

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

In the Matter of the Accusation Against:

**BLESSING PHARMACY, INC.
THUONG TRIEU, OWNER AND CEO
250 Hospital Circle
Westminster, CA 92683**

Pharmacy License No. PHY 57816,

and

**VICKY KIM-ANH VU
342 W. Truslow Avenue, Apt. #4
Fullerton, CA 92832**

Pharmacist License No. RPH 57654

Respondents.

Case No. 7662

**DEFAULT DECISION AND ORDER AS
TO BLESSING PHARMACY, INC.
THUONG TRIEU, OWNER AND CEO,
ONLY**

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about January 22, 2024, Complainant Anne Sodergren, in her official capacity as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs, filed Accusation No. 7662 against Blessing Pharmacy, Inc. Thuong Trieu is the Owner and CEO of Blessing Pharmacy, Inc. (Respondent) before the Board. (Accusation attached as Exhibit A.)

///

1 2. On or about June 16, 2020, the Board issued Pharmacy License No. PHY 57816 to
2 Respondent. The Pharmacy License was in full force and effect at all times relevant to the
3 charges brought in Accusation No. 7662 and will expire on July 1, 2024, unless renewed.

4 3. On or about January 25, 2024, Respondent was served by Certified and First Class
5 Mail copies of the Accusation No. 7662, Statement to Respondent, Notice of Defense, Request
6 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
7 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
8 section 4100, is required to be reported and maintained with the Board. Respondent's address of
9 record was and is: 250 Hospital Circle, Westminster, CA 92683.

10 4. Service of the Accusation was effective as a matter of law under the provisions of
11 Government Code section 11505, subdivision (c) and/or Business and Professions Code section
12 124.

13 5. Government Code section 11506, subdivision (c) states, in pertinent part:

14 The respondent shall be entitled to a hearing on the merits if the respondent
15 files a notice of defense . . . and the notice shall be deemed a specific denial of all
16 parts of the accusation . . . not expressly admitted. Failure to file a notice of defense
17 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its
18 discretion may nevertheless grant a hearing.

19 6. The Board takes official notice of its records and the fact that Respondent failed to
20 file a Notice of Defense within 15 days after service upon them of the Accusation, and therefore
21 waived their right to a hearing on the merits of Accusation No. 7662.

22 7. California Government Code section 11520, subdivision (a) states, in pertinent part:

23 If the respondent either fails to file a notice of defense . . . or to appear at the
24 hearing, the agency may take action based upon the respondent's express admissions
25 or upon other evidence and affidavits may be used as evidence without any notice to
26 respondent

27 8. Pursuant to its authority under Government Code section 11520, the Board finds
28 Respondent is in default. The Board will take action without further hearing and, based on the
relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
finds that the charges and allegations in Accusation No. 7662, are separately and severally, found
to be true and correct by clear and convincing evidence.

1 e. Respondent Blessing Pharmacy is subject to disciplinary action under Code section
2 4301, subdivision (g), for knowingly making or signing certificates or documents that falsely
3 represent the existence or nonexistence of a state of facts, when it failed to reverse adjudicate
4 prescriptions on a timely basis which had not been picked up by patients and instead left them in
5 the waiting bin between July 19, 2022, and November 30, 2022.

6 f. Respondent Blessing Pharmacy is subject to disciplinary action under Code section
7 4301, subdivision (o), for violating the California Code of Regulations, title 16, section 1714,
8 subdivisions (b) and (c), in that the pharmacy was unclean and in poor condition.

9 g. Respondent Blessing Pharmacy is subject to disciplinary action under Code section
10 4301, subdivisions (j) and (o), for violating Code section 4169, subdivision (a), and Health and
11 Safety Code sections 111295 and 111260, in that it stored medications in their refrigerator at a
12 temperature of 18.6°C (64.4°F), but those medications are required to be stored between 2° and
13 8°C (36° and 46°F).

14 h. Respondent Blessing Pharmacy is subject to disciplinary action under Code section
15 4301, subdivision (o), for violating Code of Federal Regulations, title 21, section 1304.11,
16 subdivision (c), in that it failed to keep a biennial inventory of all stocks of controlled substances
17 at least every two years

18 i. Respondent Blessing Pharmacy is subject to disciplinary action under Code section
19 4301, subdivision (o), for violating Code sections 4113, subdivisions (a) and (d), and 4305,
20 subdivision (b), in that, between March 15, 2021, and June 2, 2021, a period of almost 3 months,
21 Blessing Pharmacy had no pharmacist-in-charge, but dispensed 1,643 prescriptions.

