

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

In the Matter of the Accusation Against:

MARK JOHN BADRIA
11125 Flintkote Ave. #F
San Diego, CA 92121

Pharmacist License No. RPH 41678

Case No. 4671

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR MARK
JOHN BADRIA, RPH 41678, ONLY**

Respondent.

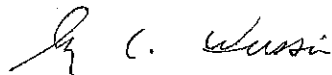
DECISION AND ORDER

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 December 15, 2014.

It is so ORDERED on December 9, 2014.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STAN C. WEISSER
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 JAMES LEDAKIS
Supervising Deputy Attorney General
3 ANTOINETTE B. CINCOTTA
Deputy Attorney General
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Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 4671

12 **MARK JOHN BADRIA**
13 **11125 Flintkote Ave. #F**
14 **San Diego, CA 92121**

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR MARK
JOHN BADRIA, RPH 41678, ONLY

15 **Pharmacist License No. RPH 41678**

16 Respondent.

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 PARTIES

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

24 2. Respondent Mark John Badria (Respondent) is represented in this proceeding by
25 attorneys John A. Cronin and Peter S. Gregorovic, whose address is: 5720 Oberlin Drive, San
26 Diego, CA 92121.

27 3. On or about April 23, 1988, the Board issued Pharmacist License No. RPH 41678
28 to Mark John Badria (Respondent). The Pharmacist License was in full force and effect at all

1 times relevant to the charges brought in Accusation No. 4671, and will expire on September 30,
2 2015, unless renewed.

3 JURISDICTION

4 4. Accusation No. 4671 was filed before the Board, and is currently pending against
5 Respondent. The Accusation and all other statutorily required documents were properly served
6 on Respondent on September 16, 2014. Respondent timely filed his Notice of Defense contesting
7 the Accusation.

8 5. A copy of Accusation No. 4671 is attached as Exhibit A, and incorporated herein
9 by reference.

10 ADVISEMENT AND WAIVERS

11 6. Respondent has carefully read, fully discussed with counsel, and understands the
12 charges and allegations in Accusation No. 4671. Respondent has also carefully read, fully
13 discussed with counsel, and understands the effects of this Stipulated Settlement and
14 Disciplinary Order.

15 7. Respondent is fully aware of his legal rights in this matter, including the right to a
16 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
17 the witnesses against him; the right to present evidence and to testify on his own behalf; the right
18 to the issuance of subpoenas to compel the attendance of witnesses and the production of
19 documents; the right to reconsideration and court review of an adverse decision; and all other
20 rights accorded by the California Administrative Procedure Act and other applicable laws.

21 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
22 every right set forth above.

23 CULPABILITY

24 9. Respondent understands and agrees that the charges and allegations in
25 Accusation No. 4671, if proven at a hearing, constitute cause for imposing discipline upon
26 his Pharmacist License.

27 10. For the purpose of resolving the Accusation without the expense and
28 uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could

1 establish a factual basis for the charges in the Accusation, and that Respondent hereby gives
2 up its right to contest those charges.

3 11. Respondent agrees that his Pharmacist License is subject to discipline and
4 they agree to be bound by the Board's probationary terms as set forth in the Disciplinary
5 Order below.

6 CONTINGENCY

7 12. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent
8 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may
9 communicate directly with the Board regarding this stipulation and settlement, without notice to
10 or participation by Respondent or his counsel. By signing the stipulation, Respondent understands
11 and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the
12 time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its
13 Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or
14 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,
15 and the Board shall not be disqualified from further action by having considered this matter.

16 13. The parties understand and agree that Portable Document Format (PDF) and
17 facsimile copies of this Stipulated Settlement and Disciplinary Order, including Portable
18 Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as
19 the originals.

20 14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be
21 an integrated writing representing the complete, final, and exclusive embodiment of their
22 agreement. It supersedes any and all prior or contemporaneous agreements, understandings,
23 discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and
24 Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed
25 except by a writing executed by an authorized representative of each of the parties.

