

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

In the Matter of the Statement of Issues  
Against:

Case No. 4294

**ENTIRELYPETS PHARMACY**

**Applicant for Community Pharmacy License**

Respondent.

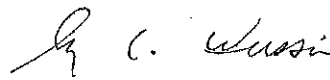
**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on October 22, 2012.

It is so ORDERED on September 21, 2012.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
STANLEY C. WEISSER  
Board President

1 KAMALA D. HARRIS  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
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*Attorneys for Complainant*

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

10 In the Matter of the Statement of Issues Against:  
11 **ENTIRELYPETS PHARMACY**  
12 **Applicant for Community Pharmacy License**  
13  
14 Respondent.

Case No. 4294

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

15 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
16 interest and the responsibility of the Board of Pharmacy, Department of Consumer Affairs, the  
17 parties hereby agree to the following Stipulated Settlement and Disciplinary Order that is to be  
18 submitted to the Board for approval and adoption in final disposition of the Statement of Issues.

19  
20 PARTIES

21 1. Virginia Herold (Complainant), Executive Officer of the Board of Pharmacy, brought  
22 this action solely in her official capacity and is represented in this matter by Kamala D. Harris,  
23 Attorney General of the State of California, by Joshua A. Room, Deputy Attorney General.

24 2. EntirelyPets Pharmacy (Respondent) is represented in this proceeding by attorney  
25 Noah E. Jussim, whose address is: McGuireWoods LLP, 1800 Century Park East, 8th Floor, Los  
26 Angeles, CA 90067 (telephone (310) 315-8225).

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APPLICATION AND CITATIONS

1  
2           3.     On or about October 21, 2011, the Board of Pharmacy received a Community  
3 Pharmacy Permit Application from EntirelyPets Pharmacy, listing its parent entity as EntirelyPets  
4 Pharmacy, LLC, owned 90.1% by Ritu Ghumman and 9.9% by HealthyPets, Inc. (Respondent).  
5 HealthyPets, Inc. is in turn owned 50% by Ritu Ghumman and 50% by Mandeep Ghumman.<sup>1</sup> On  
6 or about October 14, 2011, Ritu Ghumman and Mandeep Ghumman, as owner(s) and officer(s),  
7 signed a certification under penalty of perjury as to the truthfulness of all statements, answers,  
8 and representations in the Application. The Board denied the application on January 18, 2012.

9           4.     Respondent and its affiliated entities have also received and/or been the subject(s) of  
10 four (4) citations and fines issued by the Board. All have appeals pending. These include:

11               a.     Citation No. CI 2009 41054, dated November 18, 2010, with \$5,000.00 fine,  
12 alleging violations of Business and Professions Code section(s) 4110 and/or 4112 (conducting a  
13 pharmacy/nonresident pharmacy without a license), 4076 and/or 4077 (dispensing in inadequately  
14 labeled container(s)), and California Code of Regulations, title 16, section 1716 (deviating from a  
15 written prescription). Respondent has appealed this Citation.

16               b.     Citation No. CI 2009 42223, dated November 22, 2010, with a \$55,000.00 fine,  
17 alleging violations of Business and Professions Code section(s) 4110 and/or 4112 (conducting a  
18 pharmacy/nonresident pharmacy without a license), 4067 and/or California Code of Regulations,  
19 title 16, section 1761 (dispensing/furnishing Internet prescriptions issued without a good faith  
20 prior examination, with significant error, omission, irregularity, uncertainty, ambiguity or  
21 alteration, and/or not for a legitimate medical purpose). Respondent has appealed this Citation.

22               c.     Citation No. CI 2011 49563, dated December 7, 2011, with a \$5,000.00 fine,  
23 alleging violations of Business and Professions Code section(s) 4160 and/or 4161 (conducting a  
24 wholesaler/nonresident wholesaler without a license). Respondent has appealed this Citation.

25           ///

26               <sup>1</sup> Both Ritu Ghumman and Mandeep Ghumman are Doctors of Veterinary Medicine, and  
27 both are licensed by the California Veterinary Medical Board. License No. 14261, issued to Dr.  
28 Ritu Ghumman, is in inactive status, and she may not practice veterinary medicine at this time.  
License No. 12996, issued to Dr. Mandeep Ghumman, is active and unrestricted at this time.

1 d. Citation No. CI 2011 49569, dated December 7, 2011, with a \$5,000.00 fine,  
2 alleging violations of Business and Professions Code section(s) 4160 and/or 4161 (conducting a  
3 wholesaler/nonresident wholesaler without a license). Respondent has appealed this Citation.

