

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

In the Matter of the Accusation Against:

**RALEY'S CORPORATION DBA RALEY'S PHARMACY #332
Pharmacy Permit No. PHY 53516**

and

**HELEN MUNIRAH DANGTRAN
Pharmacist License No. RPH 72775**

Respondents

Case No. 6490

OAH No. 2019110274

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 at 5:00 p.m. on March 5, 2021.

It is so ORDERED on February 3, 2021.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Greg M. Lippe".

By

Greg Lippe
Board President

1 XAVIER BECERRA
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 ASPASIA A. PAPAVALASSIOU
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Attorneys for Complainant

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

13 In the Matter of the Accusation Against:

Case No. 6490

14 **RALEY'S CORPORATION DBA**
15 **RALEY'S PHARMACY #332**
3001 Travis Blvd.
Fairfield, CA 94534

OAH No. 2019110274

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER REGARDING
HELEN MUNIRAH DANGTRAN**

16 **Original Permit No. PHY 53516,**

17 and

18 **HELEN MUNIRAH DANGTRAN**
19 3001 Travis Blvd.
Fairfield, CA 94534

20 **Original Pharmacist License No. RPH 55589**

21 Respondents.
22

23
24 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
25 entitled proceedings that the following matters are true:

26 **PARTIES**

27 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
28 (Board). She brought this action solely in her official capacity and is represented in this matter by

1 Xavier Becerra, Attorney General of the State of California, by Aspasia A. Papavassiliou, Deputy
2 Attorney General.

3 2. Respondent Helen Munirah Dangtran (Respondent) is represented in this proceeding
4 by attorney Raymond R. Gates, whose address is: Lauria Tokunaga Gates & Linn, LLP, 1755
5 Creekside Oaks Drive, Suite 240, Sacramento, CA 95833-3645.

6 3. On or about July 6, 2004, the Board of Pharmacy issued Original Pharmacist License
7 Number RPH 55589 to Respondent. The Original Pharmacist License was in full force and effect
8 at all times relevant to the charges brought in this Accusation and will expire on February 28,
9 2022, unless renewed.

10 **JURISDICTION**

11 4. Accusation No. 6490 was filed before the Board, and is currently pending against
12 Respondent. The Accusation and all other statutorily required documents were properly served
13 on Respondent on March 8, 2019. Respondent timely filed her Notice of Defense contesting the
14 Accusation.

15 5. A copy of Accusation No. 6490 is attached as exhibit A and incorporated by
16 reference.

17 **ADVISEMENT AND WAIVERS**

18 6. Respondent has carefully read, fully discussed with counsel, and understands the
19 charges and allegations in Accusation No. 6490. Respondent has also carefully read, fully
20 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
21 Order.

22 7. Respondent is fully aware of her legal rights in this matter, including the right to a
23 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
24 the witnesses against her; the right to present evidence and to testify on her own behalf; the right
25 to the issuance of subpoenas to compel the attendance of witnesses and the production of
26 documents; the right to reconsideration and court review of an adverse decision; and all other
27 rights accorded by the California Administrative Procedure Act and other applicable laws.
28

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

CULPABILITY

9. Respondent understands and agrees that the charges and allegations in Accusation No. 6490, if proven at a hearing, constitute cause for imposing discipline upon her Original Pharmacist License.

10. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up her right to contest those charges.

11. Respondent agrees that her Original Pharmacist License is subject to discipline and she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

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

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

14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement.

1 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
2 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
3 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
4 writing executed by an authorized representative of each of the parties.

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

8 **DISCIPLINARY ORDER**

9 IT IS HEREBY ORDERED that Original Pharmacist License No. RPH 55589 issued to
10 Helen Munirah Dangtran (Respondent) is revoked. However, the revocation is stayed and
11 Respondent is placed on probation for two (2) years on the following terms and conditions:

12 **1. Obey All Laws**

13 Respondent shall obey all state and federal laws and regulations. Respondent shall report
14 any of the following occurrences to the board, in writing, within seventy- two (72) hours of such
15 occurrence:

- 16 • an arrest or issuance of a criminal complaint for violation of any provision of the
17 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
18 substances laws
- 19 • a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal
20 criminal proceeding to any criminal complaint, information or indictment
- 21 • a conviction of any crime
- 22 • the filing of a disciplinary pleading, issuance of a citation, or initiation of another
23 administrative action filed by any state or federal agency which involves
24 respondent's license or which is related to the practice of pharmacy or the
25 manufacturing, obtaining, handling, distributing, billing, or charging for any drug,
26 device or controlled substance.

