

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

In the Matter of the Accusation Against:

Case No. 5529

**JAY AMIN  
7401 East Speedway Blvd. Apt. 6202  
Tucson, AZ 85710**

**Registered Pharmacist License No. RPH  
65778**

Respondent.

**DECISION AND ORDER**

The attached Stipulated Surrender of License and 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 January 22, 2016.

It is so ORDERED on December 23, 2015.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
Amy Gutierrez, Pharm.D.  
Board President

1 KAMALA D. HARRIS  
Attorney General of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 NICOLE R. TRAMA  
Deputy Attorney General  
4 State Bar No. 263607  
600 West Broadway, Suite 1800  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2143  
7 Facsimile: (619) 645-2061  
*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. 5529

12 **JAY AMIN**  
13 **7401 East Speedway Blvd. Apt. 6202**  
14 **Tucson, AZ 85710**

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

15 **Registered Pharmacist License No. RPH**  
16 **65778**

Respondent.

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

20 PARTIES

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

25 2. Jay Amin (Respondent) is representing himself in this proceeding and has chosen not  
26 to exercise his right to be represented by counsel.  
27  
28





1 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order  
2 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing  
3 executed by an authorized representative of each of the parties.

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

6 **ORDER**

7 IT IS HEREBY ORDERED that Registered Pharmacist License No. RPH 65778, issued to  
8 Respondent Jay Amin, is surrendered and accepted by the Board of Pharmacy.

9 1. The surrender of Respondent's Registered Pharmacist License and the acceptance of  
10 the surrendered license by the Board shall constitute the imposition of discipline against  
11 Respondent. This stipulation constitutes a record of the discipline and shall become a part of  
12 Respondent's license history with the Board of Pharmacy.

13 2. Respondent shall lose all rights and privileges as a pharmacist in California as of the  
14 effective date of the Board's Decision and Order.

15 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was  
16 issued, his wall certificate on or before the effective date of the Decision and Order.

17 4. If Respondent ever applies for licensure or petitions for reinstatement in the State of  
18 California, the Board shall treat it as a new application for licensure. Respondent must comply  
19 with all the laws, regulations and procedures for licensure in effect at the time the application or  
20 petition is filed, and all of the charges and allegations contained in Accusation No. 5529 shall be  
21 deemed to be true, correct and admitted by Respondent when the Board determines whether to  
22 grant or deny the application or petition.

23 5. Respondent shall pay the agency its costs of investigation and enforcement in the  
24 amount of \$3,573.50 prior to issuance of a new or reinstated license.

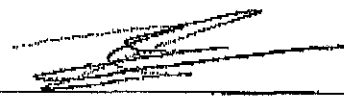
25 6. If Respondent should ever apply or reapply for a new license or certification, or  
26 petition for reinstatement of a license, by any other health care licensing agency in the State of  
27 California, all of the charges and allegations contained in Accusation, No. 5529 shall be deemed  
28

1 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any  
2 other proceeding seeking to deny or restrict licensure.

3 7. Respondent may not apply, reapply or petition for reinstatement of any license or  
4 registration from the Board for three (3) years from the effective date of the Decision and Order.

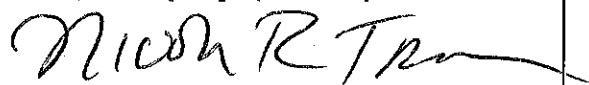
5 ACCEPTANCE

6 I have carefully read the Stipulated Surrender of License and Order. I understand the  
7 stipulation and the effect it will have on my Registered Pharmacist License. I enter into this  
8 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to  
9 be bound by the Decision and Order of the Board of Pharmacy.

10  
11 DATED: 11/23/15   
12 JAY AMIN  
13 Respondent

14 ENDORSEMENT

15 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted  
16 for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

17 Dated: 11/23/2015 Respectfully submitted,  
18 KAMALA D. HARRIS  
19 Attorney General of California  
20 JAMES M. LEDAKIS  
21 Supervising Deputy Attorney General  
22   
23 NICOLE R. TRAMA  
24 Deputy Attorney General  
25 *Attorneys for Complainant*

26 SD2015801573  
27 81189103.doc  
28

**Exhibit A**

**Accusation No. 5529**

1 KAMALA D. HARRIS  
Attorney General of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 NICOLE R. TRAMA  
Deputy Attorney General  
4 State Bar No. 263607  
600 West Broadway, Suite 1800  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2143  
7 Facsimile: (619) 645-2061  
*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. 5529

12 **JAY AMIN**  
13 **41620 Alligator Pond Road**  
14 **Bermuda Dunes, CA 92203**

**A C C U S A T I O N**

15 **Registered Pharmacist License No. RPH**  
**65778**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about August 17, 2011, the Board of Pharmacy issued Registered Pharmacist  
23 License Number RPH 65778 to Jay Amin (Respondent). The Registered Pharmacist License was  
24 in full force and effect at all times relevant to the charges brought herein and will expire on  
25 December 31, 2016, unless renewed.  
26  
27  
28





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

7  
8  
9  
10  
11  
12 7. Section 4059 of the Code states:

13 (a) A person may not furnish any dangerous drug, except upon the  
14 prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or  
15 naturopathic doctor pursuant to Section 3640.7. A person may not furnish any  
16 dangerous device, except upon the prescription of a physician, dentist, podiatrist,  
17 optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7.

