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

11 In the Matter of the Statement of Issues
Against:

Case No. 5232

12 **SUPERCARE HEALTH;**
13 **JOHN CASSAR, Chief Executive Officer;**
14 **IRVING GUEVARA, Pharmacist-in-Charge**

STATEMENT OF ISSUES

15 **Sterile Compounding Pharmacy License**
16 **Applicant**

Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Virginia Herold (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 **Supercare Health**

24 2. On or about April 4, 2014, the Board received an application for a Sterile
25 Compounding Pharmacy License from Supercare Health, with John Cassar as Chief Executive
26 Officer and Irving Guevara as Pharmacist-in-Charge (Respondent). On or about March 31, 2014,
27 John Cassar certified under penalty of perjury to the truthfulness of all statements, answers, and
28 representations in the application. The Board denied the application on May 29, 2014.

1 Super Care, Inc., dba Supercare

2 3. On or about July 23, 2002, the Board issued Permit Number PHY 45943 to Super
3 Care, Inc. dba Supercare; Gabriel Cassar, President; Micheline Cassar, Chief Executive Officer;
4 John L. Cassar, Vice President; Michael Cassar, Shareholder; Katherine Le, Pharmacist-in-Charge.
5 The Permit was in full force and effect at all times relevant to the charges brought herein and will
6 expire on July 1, 2015, unless renewed.

7 **JURISDICTION**

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

11 **STATUTORY PROVISIONS**

12 5. Section 480 of the Code states:

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

15 ...

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

18 **CAUSE FOR DENIAL OF APPLICATION**

19 (Acts That If Committed by Licensee Would Be Grounds for Discipline)

20 6. Respondent's application is subject to denial under sections 480, subdivision (a)(3), in
21 that Respondent engaged in acts which, if done by a licentiate, would constitute grounds for a
22 suspension or revocation of license. The circumstances are as follows:

23 a. On or about January 17, 2014, the Board filed an administrative action entitled *In the*
24 *Matter of the Accusation Against: Super Care, Inc. dba Supercare; Gabriel Cassar, President;*
25 *Micheline Cassar, Chief Executive Officer; John L. Cassar, Vice President; Michael Cassar,*
26 *Shareholder, Permit No. PHY 45943, Case No. 4566. A copy of the Accusation is attached*
27 *herewith as Exhibit A, and incorporated herein by reference as if fully stated. The Accusation*
28 *alleges violations of:*

- 1 i. Code section 4301, subdivision (o) and California Code of Regulations, title 16
2 (CCR), sections 1735.7, subdivisions (a) and (b), and 1751.6, subdivision (b) [failure
3 to maintain compounding training documentation];
- 4 ii. Code sections 4301, subdivisions (j) and (o), in conjunction with 4169,
5 subdivision (a)(3) [misbranded drugs];
- 6 iii. Code section 4301, subdivision (o) and CCR section 1735.2, subdivision (j)
7 [failure to complete self-assessment];
- 8 iv. Code section 4301, subdivision (o) and CCR section 1735.3, subdivision (c)
9 [failure to maintain records for compounded products];
- 10 v. Code section 4301, subdivision (o) and CCR section 1735.5, subdivisions (a)
11 and (b) [failure to maintain compounding policies and procedures];
- 12 vi. Code section 4301, subdivisions (j) and (o), and 4104, subdivision (b) [failure to
13 maintain licensed employee policies and procedures];
- 14 vii. Code section 4301, subdivision (o) and CCR section 1735.6, subdivisions (a),
15 (b) and (c) [failure to maintain facilities and equipment records];
- 16 viii. Code section 4301, subdivision (o) and CCR section 1735.8, subdivisions (a)
17 and (c) [failure to maintain compounding quality assurance plan];
- 18 ix. Code section 4301, subdivisions (f) and (q) [unprofessional conduct: act of
19 moral turpitude, dishonesty, fraud, deceit, corruption];
- 20 x. Code section 4301, subdivisions (g) and (q) [unprofessional conduct: false
21 document/misrepresentation];
- 22 xi. Code section 4301, subdivisions (j) and (o), and 4116, subdivision (a), in
23 conjunction with CCR section 1714, subdivision (d) [failure to maintain security of
24 dangerous drugs];
- 25 xii. Code section 4301, subdivision (o) and CCR section 1714, subdivision (e)
26 [failure to maintain operational standards and security];
- 27 xiii. Code section 4301, subdivision (o) and CCR section 1714.1, subdivision (f)
28 [failure to maintain operations policy during pharmacist absence];

- 1 xiv. Code section 4301, subdivision (o) and CCR section 1735.3, subdivisions (a)(3),
2 a(4), a(6), a(7), and a(9), in conjunction with CCR section 1793.7, subdivision (b)
3 [failure to maintain proper records of compounded drug products/supervision];
4 xv. Code section 4301, subdivision (o) and CCR section 1735.2, subdivision (f), in
5 conjunction with CCR section 1735.1, subdivision (c) [failure to ensure
6 compounding limitations and requirements];
7 xvi. Code section 4301, subdivisions (j) and (o) and 4169, subdivision (a)(4) as
8 defined under Code section 4076, subdivision (a)(9) [dispensing/sale of expired
9 drug];
10 xvii. Code section 4301, subdivisions (j) and (o) and 4169, subdivision (a)(3) as
11 defined under Health and Safety Code section 111335 and CCR section 1735.4,
12 subdivision (c) [failure to include expiration date on labels];
13 xviii. Code section 4301, subdivisions (j) and (o) and 4169, subdivision (a)(1)
14 [purchase of dangerous drugs from unlicensed entity];
15 xix. Code section 4301, subdivisions (j) and (o), and 4169, subdivision (a) and 4084,
16 subdivisions (a) and (f) [embargoed misbranded dangerous drugs];
17 xx. Code section 4301, subdivision (o) and CCR section 1751.4, subdivision (d)
18 [failure to maintain facility and equipment standards]; and
19 xxi. Code section 4301, subdivisions (j) and (o), and 4342, subdivision (a) [drugs
20 lacking quality and strength].

21 b. The Accusation is pending adjudication.

22 c. Respondent had knowledge of or participated in acts or omissions that constitute
23 causes for discipline against Pharmacy License No. 45943.

24 **DISCIPLINE CONSIDERATIONS**

25 7. To determine the degree of discipline, if any, to be imposed on Respondent,
26 Complainant alleges that on or about February 27, 2004, in a prior action, the Board issued
27 Citation Number CI 2002 25346 in the amount of \$1,600 for violation of CCR sections 1751.7,
28 subdivisions (a), (d) and (e); 1751.5; 1751.8, subdivision (f), 1716.2, 1714, subdivision (b); 1715

1 subdivisions (a) and (b); 1793.7, subdivision (b); and Code section 4116. Respondent has fully
2 complied with the Citation.

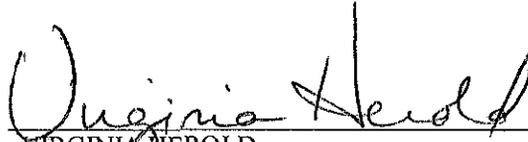
3 **PRAYER**

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

- 6 1. Denying the application of Supercare Health, with John Cassar as Chief Executive
7 Officer and Irving Guevara as Pharmacist-in-Charge for a Sterile Compounding Pharmacy License;
8 and
9 2. Taking such other and further action as deemed necessary and proper.

10
11 DATED: _____

8/12/14



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

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14
15
16 Exhibit A: Accusation No. 4566

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