27 Failure to timely report such occurrence shall be considered a violation of probation.
28

1 **2. Report to the Board**

2 Respondent shall report to the board quarterly, on a schedule as directed by the board or its
3 designee. The report shall be made either in person or in writing, as directed. Among other
4 requirements, respondent shall state in each report under penalty of perjury whether there has
5 been compliance with all the terms and conditions of probation.

6 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 total period of probation. Moreover, if the final probation report is not made as directed,
9 probation shall be automatically extended until such time as the final report is made and accepted
10 by the board.

11 **3. Interview with the Board**

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

17 **4. Cooperate with Board Staff**

18 Respondent shall timely cooperate with the board's inspection program and with the board's
19 monitoring and investigation of respondent's compliance with the terms and conditions of Entity
20 probation, including but not limited to: timely responses to requests for information by board
21 staff; timely compliance with directives from board staff regarding requirements of any term or
22 condition of probation; and timely completion of documentation pertaining to a term or condition
23 of probation. Failure to timely cooperate shall be considered a violation of probation.

24 **5. Continuing Education**

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

1 **6. Reporting of Employment and Notice to Employers**

2 During the period of probation, respondent shall notify all present and prospective
3 employers of the decision in case number 6490 and the terms, conditions and restrictions imposed
4 on respondent by the decision, as follows:

5 Within thirty (30) days of the effective date of this decision, and within ten (10) days of
6 undertaking any new employment, respondent shall report to the board in writing the name,
7 physical address, and mailing address of each of Entity employer(s), and the name(s) and
8 telephone number(s) of all of Entity direct supervisor(s), as well as any pharmacist(s)-in- charge,
9 designated representative(s)-in-charge, responsible manager, or other compliance supervisor(s)
10 and the work schedule, if known. Respondent shall also include the reason(s) for leaving the
11 prior employment. Respondent shall sign and return to the board a written consent authorizing
12 the board or its designee to communicate with all of respondent's employer(s) and supervisor(s),
13 and authorizing those employer(s) or supervisor(s) to communicate with the board or its designee,
14 concerning respondent's work status, performance, and monitoring. Failure to comply with the
15 requirements or deadlines of this condition shall be considered a violation of probation.

16 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
17 respondent undertaking any new employment, respondent shall cause (a) Entity direct supervisor,
18 (b) Entity pharmacist-in-charge, designated representative-in-charge, responsible manager, or
19 other compliance supervisor, and (c) the owner or owner representative of Entity employer, to
20 report to the board in writing acknowledging that the listed individual(s) has/have read the
21 decision in case number 6490, and terms and conditions imposed thereby. If one person serves in
22 more than one role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the
23 respondent's responsibility to ensure that these acknowledgment(s) are timely submitted to the
24 board. In the event of a change in the person(s) serving the role(s) described in (a), (b), or (c)
25 during the term of probation, respondent shall cause the person(s) taking over the role(s) to report
26 to the board in writing within fifteen (15) days of the change acknowledging that he or she has
27 read the decision in case number 6490, and the terms and conditions imposed thereby.

1 If respondent works for or is employed by or through an employment service, respondent
2 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the board
3 of the decision in case number 6490, and the terms and conditions imposed thereby in advance of
4 respondent commencing work at such licensed entity. A record of this notification must be
5 provided to the board upon request.

6 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
7 (15) days of respondent undertaking any new employment by or through an employment service,
8 respondent shall cause the person(s) described in (a), (b), and (c) above at the employment service
9 to report to the board in writing acknowledging that he or she has read the decision in case
10 number, and the terms and conditions imposed thereby. It shall be respondent's responsibility to
11 ensure that these acknowledgment(s) are timely submitted to the board.

12 Failure to timely notify present or prospective employer(s) or failure to cause the identified
13 person(s) with that/those employer(s) to submit timely written acknowledgments to the board
14 shall be considered a violation of probation.

15 "Employment" within the meaning of this provision includes any full-time, part-time,
16 temporary, relief, or employment/management service position as a Pharmacist, or any position
17 for which a Pharmacist is a requirement or criterion for employment, whether the respondent is an
18 employee, independent contractor or volunteer.