18  
19  
20  
21  
22 8. Section 4060 of the Code states:

23 No person shall possess any controlled substance, except that furnished to a  
24 person upon the prescription of a physician, dentist, podiatrist, optometrist,  
25 veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished  
26 pursuant to a drug order issued by a certified nurse-midwife pursuant to Section  
27 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician assistant  
28 pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, or a  
pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv)  
of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This  
section shall not apply to the possession of any controlled substance by a  
manufacturer, wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist,  
optometrist, veterinarian, naturopathic doctor, certified nurse-midwife, nurse  
practitioner, or physician assistant, when in stock in containers correctly labeled  
with the name and address of the supplier or producer.

Nothing in this section authorizes a certified nurse-midwife, a nurse  
practitioner, a physician assistant, or a naturopathic doctor, to order his or her own  
stock of dangerous drugs and devices.

9. Section 4113, subdivision (c) of the Code states: "The pharmacist-in-charge shall be  
responsible for a pharmacy's compliance with all state and federal laws and regulations pertaining  
to the practice of pharmacy."

10. Health and Safety Code section 11170 states that no person shall prescribe,  
administer, or furnish a controlled substance for himself.

1 **COST RECOVERY**

2 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request  
3 the administrative law judge to direct a licentiate found to have committed a violation or  
4 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
5 and enforcement of the case.

6 **DRUGS**

7 12. Azithromycin is an antibiotic and is a dangerous drug pursuant to Business and  
8 Professions Code section 4022.

9 13. Phenergan with codeine, the brand name for promethazine with codeine syrup, is a  
10 controlled substance pursuant to Health and Safety Code section 11058, subdivision (c)(1), and is  
11 a dangerous drug pursuant to Business and Professions Code section 4022.

12 14. Xanax, the brand name for alprazolam, is a controlled substance pursuant to Health  
13 and Safety Code section 11057, subdivision (d) and is a dangerous drug pursuant to Business and  
14 Professions Code section 4022.

15 **FACTUAL ALLEGATIONS**

16 15. Respondent was employed as a Pharmacist-in-Charge (PIC) at CVS Pharmacy Store  
17 Number 9153 from March 24, 2014 through May 18, 2015. During the time that Respondent  
18 worked as PIC, pharmacy technician T.W. worked at CVS Store Number 9153. T.W. also  
19 worked at two other CVS stores.

20 16. On or about May 4, 2015, CVS Pharmacy received a complaint alleging that T.W.  
21 generated fraudulent promethazine with codeine prescriptions. CVS Pharmacy investigated the  
22 incident and learned that T.W. obtained multiple prescriptions for promethazine with codeine  
23 allegedly written by Dr. K.P. During an interview with T.W. by CVS Pharmacy, T.W. admitted  
24 that she obtained prescriptions for narcotics without seeing or speaking to the alleged prescriber,  
25 Dr. K.P., who was her former employer. She stated that she received authorization for the  
26 prescriptions from "Connie" at Dr. K.P.'s office. When asked what she did with the drugs that  
27 she obtained, she admitted to consuming them and also sharing drugs. Specifically, T.W.  
28 admitted sharing approximately 20 tablets of Xanax with Respondent in February and April 2015.

1 She stated that she shared it with Respondent because he asked her for some because he was  
2 experiencing stress. T.W. admitted that she knew that Respondent did not have a prescription for  
3 Xanax. In addition, she admitted to obtaining a prescription for promethazine with codeine for  
4 Respondent because he told her he was ill and asked her to get him a prescription from Dr. K.P.  
5 T.W. stated that she called Dr. K.P.'s office and asked the nurse to call in a prescription for  
6 Respondent because he was ill. She admitted that Respondent was never seen by Dr. K.P. for the  
7 prescription he received.

8 17. Respondent was also interviewed by CVS Pharmacy. He admitted that he knew that  
9 T.W. previously worked for a doctor's office and he asked her to help him out by calling in a  
10 prescription for his cough. Respondent stated that T.W. had a prescription for promethazine with  
11 codeine called into CVS for him. Respondent admitted that he was never a patient of Dr. K.P.,  
12 never visited Dr. K.P.'s office, never spoke with Dr. K.P., and that he knew his actions were  
13 wrong and was against CVS policy.