22 j. Respondent Blessing Pharmacy is subject to disciplinary action under Code section
23 4301, subdivision (o), for violating Code sections 4113, subdivisions (a) and (d), and 4305,
24 subdivision (b), in that since June 14, 2023, Blessing Pharmacy has not designated and registered
25 a new pharmacist-in-charge from that point, to present.

26 ///

27 ///

28 ///

ORDER

IT IS SO ORDERED that Pharmacy License No. PHY 57816, issued to Respondent Blessing Pharmacy, Inc. is revoked.

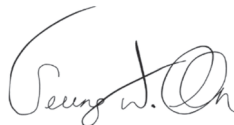
Upon revocation per this Order, under Business and Professions Code section 4307, subdivision (a), Respondents shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, partner, or serving in any other position with management or control of a licensee. This prohibition shall continue until the license is issued or reinstated.

Upon revocation per this Order, under Business and Professions Code section 4307, subdivision (a), Thuong Trieu, Owner and CEO of Blessing Pharmacy, Inc., shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, partner, or serving in any other position with management or control of a licensee. This prohibition shall continue until the license is issued or reinstated.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective at 5:00 p.m. on May 23, 2024.

It is so ORDERED on April 23, 2024.



Seung W. Oh, Pharm.D.
Board President
FOR THE BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS

84439263.DOCX
DOJ Matter ID:SD2023802973

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 ROB BONTA
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 STEPHEN A. ARONIS
Deputy Attorney General
4 State Bar No. 204995
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9451
7 Facsimile: (619) 645-2581
Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 7662

13 **BLESSING PHARMACY, INC.**
14 **THUONG TRIEU,**
OWNER AND CEO
15 **250 Hospital Circle**
Westminster, CA 92683

ACCUSATION

16 **Pharmacy License No. PHY 57816,**

17 **and**

18 **VICKY KIM-ANH VU**
19 **342 W. Truslow Avenue, Apt. #4**
Fullerton, CA 92832

20 **Pharmacist License No. RPH 57654**

21 Respondents.

22
23 **PARTIES**

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

27 2. On or about July 16, 2020, the Board of Pharmacy issued Pharmacy License
28 Number PHY 57816 to Blessing Pharmacy, Inc. Thuong Trieu is the Owner and CEO of

1 Blessing Pharmacy, Inc. The Pharmacy License was in full force and effect at all times
2 relevant to the charges brought herein and will expire on July 1, 2024, unless renewed.

3 3. On or about September 15, 2005, the Board of Pharmacy issued Pharmacist
4 License Number RPH 57654 to Vicky Kim-Anh Vu. The Pharmacist License was in full
5 force and effect at all times relevant to the charges brought herein and will expire on February
6 28, 2025, unless renewed. Respondent Vu was the pharmacist-in-charge for Blessing
7 Pharmacy, Inc., from June 2, 2021, through June 14, 2023.

8 JURISDICTION

9 4. This Accusation is brought before the Board of Pharmacy (Board), under the
10 authority of the following laws. All section references are to the Business and Professions
11 Code (Code) unless otherwise indicated.

12 5. Section 4011 of the Code provides that the Board shall administer and enforce
13 both the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled
14 Substances Act [Health & Safety Code, § 11000 et seq.].

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

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

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

19 (1) Suspending judgment.

20 (2) Placing him or her upon probation.

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

23 (4) Revoking his or her license.

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

25 . . .

26 (e) The proceedings under this article shall be conducted in accordance
27 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
28 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.

1 (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.

2 12. Section 4112, subdivision (b) of the Code states, in pertinent part, that a person
3 may not act as a nonresident pharmacy unless he or she has obtained a license from the board.

4 13. Code section 4113 states:

5 (a) Every pharmacy shall designate a pharmacist-in-charge and, within 30
6 days thereof, shall notify the board in writing of the identity and license number
of that pharmacist and the date he or she was designated.

7 (b) The proposed pharmacist-in-charge shall be subject to approval by the
8 board. The board shall not issue or renew a pharmacy license without
identification of an approved pharmacist-in-charge for the pharmacy.

9 (c) The pharmacist-in-charge shall be responsible for a pharmacy's
10 compliance with all state and federal laws and regulations pertaining to the
practice of pharmacy.