26 15. In consideration of the foregoing admissions and stipulations, the parties agree that
27 the Board may, without further notice or formal proceeding, issue and enter the following
28 Disciplinary Order:

1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Pharmacist License No. RPH 41678 issued to Respondent
3 Mark John Badria (Respondent) is revoked. However, the revocation is stayed, and Respondent
4 is placed on probation for four (4) years on the following terms and conditions.

5 1. **Obey All Laws**

6 Respondent shall obey all state and federal laws and regulations.

7 Respondent shall report any of the following occurrences to the board, in writing, within
8 seventy-two (72) hours of such occurrence:

- 9 • an arrest or issuance of a criminal complaint for violation of any provision of the
10 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
11 substances laws \
- 12 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to any
13 criminal complaint, information or indictment
- 14 • a conviction of any crime
- 15 • discipline, citation, or other administrative action filed by any state or federal agency
16 which involves Respondent's Pharmacist License or which is related to the practice of
17 pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging for
18 any drug, device or controlled substance.

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

20 2. **Report to the Board**

21 Respondent shall report to the board quarterly, on a schedule as directed by the board or its
22 designee. The report shall be made either in person or in writing, as directed. Among other
23 requirements, Respondent shall state in each report under penalty of perjury whether there has
24 been compliance with all the terms and conditions of probation. Failure to submit timely reports
25 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency
26 in submission of reports as directed may be added to the total period of probation. Moreover, if
27 the final probation report is not made as directed, probation shall be automatically extended until
28 such time as the final report is made and accepted by the board.

1 **3. Interview with the Board**

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

7 **4. Cooperate with Board Staff**

8 Respondent shall cooperate with the board's inspection program and with the board's
9 monitoring and investigation of Respondent's compliance with the terms and conditions of his
10 probation. Failure to cooperate shall be considered a violation of probation.

11 **5. Continuing Education**

12 Respondent shall provide evidence of efforts to maintain skill and knowledge as a
13 pharmacist as directed by the board or its designee.

14 **6. Notice to Employers**

15 During the period of probation, Respondent shall notify all present and prospective
16 employers of the decision in case number 4671 and the terms, conditions and restrictions
17 imposed on Respondent by the decision, as follows:

18 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
19 Respondent undertaking any new employment, Respondent shall cause his direct supervisor,
20 pharmacist-in-charge (including each new pharmacist-in-charge employed during Respondent's
21 tenure of employment) and owner to report to the board in writing acknowledging that the listed
22 individual(s) has/have read the decision in case number 4671, and terms and conditions imposed
23 thereby. It shall be Respondent's responsibility to ensure that his employer(s) and/or
24 supervisor(s) submit timely acknowledgment(s) to the board.

25 If Respondent works for or is employed by or through a pharmacy employment service,
26 Respondent must notify his direct supervisor, pharmacist-in-charge, and owner at every entity
27 licensed by the board of the terms and conditions of the decision in case number 4671 in advance

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1 of the Respondent commencing work at each licensed entity. A record of this notification must
2 be provided to the board upon request.

3 Furthermore, within thirty (30) days of the effective date of this decision, and within
4 fifteen (15) days of Respondent undertaking any new employment by or through a pharmacy
5 employment service, Respondent shall cause his direct supervisor with the pharmacy
6 employment service to report to the board in writing acknowledging that he has read the decision
7 in case number 4671 and the terms and conditions imposed thereby. It shall be Respondent's
8 responsibility to ensure that his employer(s) and/or supervisor(s) submit timely
9 acknowledgment(s) to the board.

10 Failure to timely notify present or prospective employer(s) or to cause that/those
11 employer(s) to submit timely acknowledgments to the board shall be considered a violation of
12 probation.

13 "Employment" within the meaning of this provision shall include any full-time, part-time,
14 temporary, relief or pharmacy management service as a pharmacist or any position for which a
15 pharmacist license is a requirement or criterion for employment, whether the Respondent is an
16 employee, independent contractor or volunteer.