4 This Stipulated Settlement and Disciplinary Order is also intended to serve as a settlement  
5 of all pending appeals and other matters pertaining to the above-listed citations and fines.

6  
7 JURISDICTION

8 4. Statement of Issues No. 4294 was filed before the Board of Pharmacy (Board), and is  
9 currently pending against Respondent. The Statement of Issues and all other statutorily required  
10 documents were properly served on Respondent on May 31, 2012. A copy of Statement of Issues  
11 No. 4294 is attached as exhibit A and incorporated herein by reference.

12  
13 ADVISEMENT AND WAIVERS

14 5. Respondent has carefully read, fully discussed with counsel, and understands the  
15 charges and allegations in Statement of Issues No. 4294, and in each of the above-listed citations.  
16 Respondent has also carefully read, fully discussed with counsel, and understands the effects of,  
17 this Stipulated Settlement and Disciplinary Order.

18 6. Respondent is fully aware of its legal rights in this matter, including the right to a  
19 hearing on the charges and allegations in the Statement of Issues or in any pending citations; the  
20 right to be represented by counsel at its own expense; the right to confront and cross-examine the  
21 witnesses against them; the right to present evidence and to testify on its own behalf; the right to  
22 the issuance of subpoenas to compel the attendance of witnesses and the production of  
23 documents; the right to reconsideration and court review of an adverse decision; and all other  
24 rights accorded by the California Administrative Procedure Act and other applicable laws.

25 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
26 every right set forth above.

27 8. Respondent further withdraws any notices of appeal or other requests for hearing on  
28 the above-listed citations, and agrees that those citations will now be final as issued.





1 All such affidavits shall be supported by documentation demonstrating the accuracy of the  
2 statements made therein. The Board or its designee may require additional documentation.

3 At no point during its licensure by the Board, including after the expiration of the period of  
4 probation, may Respondent's ownership violate this ownership limitation.<sup>2</sup> Pursuant to Business  
5 and Professions Code section 4111, subdivision (c), the Board or its designee may require any  
6 information that it deems reasonably necessary for the enforcement of this section, including but  
7 not limited to supplemental affidavits and documentation required at each renewal.

## 8 2. Civil Penalty

9 Respondent shall pay to the Board a civil penalty of \$50,000.00. Payments shall be made  
10 as follows: Prior to issuance of the license, and as a condition precedent to issuance of the license  
11 and commencement of the period of probation, Respondent shall make a payment of \$5,000.00.  
12 Thereafter, once probation commences, Respondent shall make sixteen (16) quarterly payments  
13 of \$2,812.50 each. Payment shall be made in full within four (4) years of the start of probation.

14 Respondent understands and agrees that this civil penalty is an administrative fine pursuant  
15 to 11 U.S.C. § 523(a)(7), and is non-dischargeable in bankruptcy. Respondent further  
16 understands and agrees that the filing of bankruptcy by Respondent shall not relieve Respondent  
17 of the obligation to pay the balance of the civil penalty to the Board.

18 Payment of this civil penalty shall satisfy all of the assessed, outstanding, pending, and  
19 appealed fines included in the above-listed citations. Upon full payment of the civil penalty, all  
20 of the above-listed citations shall be deemed satisfactorily resolved, and shall be so represented in  
21 any future public disclosure of those citations by the Board.

22 Failure to timely pay this civil penalty shall be considered a violation of probation. Further,  
23 absent prior written approval by the Board or its designee, Respondent may not successfully  
24 complete probation until this amount is paid in full.

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25 <sup>2</sup> This shall include that any owner avoiding the prohibition(s) in section 4111 by making  
26 his or her license to prescribe in California inactive or otherwise not an authorization to prescribe,  
27 shall at no time during his or her ownership of Respondent reactivate that license or have his/her  
28 authorization to prescribe reinstated. Should any person meeting the ownership threshold(s) in  
section 4111 hereafter become authorized to prescribe in California, he or she must immediately  
divest and/or transfer his or her ownership share to come into compliance with section 4111.

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**3. Obey All Laws**

Respondent shall obey all state and federal laws and regulations. Respondent shall report to the Board, in writing, within seventy-two (72) hours of such occurrence, any of the following with regard to Respondent or any of its owners, officers, managers, or employees:

- an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws
- a plea of guilty or nolo contendere in any state or federal criminal proceeding to any criminal complaint, information or indictment
- a conviction of any crime
- discipline, citation, or other administrative action filed by any state or federal agency which involves Respondent's wholesaler license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling or distributing, billing, or charging for any drug, device or controlled substance.