11 (d) Every pharmacy shall notify the board in writing, on a form designed by
12 the board, within 30 days of the date when a pharmacist-in-charge ceases to act as
the pharmacist-in-charge, and shall on the same form propose another pharmacist
13 to take over as the pharmacist-in-charge. The proposed replacement pharmacist-
in-charge shall be subject to approval by the board. If disapproved, the pharmacy
14 shall propose another replacement within 15 days of the date of disapproval and
shall continue to name proposed replacements until a pharmacist-in-charge is
15 approved by the board.

16 (e) If a pharmacy is unable, in the exercise of reasonable diligence, to
17 identify within 30 days a permanent replacement pharmacist-in-charge to propose
to the board on the notification form, the pharmacy may instead provide on that
18 form the name of any pharmacist who is an employee, officer, or administrator of
the pharmacy or the entity that owns the pharmacy and who is actively involved
19 in the management of the pharmacy on a daily basis, to act as the interim
pharmacist-in-charge for a period not to exceed 120 days. The pharmacy, or the
20 entity that owns the pharmacy, shall be prepared during normal business hours to
provide a representative of the board with the name of the interim pharmacist-in-
21 charge with documentation of the active involvement of the interim pharmacist-
in-charge in the daily management of the pharmacy, and with documentation of
22 the pharmacy's good faith efforts prior to naming the interim pharmacist-in-
charge to obtain a permanent pharmacist-in-charge. By no later than 120 days
23 following the identification of the interim pharmacist-in-charge, the pharmacy
shall propose to the board the name of a pharmacist to serve as the permanent
24 pharmacist-in-charge. The proposed permanent pharmacist-in-charge shall be
subject to approval by the board. If disapproved, the pharmacy shall propose
25 another replacement within 15 days of the date of disapproval, and shall continue
to name proposed replacements until a pharmacist-in-charge is approved by the
26 board.

27 14. Code section 4169, subdivision (a) states:

28 (a) A person or entity shall not do any of the following:

1 (1) Purchase, trade, sell, warehouse, distribute, or transfer dangerous drugs or
2 dangerous devices at wholesale with a person or entity that is not licensed with the
board as a wholesaler, third-party logistics provider, or pharmacy.

3 (2) Purchase, trade, sell, or transfer dangerous drugs that the person knew or
4 reasonably should have known were adulterated, as set forth in Article 2 (commencing
5 with Section 111250) of Chapter 6 of Part 5 of Division 104 of the Health and Safety
Code.

6 (3) Purchase, trade, sell, or transfer dangerous drugs that the person knew or
7 reasonably should have known were misbranded, as defined in Section 111335 of the
Health and Safety Code.

8 (4) Purchase, trade, sell, or transfer dangerous drugs or dangerous devices after the
9 beyond use date on the label.

10 (5) Fail to maintain records of the acquisition or disposition of dangerous drugs or
dangerous devices for at least three years.

11 15. Code section 4301 states in pertinent part:

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

15 ...

16 (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.

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

19 ...

20 (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.

21 ...

22 (o) Violating or attempting to violate, directly or indirectly, or assisting in
23 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
24 pharmacy, including regulations established by the board or any other state or
federal regulatory agency....

25 16. Section 4305 states:

26 (a) Failure by any pharmacist to notify the board in writing that he or she has
27 ceased to act as the pharmacist-in-charge of a pharmacy, or by any pharmacy to notify
the board in writing that a pharmacist-in-charge is no longer acting in that capacity,

28

1 within the 30-day period specified in Sections 4101 and 4113 shall constitute grounds
2 for disciplinary action.

3 (b) Operation of a pharmacy for more than 30 days without supervision or
4 management by a pharmacist-in-charge shall constitute grounds for disciplinary action.

5 (c) Any person who has obtained a license to conduct a pharmacy, who willfully
6 fails to timely notify the board that the pharmacist-in-charge of the pharmacy has ceased
7 to act in that capacity, and who continues to permit the compounding or dispensing of
8 prescriptions, or the furnishing of drugs or poisons, in his or her pharmacy, except by a
9 pharmacist subject to the supervision and management of a responsible pharmacist-in-
10 charge, shall be subject to summary suspension or revocation of his or her license to
11 conduct a pharmacy.

12 17. Section 4307, subdivision (a) of the Code states:

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

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

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

18 18. Health and Safety Code section 111260 states: Any drug or device is adulterated
19 if the methods, facilities, or controls used for its manufacture, processing, packing, or holding
20 do not conform to, or are not operated or administered in conformity with current good
21 manufacturing practice to assure that the drug or device meets the requirements of this part as
22 to safety and has the identity and strength, and meets the quality and purity characteristics that
23 it purports or is represented to possess.