17 **7. No Supervision of Interns, Serving as Pharmacist-in-Charge (PIC), Serving as**
18 **Designated Representative-in-Charge, or Serving as a Consultant**

19 During the period of probation, Respondent shall not supervise any intern pharmacist, be
20 the pharmacist-in-charge or designated representative-in-charge of any entity licensed by the
21 board nor serve as a consultant unless otherwise specified in this order. Assumption of any such
22 unauthorized supervision responsibilities shall be considered a violation of probation.

23 **8. Consultant for Owner or Pharmacist-In-Charge**

24 During the period of probation, Respondent shall not supervise any intern pharmacist or
25 serve as a consultant to any entity licensed by the board. Respondent may be a pharmacist-in-
26 charge of Southern California Compounding Pharmacy, LLC. However, if during the period of
27 probation Respondent serves as a pharmacist-in-charge of Southern California Compounding
28 Pharmacy, LLC, Respondent shall retain an independent consultant at his own expense who shall

1 be responsible for reviewing pharmacy operations on a monthly basis for compliance by
2 Respondent with state and federal laws and regulations governing the practice of pharmacy and
3 for compliance by Respondent with the obligations of a pharmacist-in-charge. The consultant
4 shall be a pharmacist licensed by and not on probation with the Board and whose name shall be
5 submitted to the Board or its designee, for prior approval, within thirty (30) days of the effective
6 date of this decision. Respondent shall not be a pharmacist-in-charge at more than one
7 pharmacy. Failure to timely retain, seek approval of, or ensure timely reporting by the consultant
8 shall be considered a violation of probation.

9 **9. Reimbursement of Board Costs**

10 As a condition precedent to successful completion of probation, Respondent shall be jointly
11 and severally responsible with Respondent Southern California Compounding Pharmacy LLC to
12 pay to the Board its costs of investigation and prosecution in the amount of \$5,551.00.

13 Respondent shall make payments pursuant to a payment plan approved by the Board. However,
14 all costs must be paid in full within three years. There shall be no deviation from this schedule
15 absent prior written approval by the Board or its designee. Failure to pay costs by the deadline(s)
16 as directed shall be considered a violation of probation.

17 The filing of bankruptcy by Respondent shall not relieve Respondent of his responsibility
18 to reimburse the Board its costs of investigation and prosecution.

19 **10. Probation Monitoring Costs**

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

24 **11. Status of License**

25 Respondent shall, at all times while on probation, maintain an active, current license with
26 the board, including any period during which suspension or probation is tolled. Failure to
27 maintain an active, current license shall be considered a violation of probation.

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

5 **12. License Surrender While on Probation/Suspension**

6 Following the effective date of this decision, should Respondent cease practice due to
7 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
8 Respondent may tender his license to the board for surrender. The board or its designee shall
9 have the discretion whether to grant the request for surrender or take any other action it deems
10 appropriate and reasonable. Upon formal acceptance of the surrender of the license, Respondent
11 will no longer be subject to the terms and conditions of probation. This surrender constitutes a
12 record of discipline and shall become a part of the Respondent's license history with the board.

13 Upon acceptance of the surrender, Respondent shall relinquish his pocket and wall license
14 to the board within ten (10) days of notification by the board that the surrender is accepted.
15 Respondent may not reapply for any license from the board for three (3) years from the effective
16 date of the surrender. Respondent shall meet all requirements applicable to the license sought as
17 of the date the application for that license is submitted to the board, including any outstanding
18 costs.

19 **13. Notification of a Change in Name, Residence Address, Mailing Address or**
20 **Employment**

21 Respondent shall notify the board in writing within ten (10) days of any change of
22 employment. Said notification shall include the reasons for leaving, the address of the new
23 employer, the name of the supervisor and owner, and the work schedule if known. Respondent
24 shall further notify the board in writing within ten (10) days of a change in name, residence
25 address, mailing address, or phone number.