14 18. Respondent also admitted that he wrote a prescription for azithromycin for himself  
15 because he was not feeling well and did not want to miss work to see a doctor. He admitted that  
16 he wrote the prescription on the call-in prescription pad, then gave it to a technician to type up  
17 and fill, then he verified it since he was the only pharmacist on duty. Respondent wrote that  
18 Physician Assistant (PA) C.B. had authorized the prescription, when in fact, he had not.

19 19. In addition, Respondent admitted to "borrowing" medication, specifically alprazolam  
20 (Xanax), from T.W. even though he did not have a prescription for it. He stated he borrowed the  
21 medication because he felt stressed and had personal issues at home.

22 20. CVS reported the findings of their investigation to the Board. Thereafter, the Board  
23 initiated an investigation and determined that on May 5, 2015, Respondent had written and  
24 dispensed a fraudulent prescription (RX 405716) for 30 tablets of azithromycin 500 mg. In  
25 addition, the investigation revealed that on December 16, 2014, Respondent obtained a  
26 prescription (RX No. 896490) for promethazine with codeine even though he never saw or spoke  
27 to Dr. K.P. about the prescription. Neither Dr. K.P., nor any of his staff, prescribed, authorized,  
28

1 or phoned-in the prescription for promethazine with codeine for Respondent; therefore, the  
2 prescription Respondent obtained was fraudulent.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Dishonest Act)**

5 21. Respondent has subjected his license to disciplinary action under section 4301,  
6 subdivision (f) of the Code in that Respondent committed acts involving dishonesty, fraud, deceit,  
7 or corruption, as detailed in paragraphs 15 through 20 which are incorporated herein by reference,  
8 and as follows:

9 a. Respondent created and obtained a prescription for azithromycin for himself without  
10 the authorization or permission of the physician/physician assistant;

11 b. Respondent aided and abetted prescription fraud when he obtained from T.W. a  
12 fraudulent prescription for a controlled substance, promethazine with codeine, under Dr. K.P.'s  
13 prescriber information, even though Respondent knew he was not a patient of Dr. K.P. and did  
14 not receive a good faith medical exam from the physician.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Use of Controlled Substances in Dangerous Manner)**

17 22. Respondent has subjected his license to disciplinary action under section 4301,  
18 subdivision (h) of the Code in that Respondent illegally administered to himself controlled  
19 substances to the extent or in a manner as to be dangerous or injurious to himself or the public, as  
20 evidenced by Respondent's admissions that he consumed alprazolam without a prescription in  
21 which he "borrowed" from T.W., and when consumed the fraudulent prescription for  
22 promethazine with codeine, as detailed in paragraphs 15 through 20, above, and which are  
23 incorporated herein by reference.

24 **THIRD CAUSE FOR DISCIPLINE**

25 **(Violating Statutes Regulating Controlled Substances)**

26 23. Respondent has subjected his license to disciplinary action under section 4301,  
27 subdivision (j) of the Code for violation of Health and Safety Code section 11170 in that  
28 Respondent illegally obtained and administered to himself alprazolam and promethazine with

1 codeine, as detailed in paragraphs 15 through 20, above, and which are incorporated herein by  
2 reference.

3 **FOURTH CAUSE FOR DISCIPLINE**

4 **(Violating Laws Governing Pharmacy)**

5 24. Respondent has subjected his license to disciplinary action under section 4301,  
6 subdivision (e) of the Code for violation of Code sections 4059 and 4060 in that Respondent  
7 furnished a dangerous drug (azithromycin) to himself without a valid prescription and he illegally  
8 possessed controlled substances without a prescription, as detailed in paragraphs 15 through 20,  
9 above, and which are incorporated herein by reference.

10 **FIFTH CAUSE FOR DISCIPLINE**

11 **(Making and Signing a Document that Falsely Represents Facts)**

12 25. Respondent has subjected his license to disciplinary action under section 4301,  
13 subdivisions (g) of the Code in that Respondent knowingly made or signed a document that  
14 falsely represented a state of facts, when Respondent wrote a prescription for azithromycin for  
15 himself falsely representing that it was authorized by the Physician Assistant C.B., as detailed in  
16 paragraphs 15 through 20, above, and which are incorporated herein by reference.

17 **PRAYER**

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

20 1. Revoking or suspending Registered Pharmacist License Number RPH 65778, issued  
21 to Jay Amin;

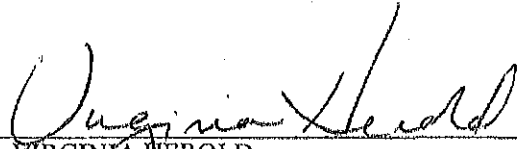
22 2. Ordering Jay Amin to pay the Board of Pharmacy the reasonable costs of the  
23 investigation and enforcement of this case, pursuant to Business and Professions Code section  
24 125.3;

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

DATED:

10/6/15



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

SD2015801573  
81116342.doc