24 19. Health and Safety Code section 111295 states: It is unlawful for any person to
25 manufacture, sell, deliver, hold, or offer for sale any drug or device that is adulterated.

26 ///

27 ///

REGULATORY PROVISIONS

20. California Code of Regulations, title 16, section 1709.1, states in pertinent part:

(a) The pharmacist-in-charge of a pharmacy shall be employed at that location and shall have responsibility for the daily operation of the pharmacy.

(b) The pharmacy owner shall vest the pharmacist-in-charge with adequate authority to assure compliance with the laws governing the operation of a pharmacy.

...

21. California Code of Regulations, title 16, section 1714, subdivision states in pertinent part:

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

(c) The pharmacy and fixtures and equipment shall be maintained in a clean and orderly condition. The pharmacy shall be dry, well-ventilated, free from rodents and insects, and properly lighted. The pharmacy shall be equipped with a sink with hot and cold running water for pharmaceutical purposes.

...

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

“Current Inventory” as used in Section 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 Section 4081 and 4332.

The controlled substances inventories required by Title 21, CFR, Section 1304 shall be available for inspection upon request for at least three years.

23. California Code of Regulations, title 16, section 1735.2, subdivision (k), states in pertinent part that prior to allowing any drug product preparation to be compounded in a pharmacy, the Pharmacist-in-Charge shall complete a self-assessment for compounding pharmacies developed by the board.

24. California Code of Regulations, title 16, section 1761 states, in pertinent part:

(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 25. California Code of Regulations, title 16, section 1793.7 states, in pertinent part:

2 ...

3 (b) Pharmacy technicians must work under the direct supervision of a
4 pharmacist and in such a relationship that the supervising pharmacist is fully
5 aware of all activities involved in the preparation and dispensing of medications,
6 including the maintenance of appropriate records.

7 ...

8 26. The Code of Federal Regulations, title 21, section 1304.11 states, in pertinent
9 part:

10 (a) General requirements. Each inventory shall contain a complete and
11 accurate record of all controlled substances on hand on the date the inventory is
12 taken, and shall be maintained in written, typewritten, or printed form at the
13 registered location. An inventory taken by use of an oral recording device must be
14 promptly transcribed. Controlled substances shall be deemed to be "on hand" if they
15 are in the possession of or under the control of the registrant, including substances
16 returned by a customer, ordered by a customer but not yet invoiced, stored in a
17 warehouse on behalf of the registrant, and substances in the possession of employees
18 of the registrant and intended for distribution as complimentary samples. A separate
19 inventory shall be made for each registered location and each independent activity
20 registered, except as provided in paragraph (e)(4) of this section. In the event
21 controlled substances in the possession or under the control of the registrant are
22 stored at a location for which he/she is not registered, the substances shall be
23 included in the inventory of the registered location to which they are subject to
24 control or to which the person possessing the substance is responsible. The inventory
25 may be taken either as of opening of business or as of the close of business on the
26 inventory date and it shall be indicated on the inventory.

27 (b) Initial inventory date. Every person required to keep records shall take an
28 inventory of all stocks of controlled substances on hand on the date he/she first
engages in the manufacture, distribution, or dispensing of controlled substances, in
accordance with paragraph (e) of this section as applicable. In the event a person
commences business with no controlled substances on hand, he/she shall record this
fact as the initial inventory.

(c) Biennial inventory date. After the initial inventory is taken, the registrant
shall take a new inventory of all stocks of controlled substances on hand at least
every two years. The biennial inventory may be taken on any date which is within
two years of the previous biennial inventory date.

...

COST RECOVERY

27 27. Section 125.3 of the Code states, in pertinent part, that the Board may request the
28 administrative law judge to direct a licentiate found to have committed a violation or

1 violations of the licensing act to pay a sum not to exceed the reasonable costs of the
2 investigation and enforcement of the case.

3 **DEFINITIONS**

4 28. Creon is a brand name for pancrelipase, a dangerous drug pursuant to Business
5 and Professions Code section 4022. It is used to treat malabsorption syndrome due to certain
6 pancreatic problems.

7 29. Dexilant is a brand name for dexlansoprazole, a dangerous drug pursuant to
8 Business and Professions Code section 4022. It is used to treat heartburn, gastroesophageal
9 reflux disease, and esophageal damage.