Failure to timely report any such occurrence shall be considered a violation of probation.

**4. Engagement of Consultant**

During probation, Respondent shall, at its expense, retain an independent consultant who shall be responsible for reviewing pharmacy operations on a monthly basis for compliance by Respondent with state and federal laws and regulations governing the practice of pharmacy and for compliance by the pharmacist in charge for Respondent with the obligations of a pharmacist in charge. The consultant shall be a pharmacist licensed by and not on probation with the Board and whose name shall be submitted to the Board or its designee, for prior approval, within thirty (30) days of the effective date of this decision. Failure to timely retain, seek approval of, or ensure timely reporting by the consultant shall be considered a violation of probation

**5. Interview with the Board**

Upon receipt of reasonable prior notice, an owner or officer of Respondent shall appear in person for interviews with the Board or its designee, at intervals and locations as determined by the Board or its designee. Failure to appear for any scheduled interview without prior notification to Board staff, or failure to appear for two (2) or more scheduled interviews with the Board or its designee during the period of probation, shall be considered a violation of probation.

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1           **6. Report to the Board**

2           Respondent, through an owner or officer, shall report to the Board quarterly, on a schedule  
3 as directed by the Board or its designee. The report shall be made either in person or in writing,  
4 as directed. Among other requirements, the reporting owner or officer shall state in each report  
5 under penalty of perjury whether there has been compliance with all the terms and conditions of  
6 probation. Failure to submit timely reports in a form as directed shall be considered a violation of  
7 probation. Any period(s) of delinquency in submission of reports as directed may be added to the  
8 period of probation. Moreover, if a final probation report is not made as directed, probation shall  
9 be automatically extended until such time as the final report is made and accepted by the Board.

10           **7. Cooperate with Board Staff**

11           Respondent owner shall cooperate with the board's inspection program and with the board's  
12 monitoring and investigation of respondent's compliance with the terms and conditions of their  
13 probation. Failure to cooperate shall be considered a violation of probation.

14           **8. Probation Monitoring Costs**

15           Respondent owner shall pay any costs associated with probation monitoring as determined  
16 by the board each and every year of probation. Such costs shall be payable to the board on a  
17 schedule as directed by the board or its designee. Failure to pay such costs by the deadline(s) as  
18 directed shall be considered a violation of probation.

19           **9. Status of License**

20           Respondent shall, at all times while on probation, maintain current licensure with the  
21 Board. If Respondent submits an application to the Board, and the application is approved, for a  
22 change of location, change of permit or change of ownership, the Board shall retain continuing  
23 jurisdiction over the license, and Respondent shall remain on probation as determined by the  
24 Board. Failure to maintain current licensure shall be considered a violation of probation.

25           If Respondent's license expires or is cancelled by operation of law or otherwise at any time  
26 during the period of probation, including any extensions thereof or otherwise, upon renewal or  
27 reapplication Respondent's license shall be subject to all terms and conditions of this probation  
28 not previously satisfied.

1           **10. Notice to Employees**

2           Respondent shall, upon or before the effective date of this decision, ensure that all  
3 employees involved in permit operations are made aware of all the terms and conditions of  
4 probation, either by posting a notice of the terms and conditions, circulating such notice, or both.  
5 If the notice required by this provision is posted, it shall be posted in a prominent place and shall  
6 remain posted throughout the probation period. Respondent shall ensure that any employees  
7 hired or used after the effective date of this decision are made aware of the terms and conditions  
8 of probation by posting a notice, circulating a notice, or both. Additionally, Respondent shall  
9 submit written notification to the Board, within fifteen (15) days of the effective date of this  
10 decision, that this term has been satisfied. Failure to submit such notification to the Board shall  
11 be considered a violation of probation.

12                       "Employees" as used in this provision includes all full-time, part-time,  
13 volunteer, temporary, and relief employees and independent contractors employed or  
14 hired at any time during probation.

14           **11. Posted Notice of Probation**

15           Respondent shall prominently post a probation notice provided by the Board in a place  
16 conspicuous and readable to the public. The probation notice shall remain posted during the  
17 entire period of probation.

18           Respondent shall not, directly or indirectly, engage in any conduct or make any statement  
19 which is intended to mislead or is likely to have the effect of misleading any patient, customer,  
20 member of the public, or other person(s) as to the nature of and reason(s) for the probation.