26 Failure to timely notify the board of any change in employer(s), name(s), address(es), or
27 phone number(s) shall be considered a violation of probation.

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1 **14. Tolling of Probation**

2 Except during periods of suspension, Respondent shall, at all times while on probation, be
3 employed as a pharmacist in California for a minimum of 40 hours per calendar month. Any
4 month during which this minimum is not met shall toll the period of probation, i.e., the period of
5 probation shall be extended by one month for each month during which this minimum is not met.
6 During any such period of tolling of probation, Respondent must nonetheless comply with all
7 terms and conditions of probation.

8 Should Respondent, regardless of residency, for any reason (including vacation) cease
9 practicing as a pharmacist for a minimum of 40 hours per calendar month in California,
10 Respondent must notify the Board in writing within ten (10) days of the cessation of practice,
11 and must further notify the Board in writing within ten (10) days of the resumption of practice.
12 Any failure to provide such notification(s) shall be considered a violation of probation.

13 It is a violation of probation for Respondent's probation to remain tolled pursuant to the
14 provisions of this condition for a total period, counting consecutive and non-consecutive months,
15 exceeding thirty-six (36) months.

16 "Cessation of practice" means any calendar month during which Respondent is not
17 practicing as a pharmacist for at least 40 hours, as defined by Business and Professions Code
18 section 4000 et seq. "Resumption of practice" means any calendar month during which
19 Respondent is practicing as a pharmacist for at least 40 hours as a pharmacist as defined by
20 Business and Professions Code section 4000 et seq.

21 **15. Community Services Program**

22 Within sixty (60) days of the effective date of this decision, Respondent shall submit to the
23 board or its designee, for prior approval, a community service program in which Respondent
24 shall provide either free brown bag services for at least 30 hours during probation or \$10,000 of
25 immunization services for free during probation. Within thirty (30) days of board approval
26 thereof, Respondent shall submit documentation to the board demonstrating commencement of
27 the community service program. A record of this notification must be provided to the board upon
28 request. Respondent shall report on progress with the community service program in the

1 quarterly reports. Failure to timely submit, commence, or comply with the program shall be
2 considered a violation of probation.

3 **16. Remedial Education**

4 Within sixty days of the effective date of this decision, Respondent shall submit to the
5 Board or its designee, for prior approval, an appropriate program of remedial education related to
6 sterile compounding. The program of remedial education shall consist of at least 10 hours per
7 year for each of the first three years of probation, which shall be completed at Respondent's own
8 expense. All remedial education shall be in addition to, and shall not be credited toward,
9 continuing education (CE) courses used for license renewal purposes.

10 Failure to timely submit or complete the approved remedial education shall be considered a
11 violation of probation. The period of probation will be automatically extended until such
12 remedial education is successfully completed and written proof, in a form acceptable to the
13 board, is provided to the Board or its designee.

14 Following the completion of each course, the Board or its designee may require the
15 Respondent, at his own expense, to take an approved examination to test the Respondent's
16 knowledge of the course. Failure to achieve a passing score on the examination shall require
17 Respondent to take another course approved by the Board in the same subject matter. Any such
18 examination failure shall require Respondent to take another course approved by the Board in the
19 same subject area.

20 **17. No Ownership of Licensed Premises**

21 Respondent shall not acquire any new ownership, legal or beneficial interest nor serve as a
22 manager, administrator, member, officer, director, trustee, associate, or partner of any additional
23 business, firm, partnership, or corporation licensed by the Board. If Respondent currently owns
24 or has any legal or beneficial interest in, or serves as a manager, administrator, member, officer,
25 director, trustee, associate, or partner of any business, firm, partnership, or corporation currently
26 or hereinafter licensed by the Board, Respondent may continue to serve in such capacity or hold
27 that interest, but only to the extent of that position or interest as of the effective date of this
28 decision. Violation of this restriction shall be considered a violation of probation.