10 **FACTUAL ALLEGATIONS**

11 30. Blessing Pharmacy Inc. is a licensed pharmacy located in Westminster,
12 California. Vicky Kim-Anh Vu (Vicky Vu) is a licensed pharmacist and was the pharmacist-
13 in-charge at Blessing Pharmacy from June 2, 2021, through June 14, 2023.

14 31. In August 2022, the Board received a complaint against Blessing Pharmacy from
15 Humana (an insurance company) alleging significant discrepancies between the quantities of
16 medications that Blessing Pharmacy billed the insurance company, as compared to the
17 quantities of those medications that Blessing Pharmacy had purchased from wholesalers.

18 32. In October 2022, the Board received another complaint against Blessing
19 Pharmacy, this one from a private party. The complaint alleged that the condition of the
20 pharmacy is unsafe for dispensing medications, that the pharmacy does not dispense all the
21 medications that it bills to insurance companies, that the pharmacy is run by an acupuncturist,
22 T.X., who is not the registered owner of the pharmacy and is not a licensed pharmacist, and
23 that the pharmacy does not perform regular controlled substance inventories, among other
24 allegations.

25 33. A Board inspector conducted an inspection of Blessing Pharmacy on December
26 14, 2022, concerning both sets of allegations. The inspector immediately noted that the
27 pharmacy is located inside a medical building and is next door to an acupuncture clinic
28 operated by T.X. When the Board inspector arrived, T.X. introduced herself as the manager

1 of the pharmacy and medical building, and stated she practices acupuncture next door.

2 Pharmacist-in-charge Vicky Vu was also present for the inspection.

3 34. The Board inspector attempted to work with Vicky Vu during the inspection, and
4 to ask Ms. Vu about the pharmacy's general operations. Ms. Vu stated that T.X. managed the
5 pharmacy. Ms. Vu could not identify the owner of the pharmacy. T.X. frequently interjected
6 herself into this process and generally interfered during the course of the inspection.

7 35. The Board inspector requested a tour of the pharmacy and quickly observed that it
8 was cluttered, disorganized, and unclean. As more of these facts came to light, T.X. stated
9 that Ms. Vu's "brain was not working right" and that she, T.X., was *not* involved in the
10 pharmacy's ownership or management.

11 36. The Board inspector requested and received a stock-on-hand report for three
12 drugs that appeared in Humana's complaint (Creon DR 24,000 unit capsules, Creon DR
13 36,000 unit capsules, and Dexilant DR 60 mg capsules), along with the pharmacy's
14 dispensing records between January 1, 2020, and December 14, 2022. The Board inspector
15 also contacted Blessing Pharmacy's wholesalers after the inspection to verify acquisition
16 records for these same three drugs in Humana's complaint.

17 37. From all this information, the Board inspector was able to document that Blessing
18 Pharmacy reported dispensing thousands more units of these three drugs than it acquired from
19 the wholesalers between January 1, 2020, and December 14, 2022. For the Creon DR 24,000
20 unit capsules, Blessing Pharmacy reported dispensing, and billed to insurance companies,
21 17,580 more capsules than it acquired from wholesalers. For the Creon DR 36,000 unit
22 capsules, Blessing Pharmacy reported dispensing, and billed to insurance companies, 9,920
23 more capsules than it acquired from wholesalers. For the Dexilant DR 60 mg capsules,
24 Blessing Pharmacy reported dispensing, and billed to insurance companies, 16,290 more
25 capsules than it acquired from wholesalers. Between these three drugs, Blessing Pharmacy
26 reported dispensing 43,790 more capsules than it acquired from wholesalers. Accounting for
27 stock on hand for these three drugs, the total variance between the number of capsules
28

1 Blessing Pharmacy reported dispensing and possessing on hand, beyond what it acquired from
2 wholesalers, was 49,884 capsules.

3 38. From Blessing Pharmacy's dispensing records, the Board inspector was also able
4 to determine the approximate dollar amount for these discrepancies. Using averages for what
5 the insurance companies were paying for each of these three types of drug capsules, the Board
6 inspector determined that Blessing Pharmacy billed insurers almost half of \$1 million for the
7 49,884 capsules that it supposedly dispensed to patients, but did not purchase from
8 wholesalers.

