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

12 In the Matter of the First-Amended Accusation
Against:

Case No. 6166

13 **SATYAJIT V. ERRAM**
14 **937 Rose Drive**
Benicia, CA 94510

FIRST-AMENDED ACCUSATION

15 **Pharmacist License No. RPH 54580**

16 Respondent.
17

18 Complainant alleges:

19 PARTIES

20 1. Virginia Herold (Complainant) brings this First-Amended Accusation solely in her
21 official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer
22 Affairs.

23 2. On or about July 23, 2003, the Board of Pharmacy issued Pharmacist License Number
24 RPH 54580 to Satyajit V. Erram (Respondent). The Pharmacist License was in full force and
25 effect at all times relevant to the charges brought in this First-Amended Accusation and will
26 expire on May 31, 2019, unless renewed.

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1 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary
2 proceeding against, the licensee or to render a decision suspending or revoking the license."

3 7. Section 4301 of the Business and Professions Code, in pertinent part, states:

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

7 . . .

8 "(h) The administering to oneself, of any controlled substance, or the use of any dangerous
9 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to
10 oneself, to a person holding a license under this chapter, or to any other person or to the public, or
11 to the extent that the use impairs the ability of the person to conduct with safety to the public the
12 practice authorized by the license.

13 . . .

14 "(l) The conviction of a crime substantially related to the qualifications, functions, and
15 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
16 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
17 substances or of a violation of the statutes of this state regulating controlled substances or
18 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
19 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
20 The board may inquire into the circumstances surrounding the commission of the crime, in order
21 to fix the degree of discipline or, in the case of a conviction not involving controlled substances or
22 dangerous drugs, to determine if the conviction is of an offense substantially related to the
23 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
24 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
25 of this provision. The board may take action when the time for appeal has elapsed, or the
26 judgment of conviction has been affirmed on appeal or when an order granting probation is made
27 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
28 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not

1 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
2 indictment.

3 . . .
4 “(q) Engaging in any conduct that subverts or attempts to subvert an investigation of the
5 board.”

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

10 FACTUAL BACKGROUND

11 9. On or about August 12, 2016, police officers from the Benicia Police Department
12 were dispatched to Respondent’s home. When they arrived at the home, the officers heard
13 Respondent screaming very loudly at other persons in the house. The officers observed
14 Respondent at the top of the stairs and suddenly he ran at full speed down the stairs screaming
15 “shoot me, shoot me.” Respondent raised a clenched fist to one of the officer’s face. The officers
16 restrained Respondent. Respondent’s daughter told the officers that her father has been an
17 alcoholic his whole life and when he is drunk, he has the tendency to get into verbal altercations
18 with anyone. The officers called medics to the scene to evaluate Respondent. While attempting
19 to put Respondent in the back of the ambulance, Respondent spit in the face of one of the
20 paramedics. After Respondent was medically cleared from the hospital, he was arrested and
21 transported to the county jail.

22 10. On or about February 22, 2017 in a criminal proceeding entitled *The People of the*
23 *State of California v. Satyajit Erram* in Solano County Superior Court, Case No. VCR227390,
24 Respondent was convicted by his plea of nolo contendere of obstructing or resisting a public
25 officer, a misdemeanor. (Penal Code § 148, subd. (a)(1)). On or about February 18, 2016,
26 Respondent was ordered to serve four days in county jail and placed Respondent on three years of
27 probation with certain terms and conditions which included attending and successfully completing
28 30 AA and/or NA meetings, and paying all court fines and fees.

1 obstructing or resisting a public officer and battery on a peace officer or emergency personnel.
2 (Bus. & Prof. Code § 4301(f)). The circumstances are fully set forth in paragraphs 9 and 10,
3 above.

4 FOURTH CAUSE FOR DISCIPLINE

5 (Unprofessional Conduct—Conduct That Subverts/Attempts to Subvert a Board Investigation)
6 Bus. & Prof. Code § 4301(q.)

7 17. Respondent has subjected his license to disciplinary action in that he engaged in
8 conduct that subverts or attempts to subvert an investigation of the Board. More specifically,
9 Respondent failed to respond to the Board's requests for documentation regarding the disciplinary
10 action or conviction indicated on his pharmacist renewal application. (Bus. & Prof. Code §
11 4301(q)). The circumstances are fully set forth in paragraphs 11 through 13, above.

