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

In the Matter of the Statement of Issues  
Against:  
**SENIOR CARE PHARMACY SERVICES  
SFV INC, KIM BANERJEE, SAMITENDU  
BANERJEE  
8000 Wheatland Avenue, Suite I  
Sun Valley, CA 91352**  
**Community Pharmacy Permit Application**  
  
Respondent.

Case No. 6614  
OAH No. 2020100688  
**DEFAULT DECISION AND ORDER**  
  
[Gov. Code, §11520]

**FINDINGS OF FACT**

1. On or about November 21, 2019, Complainant Anne Sodergren, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Statement of Issues No. 6614 against Senior Care Pharmacy Services SFV Inc, Kim Banerjee, Samitendu Banerjee (Respondent) before the Board of Pharmacy.

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1           2.     On or about December 29, 2017, the Board of Pharmacy (Board), Department of  
2 Consumer Affairs, received an application for a Community Pharmacy Permit Application from  
3 Senior Care Pharmacy Services SFV Inc. (Kim Bannerjee (President), Samitendu Banerjee  
4 (CEO), (collectively, Respondent)). On or about December 27, 2017, Kim E. Banerjee and  
5 Samitendu Banerjee certified under penalty of perjury to the truthfulness of all statements,  
6 answers and representations in the application. The Board denied the application on November 7,  
7 2018.

8           3.     On or about November 25, 2019, Respondent was served by Certified and First Class  
9 Mail copies of the Statement of Issues No. 6614, Statement to Respondent, Notice of Defense,  
10 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,  
11 and 11507.7) at Respondent's address of record which, pursuant to Business and Professions  
12 Code section 4100, is required to be reported and maintained with the Board. Respondent's  
13 address of record was and is: 8000 Wheatland Ave., Suite I, Sun Valley, CA 91352.

14           4.     Service of the Statement of Issues was effective as a matter of law under the  
15 provisions of Government Code section 11505(c) and/or Business and Professions Code section  
16 124.

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

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

23           6.     The Board takes official notice of its records and the fact that Respondent failed to  
24 file a Notice of Defense within 15 days after service upon them of the Statement of Issues, and  
25 therefore waived their right to a hearing on the merits of Statement of Issues No. 6614.

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

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

1 8. Pursuant to its authority under Government Code section 11520, the Board finds  
2 Respondent is in default. The Board will take action without further hearing based upon the  
3 allegation set forth in the Statement of Issues and Respondent's failure to establish entitlement to  
4 issuance of a license.

5 **DETERMINATION OF ISSUES**

6 1. Based on the foregoing findings of fact, Respondent Senior Care Pharmacy Services  
7 SFV Inc, Kim Banerjee, Samitendu Banerjee has subjected its Community Pharmacy Permit  
8 Application to denial.

9 2. The agency has jurisdiction to adjudicate this case by default.

10 3. The Board of Pharmacy is authorized to deny Respondent's application for licensure  
11 based upon the following violation alleged in the Statement of Issues which is supported by the  
12 evidence contained in the Default Decision Investigatory Evidence Packet in this case:

13 a. Acts Done by Licentiate [Bus & Prof. Code § 480(a)(3) and Cal. Code of Regs., title  
14 16, section 1770].

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**ORDER**

IT IS SO ORDERED that the application of Respondent Community Pharmacy is hereby denied.

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 December 22, 2021.

It is so ORDERED on November 22, 2021.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By \_\_\_\_\_

64605425.DOCX  
DOJ Matter ID:LA2019600141

Attachment:  
Exhibit A: Statement of Issues

Seung W. Oh, Pharm D  
Board President

# Exhibit A

Statement of Issues

1 XAVIER BECERRA  
Attorney General of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
3 MORGAN MALEK  
Deputy Attorney General  
4 State Bar No. 223382  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 269-6278  
6 Facsimile: (916) 731-2126  
*Attorneys for Complainant*  
7

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  
Against:

Case No. 6614

13 **SENIOR CARE PHARMACY SERVICES**  
14 **SFV INC, KIM BANERJEE, SAMITENDU**  
15 **BANERJEE**

**STATEMENT OF ISSUES**

16 **Community Pharmacy Permit Application**  
17 **Applicant**

Respondent.