9 39. The Board inspector reviewed the waiting bin at Blessing Pharmacy to determine
10 the status of active prescriptions and dispensing. The waiting bin is the location for
11 prescriptions that have been processed and verified by the pharmacist, and are ready to be
12 dispensed to patients. The Board inspector discovered 54 active, filled prescriptions in the
13 waiting bin that were processed between July 19, 2022, and November 30, 2022, that had not
14 been picked up by patients. The date of the inspection was December 14, 2022, so some of
15 these prescriptions dated back a full six months. Common industry practice is to reverse
16 charges and return to stock prescriptions that are not picked up by patients within 14 days.

17 40. The Board inspector collected the labels that were on the bags of the non-
18 dispensed prescriptions in the waiting bin. With these labels and the pharmacy's dispensing
19 records, the Board inspector was able to determine that the total amount of money that
20 Blessing Pharmacy billed to insurance companies for the 54 prescriptions was almost
21 \$22,000. Blessing Pharmacy had billed insurance companies for these prescriptions, but
22 when no patients came to pick them up, they failed to reverse the prescriptions (and
23 commensurate charges) and to return them to stock. Instead, the prescriptions sat for months,
24 uncollected, in Blessing Pharmacy's waiting bin.

25 41. Concerning the operating conditions of Blessing Pharmacy, the Board inspector
26 observed that the pharmacy's sink was not maintained in a clean and orderly condition. It was
27 covered in lime and dirt stains. The refrigerator, containing medications for storage, was
28 running a temperature of 18.6°C (64.4°F). There were 135 boxes of 17 different kinds of

1 medications being stored in the pharmacy's refrigerator. These medications are required to be
2 stored between 2° and 8°C (36° and 46°F). For this reason, Blessing Pharmacy was
3 maintaining in its possession medications that were adulterated and misbranded.

4 42. The Board inspector requested to view Blessing Pharmacy's DEA Biennial
5 Inventory of controlled substances on hand. Pharmacist-in-charge Vicky Vu stated that the
6 pharmacy had conducted no such inventory. Ms. Vu stated that the pharmacy did not
7 dispense Schedule II controlled substances, and therefore the inventory was not required.
8 However, Blessing Pharmacy dispensed almost 20,000 Schedule III-V controlled substance
9 prescriptions between January 1, 2020, and December 14, 2022; and these controlled
10 substances are required to be included in the DEA Biennial Inventory.

11 43. According to the Board's records, Blessing Pharmacy employed numerous
12 pharmacists-in-charge between 2021 and 2023. Three of those pharmacists-in-charge were
13 employed by Blessing Pharmacy for less than one month. Vicky Vu, the pharmacist-in-
14 charge at the time of the inspections, held that position between June 2, 2021, and June 14,
15 2023. However, Blessing Pharmacy had no pharmacist-in-charge registered with the Board
16 between March 15, 2021, and June 2, 2021, when Vicky Vu assumed that role, a period of
17 almost 3 months. During that time, when it had no pharmacist-in-charge, Blessing Pharmacy
18 dispensed 1,643 prescriptions. Additionally, Blessing Pharmacy has had no registered
19 pharmacist-in-charge since Vicky Vu disassociated as pharmacist-in-charge on June 14, 2023,
20 up to present.

21 **FIRST CAUSE FOR DISCIPLINE**

22 **(Maintenance of Records of Dangerous Drugs and Devices; Current Inventory)**

23 44. Respondents Blessing Pharmacy and Vicky Vu are subject to disciplinary action
24 under Code sections 4301 subdivision (o), and 4081 subdivision (b), for violating Code
25 sections 4081 subdivision (a) and 4105 subdivisions (a) and (c), in that they failed to maintain
26 all records of acquisition and disposition for at least three years and to maintain a current
27 inventory of dangerous drugs as defined by title 16, California Code of Regulations, section
28 1718, in that between January 1, 2020, and December 14, 2022, they reported dispensing

1 49,884 *more* capsules of Creon DR 24,000 unit capsules, Creon DR 36,000 unit capsules, and
2 Dexilant DR 60 mg capsules, *than they acquired from their wholesalers*, as alleged in
3 paragraphs 36-37 above, incorporated herein by reference.

4 **SECOND CAUSE FOR DISCIPLINE**

5 **(Dishonest, Fraudulent, Deceitful and Corrupt Acts)**

6 45. Respondents Blessing Pharmacy and Vicky Vu are subject to disciplinary action
7 under Code section 4301, subdivision (f), for their dishonest, fraudulent, deceitful, and corrupt
8 acts, in that between January 1, 2020, and December 14, 2022, they billed insurance
9 companies for 49,884 *more* capsules of Creon DR 24,000 unit capsules, Creon DR 36,000
10 unit capsules, and Dexilant DR 60 mg capsules, *than they acquired from their wholesalers*, in
11 the amount of almost half of \$1 million, as alleged in paragraphs 36-38 above, incorporated
12 herein by reference.