21           Failure to post such notice shall be considered a violation of probation.

22           **12. Owners and Officers: Knowledge of the Law**

23           Respondent shall provide, within thirty (30) days after the effective date of this decision,  
24 signed and dated statements from its owners, including any owner or holder of ten percent (10%)  
25 or more of the interest in Respondent or Respondent's stock, and any officer, stating under  
26 penalty of perjury that said individuals have read and are familiar with state and federal laws and  
27 regulations governing the practice of pharmacy. The failure to timely provide said statements  
28 under penalty of perjury shall be considered a violation of probation.

1           **13. License Surrender While on Probation/Suspension**

2           Following the effective date of this decision, should Respondent discontinue business,  
3 Respondent may tender the premises license to the Board for surrender. The Board or its  
4 designee shall have the discretion whether to grant the request for surrender or take any other  
5 action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the  
6 license, Respondent will no longer be subject to the terms and conditions of probation. This  
7 surrender constitutes a record of discipline and shall become a part of the Respondent's license  
8 history with the Board.

9           Upon acceptance of the surrender, Respondent shall relinquish the premises wall and  
10 renewal license to the Board within ten (10) days of notification by the Board that the surrender is  
11 accepted. Respondent shall further submit a completed Discontinuance of Business form  
12 according to Board guidelines and shall notify the Board of the records and inventory transfer.

13           Neither Respondent nor its officers or owners may apply for any new Board license for  
14 three (3) years from the effective date of the surrender. Any applicant shall meet all requirements  
15 applicable to the license sought as of the date the application is submitted to the Board.

16           Respondent further stipulates that any applicant shall reimburse the Board for its costs of  
17 investigation and prosecution prior to the acceptance of the surrender.

18           **14. Violation of Probation**

19           If Respondent has not complied with any term or condition of probation, the Board shall  
20 have continuing jurisdiction over Respondent's license, and probation shall be automatically  
21 extended, until all terms and conditions have been satisfied or the Board has taken other action as  
22 deemed appropriate to treat the failure to comply as a violation of probation, to terminate  
23 probation, and to impose the penalty that was stayed.

24           If Respondent violates probation in any respect, the Board, after giving Respondent notice  
25 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that  
26 was stayed. If a petition to revoke probation or an accusation is filed against Respondent during  
27 probation, the Board shall have continuing jurisdiction and the period of probation shall be  
28 automatically extended until the petition to revoke probation or accusation is heard and decided.

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**15. Completion of Probation**

Upon written notice by the Board or its designee indicating successful completion of probation, Respondent's license will be fully restored.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Noah E. Jussim. I understand the stipulation and the effect it will have on my Community Pharmacy Permit Application, and on the above-listed citations that are also the subject of and resolved by this agreement. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED:

6/20/12

*Rita K. Ghuman*  
Rita Ghuman, for  
ENTIRELYPETS PHARMACY  
Respondent

I have read and fully discussed with the executive officer(s) for Respondent EntirelyPets Pharmacy the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED:

6/21/12

*Noah E. Jussim*  
NOAH E. JUSSIM  
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Dated:

KAMALA D. HARRIS  
Attorney General of California  
FRANK H. PACOB  
Supervising Deputy Attorney General

JOSHUA A. ROOM  
Deputy Attorney General  
Attorneys for Complainant

SP2012204087; 40548617.doc



**Exhibit A**

**Statement of Issues No. 4294**

1 KAMALA D. HARRIS  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 JOSHUA A. ROOM  
Deputy Attorney General  
4 State Bar No. 214663  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 703-1299  
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10 In the Matter of the Statement of Issues Against:  
11 **ENTIRELYPETS PHARMACY**  
12 **Applicant for Community Pharmacy License**  
13 **Respondent.**

Case No. 4294

**STATEMENT OF ISSUES**

14  
15 Complainant alleges:

16 PARTIES

17 1. Virginia Herold (Complainant) brings this Statement of Issues solely in her official  
18 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

19 2. On or about October 21, 2011, the Board of Pharmacy received a Community  
20 Pharmacy Permit Application from EntirelyPets Pharmacy, listing its parent entity as EntirelyPets  
21 Pharmacy, LLC, owned 90.1% by Ritu Ghumman and 9.9% by HealthyPets, Inc. (Respondent).  
22 HealthyPets, Inc. is in turn owned 50% by Ritu Ghumman and 50% by Mandeep Ghumman.<sup>1</sup> On  
23 or about October 14, 2011, Ritu Ghumman and Mandeep Ghumman, as owner(s) and officer(s),  
24 signed a certification under penalty of perjury as to the truthfulness of all statements, answers,  
25 and representations in the Application. The Board denied the application on January 18, 2012.