19 **7. Notification of Change(s) in Name, Address(es), or Phone Number(s)**

20 Respondent shall further notify the board in writing within ten (10) days of any change in
21 name, residence address, mailing address, e-mail address or phone number.

22 Failure to timely notify the board of any change in employer, name, address, or phone
23 number shall be considered a violation of probation.

24 **8. Restrictions on Supervision and Oversight of Licensed Facilities**

25 During the period of probation, Respondent shall not supervise any intern pharmacist, be
26 the pharmacist-in-charge, designated representative-in-charge, responsible manager or other
27 compliance supervisor of any entity licensed by the board, nor serve as a consultant. Respondent
28 may remain pharmacist-in-charge at Raley's #332 only. Assumption of any such unauthorized

supervision responsibilities shall be considered a violation of probation.

9. Reimbursement of Board Costs

As a condition precedent to successful completion of probation, respondent shall pay to the board its costs of investigation and prosecution in the amount of \$4,250.00. Respondent shall be permitted to pay these costs in a payment plan approved by the board or its designee, so long as full payment is completed no later than one (1) year prior to the end date of probation. Failure to pay costs by the deadline(s) as directed shall be considered a violation of probation.

10. Probation Monitoring Costs

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

11. Status of License

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

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

12. License Surrender While on Probation/Suspension

Following the effective date of this decision, should respondent cease practice due to retirement or health, or be otherwise unable to satisfy the terms and conditions of probation, respondent may relinquish her pharmacist license, including any indicia of licensure issued by the board, along with a request to surrender the license. The board or its designee shall have the discretion whether to accept the surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, respondent will no longer be

1 subject to the terms and conditions of probation. This surrender constitutes a record of discipline
2 and shall become a part of the respondent's license history with the board.

3 Upon acceptance of the surrender, respondent shall relinquish her pocket and/or wall
4 license, including any indicia of licensure not previously provided to the board, if not already
5 provided, within ten (10) days of notification by the board that the surrender is accepted.
6 Respondent may not reapply for any license from the board for three (3) years from the effective
7 date of the surrender. Respondent shall meet all requirements applicable to the license sought as
8 of the date the application for that license is submitted to the board, including any outstanding
9 costs.

10 **13. Practice Requirement – Extension of Probation**

11 Except during periods of suspension, respondent shall, at all times while on probation, be
12 employed as a pharmacist in California for a minimum of 80 hours per calendar month. Any
13 month during which this minimum is not met shall extend the period of probation by one month.
14 During any such period of insufficient employment, respondent must nonetheless comply with all
15 terms and conditions of probation, unless respondent receives a waiver in writing from the board
16 or its designee.

17 If respondent does not practice as a Pharmacist in California for the minimum number of
18 hours in any calendar month, for any reason (including vacation), respondent shall notify the
19 board in writing within ten (10) days of the conclusion of that calendar month. This notification
20 shall include at least: the date(s), location(s), and hours of last practice; the reason(s) for the
21 interruption or reduction in practice; and the anticipated date(s) on which respondent will resume
22 practice at the required level. Respondent shall further notify the board in writing within ten (10)
23 days following the next calendar month during which respondent practices as a Pharmacist in
24 California for the minimum of hours. Any failure to timely provide such notification(s) shall be
25 considered a violation of probation.

26 It is a violation of probation for respondent's probation to be extended pursuant to the
27 provisions of this condition for a total period, counting consecutive and non-consecutive months,
28

1 exceeding thirty-six (36) months. The board or its designee may post a notice of the extended
2 probation period on its website.

3 **14. Violation of Probation**

4 If respondent has not complied with any term or condition of probation, the board shall
5 have continuing jurisdiction over respondent, and the board shall provide notice to respondent
6 that probation shall automatically be extended, until all terms and conditions have been satisfied
7 or the board has taken other action as deemed appropriate to treat the failure to comply as a
8 violation of probation, to terminate probation, and to impose the penalty that was stayed. The
9 board or its designee may post a notice of the extended probation period on its website.