13 **THIRD CAUSE FOR DISCIPLINE**

14 **(Knowingly Making or Signing False Documents)**

15 46. Respondents Blessing Pharmacy and Vicky Vu are subject to disciplinary action
16 under Code section 4301, subdivision (g), for knowingly making or signing certificates or
17 documents that falsely represent the existence or nonexistence of a state of facts, in that
18 between January 1, 2020, and December 14, 2022, they billed insurance companies for 49,884
19 *more* capsules of Creon DR 24,000 unit capsules, Creon DR 36,000 unit capsules, and
20 Dexilant DR 60 mg capsules, *than they acquired from their wholesalers*, in the amount of
21 almost half of \$1 million, as alleged in paragraphs 36-38 above, incorporated herein by
22 reference.

23 **FOURTH CAUSE FOR DISCIPLINE**

24 **(Dishonest, Fraudulent, Deceitful and Corrupt Acts)**

25 47. Respondents Blessing Pharmacy and Vicky Vu are subject to disciplinary action
26 under Code section 4301, subdivision (f), for their dishonest, fraudulent, deceitful, and corrupt
27 acts when they failed to reverse adjudicated prescriptions on a timely basis which had not
28 been picked up by patients and instead left them in the waiting bin between July 19, 2022, and

1 November 30, 2022, as discovered by the Board’s inspector on December 14, 2022.

2 Respondents billed insurance companies almost \$22,000 for these prescriptions, and allowed
3 them to sit in their waiting bin for up to six months, uncollected, as alleged in paragraphs 39-
4 40 above, incorporated herein by reference.

5 **FIFTH CAUSE FOR DISCIPLINE**

6 **(Knowingly Making or Signing False Documents)**

7 48. Respondents Blessing Pharmacy and Vicky Vu are subject to disciplinary action
8 under Code section 4301, subdivision (g), for knowingly making or signing certificates or
9 documents that falsely represent the existence or nonexistence of a state of facts, when they
10 failed to reverse adjudicated prescriptions on a timely basis which had not been picked up by
11 patients and instead left them in the waiting bin between July 19, 2022, and November 30,
12 2022, as discovered by the Board’s inspector on December 14, 2022. Respondents billed
13 insurance companies almost \$22,000 for these prescriptions, and allowed them to sit in their
14 waiting bin for up to six months, uncollected, as alleged in paragraphs 39-40 above,
15 incorporated herein by reference.

16 **SIXTH CAUSE FOR DISCIPLINE**

17 **(Unprofessional Conduct—Operational Standards)**

18 49. Respondents Blessing Pharmacy and Vicky Vu are subject to disciplinary action
19 under Code section 4301, subdivision (o), for violating the California Code of Regulations,
20 title 16, section 1714, subdivisions (b) and (c), in that the pharmacy was unclean and in poor
21 condition. The pharmacy’s sink was covered in lime and dirt stains, and the refrigerator,
22 containing numerous medications for storage, was running at a temperature of 18.6°C
23 (64.4°F), as alleged in paragraph 41 above, incorporated herein by reference.

24 **SEVENTH CAUSE FOR DISCIPLINE**

25 **(Misbranded and Adulterated Drugs)**

26 50. Respondents Blessing Pharmacy and Vicky Vu are subject to disciplinary action
27 under Code section 4301, subdivisions (j) and (o), for violating Code section 4169,
28 subdivision (a), and Health and Safety Code sections 111295 and 111260, in that they stored

1 135 boxes of 17 different kinds of medications in their refrigerator at a temperature of 18.6°C
2 (64.4°F), but those medications are required to be stored between 2° and 8°C (36° and 46°F),
3 as alleged in paragraph 41 above, incorporated herein by reference.

4 **EIGHTH CAUSE FOR DISCIPLINE**

5 **(No Biennial Inventory of Controlled Substances)**

6 51. Respondents Blessing Pharmacy and Vicky Vu are subject to disciplinary action
7 under Code section 4301, subdivision (o), for violating Code of Federal Regulations, title 21,
8 section 1304.11, subdivision (c), in that they failed to keep a biennial inventory of all stocks
9 of controlled substances at least every two years, as alleged in paragraph 42 above,
10 incorporated herein by reference.