26 <sup>1</sup> Both Ritu Ghumman and Mandeep Ghumman are Doctors of Veterinary Medicine, and  
27 both are licensed by the California Veterinary Medical Board. License No. 14261, issued to Dr.  
28 Ritu Ghumman, is in inactive status, and she may not practice veterinary medicine at this time.  
License No. 12996, issued to Dr. Mandeep Ghumman, is active and unrestricted at this time.





1 (o) Violating or attempting to violate, directly or indirectly, or assisting or abetting the  
2 violation of, or conspiring to violate, any provision or term of this chapter or of the applicable  
3 federal and state laws and regulations governing pharmacy, including regulations established by  
4 the board or by any other state or federal regulatory agency.

5 7. Section 4037 of the Code defines "pharmacy" to mean and include any area, place, or  
6 premises licensed by the Board wherein the profession of pharmacy is practiced, prescriptions are  
7 compounded, controlled substances, dangerous drugs, or dangerous devices are stored, possessed,  
8 prepared, manufactured, derived, compounded, or repackaged, and from which the controlled  
9 substances, dangerous drugs, or dangerous devices are furnished, sold, or dispensed at retail.

10 8. Section 4043 of the Code defines "wholesaler" to mean and include any person/entity  
11 that acts as a wholesale merchant, broker, jobber, customs broker, reverse distributor, agent, or a  
12 nonresident wholesaler, who sells for resale, or negotiates for distribution, or takes possession of,  
13 any drug or device included in Section 4022 (dangerous drugs and dangerous devices).

14 9. Section 4067 of the Code provides, in pertinent part, that no person or entity shall  
15 dispense or furnish, or cause to be dispensed or furnished, dangerous drugs or dangerous devices,  
16 as defined in Section 4022 of the Code, on the Internet for delivery to any person in this state  
17 without a prescription issued pursuant to a good faith prior examination of a human or animal for  
18 whom the prescription is meant if the person or entity either knew or reasonably should have  
19 known that the prescription was not issued pursuant to a good faith prior examination of a human  
20 or animal, or if the person or entity did not act in accordance with Section 1761 of Title 16 of the  
21 California Code of Regulations. A "good faith prior examination" includes the requirements for a  
22 physician and surgeon in Section 2242 of the Code and the requirements for a veterinarian in  
23 Section 2032.1 of Title 16 of the California Code of Regulations.

24 10. Section 4110 of the Code provides, in pertinent part, that no person shall conduct a  
25 pharmacy in California without first obtaining a license issued by the Board.

26 11. Section 4112 of the Code provides, in pertinent part, that no person/entity located  
27 outside the state may ship, mail, or deliver controlled substances, dangerous drugs, or dangerous  
28 devices into California without first obtaining a nonresident pharmacy license from the Board.

1           12. Section 4160 of the Code provides, in pertinent part, that no person/entity may act as  
2 a wholesaler of a dangerous drug or device without first obtaining a license from the Board.

3           13. Section 4161 of the Code provides, in pertinent part, that no person/entity located  
4 outside the state may ship, sell, mail, or deliver dangerous drugs or dangerous devices into this  
5 state, or sell, broker, or distribute dangerous drugs or dangerous devices within this state, without  
6 first obtaining a nonresident wholesaler license issued by the Board.

7           14. Section 4076 of the Code requires, in pertinent part, that a pharmacist shall not  
8 dispense a prescription except in a container that meets the requirements of state and federal law  
9 and is correctly labeled with the information specified by that section.

10          15. Section 4077 of the Code provides, in pertinent part, that except under circumstances  
11 not relevant here, no person shall dispense any dangerous drug except in a container correctly  
12 labeled with the information required by section 4076.

13          16. California Code of Regulations, title 16, section 1716, states in pertinent part:

14            "Pharmacists shall not deviate from the requirements of a prescription except upon the prior  
15 consent of the prescriber or to select the drug product in accordance with Section 4073. . . ."

16          17. California Code of Regulations, title 16, section 1761, provides in pertinent part, that  
17 no pharmacist shall compound or dispense any prescription which contains any significant error,  
18 omission, irregularity, uncertainty, ambiguity or alteration, shall contact the prescriber to obtain  
19 the information needed to validate the prescription, and even after conferring with the prescriber,  
20 shall not compound or dispense a controlled substance prescription where the pharmacist knows  
21 or has objective reason to know the prescription was not issued for a legitimate medical purpose.