1 18. Violation of Probation

2 If Respondent has not complied with any term or condition of probation, the Board shall
3 have continuing jurisdiction over Respondent, and probation shall automatically be extended,
4 until all terms and conditions have been satisfied or the board has taken other action as deemed
5 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and
6 to impose the penalty that was stayed.

7 If Respondent violates probation in any respect, the board, after giving Respondent notice
8 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
9 was stayed. Notice and opportunity to be heard are not required for those provisions stating that
10 a violation thereof may lead to automatic termination of the stay and/or revocation of the license.
11 If a petition to revoke probation or an accusation is filed against Respondent during probation, all
12 charges and allegations in Accusation No. 4671 shall be deemed true and correct, the board shall
13 have continuing jurisdiction, and the period of probation shall be automatically extended until
14 the petition to revoke probation or accusation is heard and decided.

15 19. Completion of Probation

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

18 ACCEPTANCE

19 I have carefully read the above Stipulated Settlement and Disciplinary Order and have
20 fully discussed it with my attorney, John A. Cronin and Peter S. Gregorovic. I understand the
21 stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated
22 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
23 bound by the Decision and Order of the Board of Pharmacy.


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25 DATED: 10/30/14 
26 _____
27 MARK JOHN BADRIA
28 Respondent

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I have read and fully discussed with Respondent Mark John Badria the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

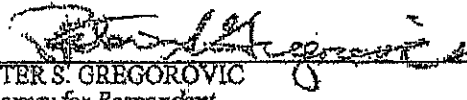
DATED: October 30, 2014



JOHN A. CRONIN
Attorney for Respondent

I have read and fully discussed with Respondent Mark John Badria the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: October 30, 2014



PETER S. GREGOROVIC
Attorney for Respondent

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ENDORSEMENT

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

Dated:

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
JAMES LEDAKIS
Supervising Deputy Attorney General

ANTOINETTE B. CINCOTTA
Deputy Attorney General
Attorneys for Complainant

SD2013706169

Exhibit A

Accusation No. 4671

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 ANTOINETTE B. CINCOTTA
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Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 4671

12 **SOUTHERN CALIFORNIA COMPOUNDING**
13 **PHARMACY LLC**
11125 Flintkote Ave. #F
14 San Diego, CA 92121

ACCUSATION

15 Pharmacy Permit No. PHY 49147
Sterile Compounding Permit No. LSC 99510

16 **MARK BADRIA**
17 11125 Flintkoke Ave., #F
San Diego, CA 92121

18 Pharmacist License No. RPH 41678

19 Respondents.
20

21 Complainant alleges:

22 **PARTIES**

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

25 2. On or about October 29, 2008, the Board of Pharmacy issued Pharmacy Permit No.
26 PHY 49147 to Southern California Compounding Pharmacy LLC (Respondent Pharmacy). The
27 Pharmacy Permit was in full force and effect at all times relevant to the charges brought herein,
28 and will expire on October 1, 2014, unless renewed.

1 7. Section 4300.1 of the Code states:

2 The expiration, cancellation, forfeiture, or suspension of a board-issued
3 license by operation of law or by order or decision of the board or a court of law,
4 the placement of a license on a retired status, or the voluntary surrender of a
5 license by a licensee shall not deprive the board of jurisdiction to commence or
6 proceed with any investigation of, or action or disciplinary proceeding against, the
7 licensee or to render a decision suspending or revoking the license.

8 **STATUTORY AUTHORITY**

9 8. Section 4301 of the Code states:

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

14 ...

15 (o) Violating or attempting to violate, directly or indirectly, or assisting in or
16 abetting the violation of or conspiring to violate any provision or term of this
17 chapter or of the applicable federal and state laws and regulations governing
18 pharmacy, including regulations established by the board or by any other state or
19 federal regulatory agency.

20

21 **REGULATIONS**

22 9. California Code of Regulations, title 16, section 1751.7, states in relevant part:

23 ...