12 DISCIPLINARY CONSIDERATIONS

13 18. On or about June 29, 2017, a Citation was issued to Respondent for failing to ensure
14 that all staff were trained in compounding prior to compounding. More specifically, on or about
15 January 7, 2016, January 13, 2016, and April 11, 2016, Respondent and/or two pharmacists under
16 Respondent's charge, compounded without proof of training. In addition, Respondent did not
17 have documented evidence of training at the time of inspection.

18 PRAAYER

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

- 21 1. Revoking or suspending Pharmacist License Number RPH 54580, issued to Satyajit
22 V. Erram
- 23 2. Ordering Satyajit V. Erram to pay the Board of Pharmacy the reasonable costs of the
24 investigation and enforcement of this case, pursuant to Business and Professions Code section
25 125.3;

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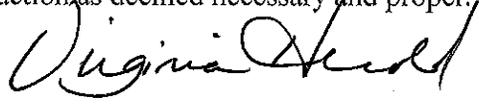
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3. Taking such other and further action as deemed necessary and proper.

DATED: 1/24/18



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

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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 Accusation Against:

Case No. 6166

13 **SATYAJIT V. ERRAM**
14 **937 Rose Drive**
15 **Benicia, CA 94510**

A C C U S A T I O N

16 **Pharmacist License No. RPH 54580**

Respondent.

17 Complainant alleges:

18 PARTIES

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

21 2. On or about July 23, 2003, the Board of Pharmacy issued Pharmacist License Number
22 RPH 54580 to Satyajit V. Erram (Respondent). The Pharmacist License was in full force and
23 effect at all times relevant to the charges brought in this Accusation and will expire on May 31,
24 2019, unless renewed.

25 JURISDICTION

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

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

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

8 5. Section 4300 of the Business and Professions Code, in pertinent part, states:

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

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

13 "(1) Suspending judgment.

14 "(2) Placing him or her upon probation.

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

16 "(4) Revoking his or her license.

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

19 . . .

20 6. Section 4300.1 of the Business and Professions Code states:

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

26 7. Section 4301 of the Business and Professions Code, in pertinent part, states:

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28

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

4 . . .

5 "(h) The administering to oneself, of any controlled substance, or the use of any dangerous
6 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to
7 oneself, to a person holding a license under this chapter, or to any other person or to the public, or
8 to the extent that the use impairs the ability of the person to conduct with safety to the public the
9 practice authorized by the license.

10 . . .

11 "(l) The conviction of a crime substantially related to the qualifications, functions, and
12 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
14 substances or of a violation of the statutes of this state regulating controlled substances or
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16 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
17 The board may inquire into the circumstances surrounding the commission of the crime, in order
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19 dangerous drugs, to determine if the conviction is of an offense substantially related to the
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21 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
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23 judgment of conviction has been affirmed on appeal or when an order granting probation is made
24 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
25 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
26 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
27 indictment.

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SECOND CAUSE FOR DISCIPLINE
(Unprofessional Conduct – Dangerous Use of Alcohol)
Bus. & Prof. Code § 4301(h.)

12. Respondent is subject to disciplinary action in that on or about August 12, 2016, he used alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or, any other person, or the public. (Bus. & Prof. Code § 4301(h).). The circumstances are fully set forth in paragraphs 8 and 9, above.

THIRD CAUSE FOR DISCIPLINE
(Unprofessional Conduct – Committed Acts Involving Moral Turpitude)
Bus. & Prof. Code § 4301(f.)

13. Respondent is subject to disciplinary action in that he committed acts involving moral turpitude, dishonesty, fraud, deceit, or corruption when he was arrested for obstructing or resisting a public officer and battery on a peace officer or emergency personnel. (Bus. & Prof. Code § 4301(f).). The circumstances are fully set forth in paragraphs 8 and 9, above.

DISCIPLINARY CONSIDERATIONS

14. On or about June 29, 2017, a Citation was issued to Respondent for failing to ensure that all staff were trained in compounding prior to compounding. More specifically, on or about January 7, 2016, January 13, 2016, and April 11, 2016, Respondent and/or two pharmacists under Respondent’s charge, compounded without proof of training. In addition, Respondent did not have documented evidence of training at the time of inspection.

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 Pharmacist License Number RPH 54580, issued to Satyajit V. Erram
 - 2. Ordering Satyajit V. Erram 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;
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3. Taking such other and further action as deemed necessary and proper.

DATED: 8/14/17



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

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