22          18. Section 4111, subdivision (a), of the Code provides that the Board shall not issue or  
23 renew a license to conduct a pharmacy to a person or persons authorized to prescribe or write a  
24 prescription within the State of California, to any person or persons sharing a community or other  
25 financial interest with such prescriber, or to any corporation that is controlled by, or in which 10  
26 percent or more of the stock is owned by, such a prescriber or any person with a community or  
27 other financial interest in common with such a prescriber.

28            ///

1 CITATION AND FINE AUTHORITY

2 19. Section 125.9 of the Code provides, in pertinent part, that the Board may establish, by  
3 regulation, a system for issuance to a licensee of a citation to contain an order of abatement or an  
4 order to pay an administrative fine assessed by the Board, or both, and the system shall include a  
5 provision whereby failure of a licensee to pay a fine within 30 days of the date of assessment by a  
6 citation not being appealed, may result in disciplinary action being taken.

7 20. Section 148 of the Code provides, in pertinent part, that the Board may establish, by  
8 regulation, a similar system for issuance of a citation to an unlicensed person/entity acting in the  
9 capacity of a licensee or registrant under the jurisdiction of the Board.

10 21. Section 4314 of the Code similarly provides, in pertinent part, that the Board may  
11 issue citations containing fines and orders of abatement for any violation of the Pharmacy Law.

12 22. California Code of Regulations, title 16, section 1775 et seq. provide, in pertinent  
13 part, that the Executive Officer for the Board may issue citations containing either or both a fine  
14 and an order of abatement for any violation of the Pharmacy Law.

15 FACTUAL BACKGROUND

16 23. During the events and time periods described in the following, Respondent and/or its  
17 affiliated entities were acting under, by and/or through entity names including HealthyPets, Inc.,  
18 EntirelyPets.com, and/or Pet Pharmacy Plus. "Respondent" shall refer to all of these entities.

19 24. On or about May 15, 2009, Respondent dispensed/mailed RX 6205953, a prescription  
20 container containing **Metacam 1.5 mg/ml** (a trade name for the generic drug **meloxicam**), a  
21 dangerous drug, to a California customer (for a feline patient). Respondent used addresses both  
22 within and outside California. Respondent was not licensed by the Board as a pharmacy. The  
23 container label did not include the prescriber name or the name and address of the dispensing  
24 pharmacy. The prescription called for **Metacam .5 mg/ml** instead of the dispensed **Metacam 1.5**  
25 **mg/ml**, and the directions for use were written as "eight pound dose by mouth once daily" but  
26 were printed on the container label as being "use as directed by your veterinarian."<sup>2</sup>

27 <sup>2</sup> These allegations are also the subject of Citation No. CI 2009 41054, issued November  
28 18, 2010. Respondent has appealed that Citation, and that appeal is now pending.









**CITATION AND FINE**  
**CI 2009 41054**



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

**CITATION AND FINE**

<b>Citation Number</b>	<b>Name, License No</b>
CI 2009 41054	EntirelyPets.com, Unlicensed

**JURISDICTION: Bus. & Prof. Code § 4005; CCR, title 16, § 1775;**

<b>VIOLATION CODE SECTION</b>	<b>OFFENSE</b>	<b>AMT OF FINE</b>
Bus. & Prof. Code § 4110 subd. (a)/Bus. & Prof. Code § 4112 subd. (a) & (b)	No person shall conduct a pharmacy in the State of California unless he or she has obtained a license from the board/Nonresident pharmacy: Registration required/All nonresident pharmacies shall register with the board...	\$3,000.00
CCR, Title 16, § 1716/Bus. & Prof. Code § 4077 subd. (a)/Bus. & Prof. Code § 4076 subd. (a)(1)(2)(6)	Variation from prescription/Dispensing dangerous drugs in an incorrectly labeled container/Prescription Container - Requirements for Labeling; Container must meet requirements of law with proper labeling, Drug name or active ingredients; Directions for use; Name and address of pharmacy, and prescription number	\$2,000.00

**CONDUCT:**

Unlicensed Activity: Business and Professions Code section 4110 subd. (a) said no person shall conduct a pharmacy in the state of California unless he or she has obtained a license from the Board and Business and Professions Code section 4112 subd. (a) said any pharmacy located outside of this state that ships, mails, or delivers, in any manner, controlled substances, dangerous drugs, or dangerous devices into this state shall be considered a nonresident pharmacy and 4112 subd. (b) said all nonresident pharmacies shall register with the Board. EntirelyPets.com was not in compliance with the laws. Specifically, on 5/15/2009 EntirelyPets.com located at an unknown address, using Postal Mail Box #384 at 710 South 13th Street, Suite 900, in Norfolk, NE 68701 and product returns address 43450 Mintwood Street in Fremont, CA 94538, and which was part of HealthyPets Inc. located at 34501 Seventh Street in Union City, CA 94587, mailed RX 6205953, a prescription for Metacam 1.5mg/ml, to a California customer using the pharmacy name Pet Pharmacy Plus, when neither EntirelyPets.com nor Pet Pharmacy Plus were licensed as a California pharmacy or a California nonresident pharmacy. This was a violation of pharmacy law.