24 (c) Batch-produced sterile injectable drug products compounded from one or
25 more non-sterile ingredients shall be subject to documented end product testing for
26 sterility and pyrogens and shall be quarantined until the end product testing
27 confirms sterility and acceptable levels of pyrogens.

28

COSTS

10. Section 125.3 of the Code states, in pertinent part, that the Board may request the
administrative law judge to direct a licentiate found to have committed a violation or violations of
the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
enforcement of the case. If a case settles, recovery of investigation and enforcement costs may be
included in a stipulated settlement.

1 **CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct – Failure to Perform End Product Testing**
3 **on Batch-Produced Sterile Injectable Drug Products)**

4 11. Respondents are subject to disciplinary action for unprofessional conduct under Code
5 section 4301, subdivision (o), for failing to perform end product testing on batch-produced sterile
6 injectable drug products in violation of California Code of Regulations, title 16, section 1751.7,
7 subdivision (c) as follows:

8 a. On a routine inspection conducted at Respondent Pharmacy on April 19, 2013, the
9 Board's investigators discovered that 51 sterile injectable drug products were made from batch-
10 produced sterile injectable drug products compounded from one or more non-sterile ingredients.
11 Respondents dispensed these 51 sterile injectable drug products before completing end product
12 testing for sterility and acceptable levels of pyrogens.

13 **DISCIPLINE CONSIDERATIONS**

14 12. To determine the degree of discipline, if any, to be imposed on Respondent Pharmacy,
15 Complainant alleges that on or about June 9, 2011, in a prior action, the Board of Pharmacy
16 issued Citation Number CI 2010 46603 charging Respondent Pharmacy with violation of
17 California Code of Regulations, title 16, section 1714, subdivisions (b), (d) and (e), for operating
18 standards and security violations, and California Code of Regulations, title 16, section 1716, and
19 Business and Professions Code section 4076, subdivision (a)(2), for dispensing prescriptions not
20 correctly labeled with directions for use of the drug. Respondent Pharmacy was ordered to pay a
21 fine in the amount of \$1,000.00 by July 9, 2011. That Citation is now final and is incorporated by
22 reference as if fully set forth.

23 13. To determine the degree of discipline, if any, to be imposed on Respondent Badria
24 Complainant alleges that on or about June 9, 2011, in a prior action, the Board of Pharmacy
25 issued Citation Number CI 2010 48429 charging Respondent Badria with violation of California
26 Code of Regulations, title 16, section 1714, subdivisions (b), (d) and (e), for operating standards
27 and security violations, and California Code of Regulations, title 16, section 1716, and Business
28 and Professions Code section 4076, subdivision (a)(2), for dispensing prescriptions not correctly

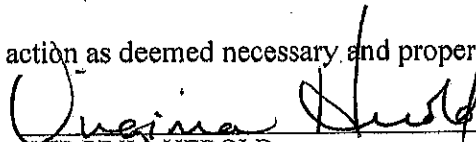
1 labeled with directions for use of the drug. Respondent Badria was ordered to pay a fine in the
2 amount of \$1,375.00 by July 9, 2011. That Citation is now final and is incorporated by reference
3 as if fully set forth.

4 **PRAYER**

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

- 7 1. Revoking or suspending Pharmacy Permit No. PHY 49147 issued to Southern
8 California Compounding Pharmacy LLC;
- 9 2. Revoking or suspending Sterile Compounding Permit No. LSC 99510, issued to
10 Southern California Compounding Pharmacy LLC;
- 11 3. Revoking or suspending Pharmacist License No. RPH 41678 issued to Mark John
12 Badria;
- 13 4. Ordering Respondents to pay the Board of Pharmacy the reasonable costs of the
14 investigation and enforcement of this case, pursuant to Business and Professions Code section
15 125.3;
- 16 5. Taking such other and further action as deemed necessary and proper

17 DATED: 8/27/14


18 VIRGINIA HEROLD
19 Executive Officer
20 Board of Pharmacy
21 Department of Consumer Affairs
22 State of California
23 Complainant

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