11 **NINTH CAUSE FOR DISCIPLINE**

12 **(Conducting Business with No Pharmacist-In-Charge Between March 15, 2021,
13 and June 2, 2021)**

14 52. Respondent Blessing Pharmacy is subject to disciplinary action under Code
15 section 4301, subdivision (o), for violating Code sections 4113, subdivisions (a) and (d), and
16 4305, subdivision (b), in that, between March 15, 2021, and June 2, 2021, when Vicky Vu
17 assumed the role of pharmacist-in-charge, a period of almost 3 months, Blessing Pharmacy
18 had no pharmacist-in-charge, but dispensed 1,643 prescriptions, as alleged in paragraph 43
19 above, incorporated herein by reference.

20 **TENTH CAUSE FOR DISCIPLINE**

21 **(Conducting Business with No Pharmacist-In-Charge Since June 14, 2023)**

22 53. Respondent Blessing Pharmacy is subject to disciplinary action under Code
23 section 4301, subdivision (o), for violating Code sections 4113, subdivisions (a) and (d), and
24 4305, subdivision (b), in that since June 14, 2023, when Vicky Vu disassociated as its
25 pharmacist-in-charge, Blessing Pharmacy has not designated and registered a new pharmacist-
26 in-charge from that point, to present, as alleged in paragraph 43 above, incorporated herein by
27 reference.

28 ///

OTHER MATTERS

1
2 54. Pursuant to Code section 4307, if discipline is imposed on PHY 57816, issued to
3 Blessing Pharmacy, Inc., then it shall be prohibited from serving as a manager, administrator,
4 owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy
5 Permit Number PHY 57816 is placed on probation or until Pharmacy Permit Number PHY
6 57816 is reinstated if it is revoked.

7 55. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No.
8 PHY 57816, issued to Blessing Pharmacy Inc., while Thuong Trieu has been an owner or
9 manager and had knowledge of or knowingly participated in any conduct for which the
10 licensee was disciplined, then Thuong Trieu shall be prohibited from serving as a manager,
11 administrator, owner, member, officer, director, associate, or partner of a licensee for five
12 years if Pharmacy Permit Number PHY 57816 is placed on probation or until Pharmacy
13 Permit Number PHY 57816 is reinstated if it is revoked.

14 56. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No.
15 PHY 57816 issued to Blessing Pharmacy Inc. while Vicky Kim-Anh Vu has been a manager
16 and had knowledge of or knowingly participated in any conduct for which the licensee was
17 disciplined, then Vicky Kim-Anh Vu shall be prohibited from serving as a manager,
18 administrator, owner, member, officer, director, associate, or partner of a licensee for five
19 years if Pharmacy Permit Number PHY 57816 is placed on probation or until Pharmacy
20 Permit Number PHY 57816 is reinstated if it is revoked.

21 57. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License
22 No. RPH 57654 issued to Vicky Kim-Anh Vu, then Vicky Kim-Anh Vu shall be prohibited
23 from serving as a manager, administrator, owner, member, officer, director, associate, or
24 partner of a licensee for five years if Pharmacist License Number RPH 57654 is placed on
25 probation or until Pharmacist License Number RPH 57654 is reinstated if it is revoked.

26 ///

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 License Number PHY 57816, issued to Blessing Pharmacy, Inc.;

2. Revoking or suspending Pharmacist License Number RPH 57654, issued to Vicky Kim-Anh Vu;

3. Prohibiting Blessing Pharmacy Inc. from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 57816 is placed on probation or until Pharmacy Permit Number PHY 57816 is reinstated if it is revoked;

4. Prohibiting Thuong Trieu from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number 57816 is placed on probation or until Pharmacy Permit Number PHY 57816 is reinstated if it is revoked;

5. Prohibiting Vicky Kim-Anh Vu from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number 57816 is placed on probation or until Pharmacy Permit Number PHY 57816 is reinstated if it is revoked;

6. Prohibiting Vicky Kim-Anh Vu from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacist License Number RPH 57654 is placed on probation or until Pharmacist License Number RPH 57654 is reinstated if it is revoked;

7. Ordering Blessing Pharmacy, Inc. and Vicky Kim-Anh Vu 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,

///

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

8. Taking such other and further action as deemed necessary and proper.

DATED: 1/22/2024

Sodergren, Anne@DCA
Digitally signed by Sodergren,
Anne@DCA
Date: 2024.01.22 20:30:09 -08'00'
ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

SD2023802973