Medication Error: California Code of Regulations section 1716 prohibited the variation from a prescription without prescriber authorization and Business and Professions Code section 4077 subd. (a) required a prescription to be dispensed in a container labeled with the information required in Business and Professions Code section 4076 subd. (a)(1) the name of the prescriber, (2) the directions for use, and (6) the name and address of the pharmacy. EntirelyPets.com was not in compliance with the laws. Specifically, on 5/15/2009 EntirelyPets.com located at an unknown address, using Postal Mail Box #384 at 710 South 13th Street, Suite 900, in Norfolk, NE 68701 and product returns address 43450 Mintwood Street in Fremont, CA 94538, and which was part of HealthyPets Inc. located at 34501 Seventh Street in Union City, CA 94587, dispensed RX 6205953 for Armstrong feline as Metacam 1.5mg/ml instead of the prescribed Metacam .5mg/ml using pharmacy name Pet Pharmacy Plus. Furthermore, the directions for use on the label said to "use as directed by your veterinarian" instead of the prescribed "eight pound dose by mouth once daily." Also, the prescriber name was missing, and the correct name and address of the pharmacy was missing. This was a violation of pharmacy law.

**CITATION ISSUED ON: November 18, 2010**

**TOTAL AMOUNT OF FINE(S): \$5,000.00**

**PAYMENT OF FINE(S) DUE BY: December 18, 2010**

**CITATION AND FINE**  
**CI 2009 42223**

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

**CITATION AND FINE**

<b>Citation Number</b>	<b>Name, License No</b>
CI 2009 42223	Entirely Pets.com DBA Pet Pharmacy Plus, Unlicensed

**JURISDICTION: Bus. & Prof. Code § 4005; CCR, title 16, § 1775; Bus. & Prof. Code § 4301, subd. (o)**

<b>VIOLATION CODE SECTION</b>	<b>OFFENSE</b>	<b>AMT OF FINE</b>
Bus. & Prof. Code § 4110 subd. (a)/Bus. & Prof. Code § 4112 subd. (a) & (b)	No person shall conduct a pharmacy in the State of California unless he or she has obtained a license from the board/Nonresident pharmacy: Registration required/All nonresident pharmacies shall register with the board...	\$5,000.00
Bus. & Prof. Code § 4067 subd. (a)	No person shall dispense or furnish, or cause to be furnished dangerous drugs...on the internet...without a prescription issued pursuant to a good faith examination	\$50,000.00

**CONDUCT:**

Unlicensed Activity: Business and Professions Code section 4110(a) said no person shall conduct a pharmacy in the state of California unless he or she has obtained a license from the Board and Business and Professions Code section 4112(a) said any pharmacy located outside of this state that ships, mails, or delivers, in any manner, controlled substances, dangerous drugs, or dangerous devices into this state shall be considered a nonresident pharmacy and 4112(b) said all nonresident pharmacies shall register with the Board. EntirelyPets.com was not in compliance with the laws. Specifically, on 7/29/2009 and 7/30/2009 EntirelyPets.com located at 34501 Seventh Street in Union City, CA 94587, using Postal Mail Box #384 at 710 South 13th Street, Suite 900, in Norfolk, NE 68701 and a product return address 43450 Mintwood Street in Fremont, CA 94538 shipped RX 6227029, Soloxine .1mg, and RX 6227612, Soloxine .8mg, to a California customer, SA, using the pharmacy name Pet Pharmacy Plus, when neither EntirelyPets.com nor Pet Pharmacy Plus were licensed as a California pharmacy or a California nonresident pharmacy. This was a violation of pharmacy law.

