Ashokan's office and therefore similarly
10 accessible to Dr. Ashokan's patients. The data showed that from May 16, 2016 to May 14, 2019,
11 none of these three pharmacies filled any prescriptions from Dr. Ashokan. This trend suggests
12 that Dr. Ashokan's patients from this time period had specifically identified PCH Medical
13 Pharmacy as a location where Dr. Ashokan's prescriptions could be filled.

14 **FIRST CAUSE FOR DENIAL OF APPLICATION**

15 **(Acts Warranting Denial of Licensure –**

16 **Failure to Exercise or Implement Corresponding Responsibility)**

17 42. Respondent's application is subject to denial under sections 480(a)(3)(A); 4301,
18 subdivisions (d), (j), and (o); 4306.5, subdivision (b); 4302; and 4113, subdivision (c); in
19 conjunction with Health and Safety Code section 11153, subdivision (a); and California Code of
20 Regulations, title 16, section 1761; in that PCH Medical Pharmacy and Chang Ho Yoo, in his
21 capacity as owner and Pharmacist-in-Charge of PCH Medical Pharmacy, failed to exercise or
22 implement their best professional judgment or corresponding responsibility with regard to the
23 dispensing or furnishing of controlled substances or dangerous drugs, or with regard to the
24 provision of services. Complainant refers to, and by this reference incorporates, the allegations set
25 forth in above paragraphs 21 through 41, as though set forth in full herein.

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1 **SECOND CAUSE FOR DENIAL OF APPLICATION**

2 **(Acts Warranting Denial of Licensure –**

3 **Filling or Dispensing Improper Prescriptions for Controlled Substances)**

4 43. Respondent's application is subject to denial under sections 480(a)(3)(A); 4301,
5 subdivisions (d), (j), and (o); 4306.5, subdivision (b); 4302; and 4113, subdivision (c); in
6 conjunction with Health and Safety Code sections 11164 and 11162.1, subdivisions (a) and (b);
7 California Code of Regulations, title 16, section 1761; and Federal Code of Regulations, title 21,
8 section 1306.05; in that PCH Medical Pharmacy and Chang Ho Yoo, in his capacity as owner and
9 Pharmacist-in-Charge of PCH Medical Pharmacy, filled or dispensed controlled substance
10 prescriptions that did not comply with the form requirements of Health and Safety Code section
11 11162.1, or contained any significant error, omission, irregularity, uncertainty, ambiguity or
12 alteration. Complainant refers to, and by this reference incorporates, the allegations set forth in
13 above paragraphs 21 through 41, as though set forth in full herein.

14 **PRAYER**

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

- 17 1. Denying the application of CNS Pharmacy Inc., dba Caremax Pharmacy, Chang Ho
18 Yoo, Owner, for a Community Pharmacy License;
19 2. Taking such other and further action as deemed necessary and proper.

20
21 DATED: May 19, 2020



22 ANNE SODERGREN
23 Executive Officer
24 Board of Pharmacy
25 Department of Consumer Affairs
26 State of California
27 *Complainant*

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