18  
19 PARTIES

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

23 2. On or about December 29, 2017, the Board of Pharmacy (Board), Department of  
24 Consumer Affairs, received an application for a Community Pharmacy Permit Application from  
25 Senior Care Pharmacy Services SFV Inc. (Kim Banerjee (President), Samitendu Banerjee (CEO))  
26 (Respondent). On or about December 27, 2017, Kim E. Banerjee and Samitendu Banerjee  
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28

1 certified under penalty of perjury to the truthfulness of all statements, answers, and  
2 representations in the application. The Board denied the application on November 7, 2018.

3 **JURISDICTION**

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

7 4. Section 480 of the Code states:

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

10 ...

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

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

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

20 **CAUSE FOR DENIAL OF APPLICATION**

21 (Act Done by Licentiate)

22 6. Respondent's application is subject to denial under section 480, subdivision (a) (3)  
23 and California Code of Regulations, title 16, section 1770, in that Respondent engaged in acts  
24 which, if done by a licentiate, would constitute grounds for a suspension or revocation of license.  
25 The circumstances are as follows:

26 a. On or about December 27, 2017, Respondent submitted a Community  
27 Pharmacy Permit Application for Senior Care Pharmacy Service SFV Inc., naming Kim Banerjee  
28

1 as the President, and Samitendu Banerjee as the CEO., and Andy (Po-An) Lu (RPH 69811) as the  
2 pharmacist-in-charge.

3 b. Respondent's application is subject to denial based on causes for discipline  
4 alleged in Accusation No. 6417 filed by the Board of Pharmacy against Senior Care Pharmacy  
5 Services Inc., Samitendu Banerjee, CEO, Alpesh Patel, PIC. A true and correct copy of the  
6 Accusation No. 6417 is attached hereto as Exhibit "A", and incorporated herein by reference.

7 c. Accusation No. 6417 alleges the following causes of discipline against:

8 (1) Senior Care Pharmacy Services Inc., Samitendu Banerjee, CEO, Alpesh  
9 Patel, PIC, under Code section 4312, subdivisions (a) and (e), in conjunction with California  
10 Code of Regulations Section 1709 subdivision (a), in that Senior Care Pharmacy, PHY49798,  
11 located at 8000 Wheatland Avenue Suite 1, Sun Valley California was not compliant with Code  
12 section 4312, subdivisions (a) and (e), in conjunction with California Code of Regulations Section  
13 1709 subdivision (a);

14 (2) Senior Care Pharmacy Services Inc., Samitendu Banerjee, CEO, Alpesh  
15 Patel, PIC under Code section 4312, subdivisions (a) and (e), in conjunction with California Code  
16 of Regulations Section 1709 subdivision (a), in that after February 13, 2018, Respondent SFV  
17 failed to conduct pharmacy business from this location; and

18 (3) Senior Care Pharmacy Services Inc., Samitendu Banerjee, CEO, Alpesh  
19 Patel, PIC, and Andy (Po-An) Lu (RPH 69811) under Code section 4169, subdivision (a)(2), in  
20 conjunction with Health and Safety Code section 111255 and 111295, in that between February  
21 13, 2018 and July 11, 2018, Respondent Pharmacy SFV stored drugs at a temperature of 85°F and  
22 turned off the temperature control when the pharmacy was not occupied. Storing drugs at high  
23 and uncontrolled temperatures.

24 **PRAYER**

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

27 1. Denying the application of Senior Care Pharmacy Services SFV Inc, Kim Banerjee,  
28 Samitendu Banerjee for a Community Pharmacy Permit Application;



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

DATED: November 21, 2019



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ANNE SODERGREN  
Interim Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*

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