**CITATION AND FINE**  
**CI 2011 49563**

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

**CITATION AND FINE**

<b>Citation Number</b> CI 2011 49563	<b>Name, License No.</b> Healthy Pets Inc., Unlicensed
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<b>JURISDICTION: Bus. &amp; Prof. Code § 4005; CCR, title 16, § 1775; Bus. &amp; Prof. Code § 4314, subd. (1), 148</b>		
<b>VIOLATION CODE SECTION</b>	<b>OFFENSE</b>	<b>AMOUNT OF FINE</b>
Bus. & Prof. Code § 4043 subd (a)/Bus. & Prof. Code § 4160 subd. (a)	Wholesaler means and includes every person who acts as a wholesale merchant, broker, jobber, customs broker, reverse distributor, or agent who sells, negotiates for distribution or takes possession of	\$5,000.00

**CONDUCT:**

Unlicensed Wholesaler. Business and Professions Code section 4043(a) defines a wholesaler to include a person who acts as a wholesale merchant, broker, jobber, customs broker, reverse distributor, agent, or a nonresident wholesaler, who sells for resale, or negotiates for distribution, or takes possession of, any drug or device included in section 4022 and Business and Professions Code section 4160(a) states a person may not act as a wholesaler of any dangerous drug unless licensed by the Board. Healthy Pets Inc. was non-compliant. Specifically, from on or about 2/24/10 to on or about 3/4/10, Healthy Pets Inc., an unlicensed wholesaler located at 43500 Mintwood St., Fremont, CA 94538, sold dangerous drugs to Pet Meds N More, Inc., located in Los Angeles, CA without first obtaining a license from the Board. This was a violation of pharmacy law.

Wholesaler	Date	Amount	Sold To	Ship-to Name	Ship-to Address
Healthy Pets Inc.	2/24/10	\$8,534.63	Pet Meds N More, Inc.	Pet Meds N More, Inc.	11901 Santa Monica Blvd. #429, Los Angeles
Healthy Pets Inc.	3/4/10	\$19,678.82	Pet Meds N More, Inc.	Pet Meds N More, Inc.	11901 Santa Monica Blvd. #429, Los Angeles

**CITATION ISSUED ON: December 7, 2011**

**TOTAL AMOUNT OF FINE(S): \$5,000.00**

**PAYMENT OF FINE(S) DUE BY: January 6, 2012**

**CITATION AND FINE**  
**CI 2011 49569**

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

**CITATION AND FINE**

<b>Citation Number</b> CI 2011 49569	<b>Name, License No.</b> Entirelypets.com, Unlicensed
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<b>JURISDICTION: Bus. &amp; Prof. Code § 4005; CCR, title 16, § 1775; Bus. &amp; Prof. Code § 4314, subd. (1), 148</b>		
<b>VIOLATION CODE SECTION</b>	<b>OFFENSE</b>	<b>AMOUNT OF FINE</b>
<b>Bus. &amp; Prof. Code § 4161 subd. (a) &amp; (b)</b>	<b>Nonresident Wholesaler Requirements/License required</b>	<b>\$5,000.00</b>

**CONDUCT:**

Unlicensed Nonresident Wholesaler. Business and Professions Code section 4161(a) states a person located outside of this state that (1) ships, sells, mails, or delivers dangerous drugs into this state or (2) sells, brokers, or distributes dangerous drugs within this state shall be considered a nonresident wholesaler and Business and Professions Code 4161 (b) states a nonresident wholesaler shall be licensed by the Board prior to shipping, selling, mailing, or delivering dangerous drugs to a site located in this state or selling, brokering, or distributing dangerous drugs within this state. Entirelypets.com was non-compliant. Specifically, from on or about 9/25/09 to on or about 10/27/09, entirelypets.com, an unlicensed wholesaler located at 710 S. 13<sup>th</sup> St. #900, PMB 384, Norfolk, NE 68701, sold dangerous drugs to Pet Meds N More, Inc., located in Los Angeles, CA without first obtaining a license from the Board. This was a violation of pharmacy law.

Wholesaler	Date	Amount	Sold To	Ship To Name	Ship to Address
Entirelypets.com	9/25/09	\$2,120.40	Pet Meds N More, Inc.	Pet Meds N More, Inc.	11901 Santa Monica Blvd. #429, Los Angeles
Entirelypets.com	10/19/09	\$3,927.08	Pet Meds N More, Inc.	Pet Meds N More, Inc.	11901 Santa Monica Blvd. #429, Los Angeles
Entirelypets.com	10/27/09	\$2,705.30	Pet Meds N More, Inc.	Pet Meds N More, Inc.	11901 Santa Monica Blvd. #429, Los Angeles

**CITATION ISSUED ON: December 7, 2011**

**TOTAL AMOUNT OF FINE(S): \$5,000.00**

**PAYMENT OF FINE(S) DUE BY: January 6, 2012**