10 If respondent violates probation in any respect, the board, after giving respondent notice
11 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
12 was stayed. If a petition to revoke probation or an accusation is filed against respondent during
13 probation, or the preparation of an accusation or petition to revoke probation is requested from
14 the Office of the Attorney General, the board shall have continuing jurisdiction and the period of
15 probation shall be automatically extended until the petition to revoke probation or accusation is
16 heard and decided.

17 **15. Completion of Probation**

18 Upon written notice by the board or its designee indicating successful completion of
19 probation, respondent's license will be fully restored.

20 **16. Remedial Education**

21 Within sixty (60) days of the effective date of this decision, respondent shall submit to the
22 board or its designee, for prior approval, an appropriate program of remedial education related to
23 the grounds for discipline alleged in the accusation. The program of remedial education shall
24 consist of at least 10 hours per year and must be 50 percent live webinar or in-person training,
25 which shall be completed every year of probation at respondent's own expense. All remedial
26 education shall be in addition to, and shall not be credited toward, continuing education (CE)
27 courses used for license renewal purposes for pharmacists.

1 Failure to timely submit for approval or complete the approved remedial education shall be
2 considered a violation of probation. The period of probation will be automatically extended until
3 such remedial education is successfully completed and written proof, in a form acceptable to the
4 board, is provided to the board or its designee.

5 Following the completion of each course, the board or its designee may require the
6 respondent, at respondent's own expense, to take an approved examination to test the
7 respondent's knowledge of the course. If the respondent does not achieve a passing score on the
8 examination that course shall not count towards satisfaction of this term. Respondent shall take
9 another course approved by the board in the same subject area.

10 **17. No Ownership or Management of Licensed Premises**

11 Respondent shall not own, have any legal or beneficial interest in, nor serve as a manager,
12 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
13 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell
14 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)
15 days following the effective date of this decision and shall immediately thereafter provide written
16 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide
17 documentation thereof shall be considered a violation of probation.

18 **18. Completion of Board's Diversion Training Program**

19 Within the first year of probation, respondent shall enroll in the board's diversion training
20 program, "Prescription Drug Abuse and Diversion What a Pharmacist Needs to Know," at
21 respondent's expense. Respondent shall provide proof of enrollment upon request. Within five (5)
22 days of completion, respondent shall submit a copy of the certificate of completion to the board or
23 its designee. Failure to timely enroll in the program, to initiate the program during the first year of
24 probation, to successfully complete it before the end of the second year of probation, or to timely
25 submit proof of completion to the board or its designee, shall be considered a violation of
26 probation.

1 **ACCEPTANCE**

2 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
3 discussed it with my attorney, Raymond R. Gates. I understand the stipulation and the effect it
4 will have on my pharmacist license. I enter into this Stipulated Settlement and Disciplinary Order
5 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
6 Board of Pharmacy.

7
8 DATED: _____

HELEN MUNIRAH DANGTRAN
Respondent

10 I have read and fully discussed with Respondent Helen Munirah Dangtran the terms and
11 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
12 I approve its form and content.

13
14 DATED: _____

RAYMOND R. GATES.
Attorney for Respondent

16
17 **ENDORSEMENT**

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

20
21 DATED: _____

Respectfully submitted,

22 XAVIER BECERRA
Attorney General of California
23 DIANN SOKOLOFF
Supervising Deputy Attorney General

24
25 ASPASIA A. PAPAVALASSIOU
Deputy Attorney General
26 *Attorneys for Complainant*

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1 ACCEPTANCE

2 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
3 discussed it with my attorney, Raymond R. Gates. I understand the stipulation and the effect it
4 will have on my pharmacist license. I enter into this Stipulated Settlement and Disciplinary Order
5 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
6 Board of Pharmacy.

7
8 DATED: 9/24/2020 Helen Dangtran
9 HELEN MUNIRAH DANGTRAN
Respondent

10 I have read and fully discussed with Respondent Helen Munirah Dangtran the terms and
11 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
12 I approve its form and content.

13
14 DATED: 9/25/2020 [Signature]
15 RAYMOND R. GATES.
Attorney for Respondent

16
17 ENDORSEMENT

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

20 DATED: 11/19/2020

21 Respectfully submitted,

22 XAVIER BECERRA
23 Attorney General of California
24 DIANN SOKOLOFF
25 Supervising Deputy Attorney General

26 [Signature]
27 ASPASIA A. PAPAVALASSIOU
28 Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 6490

1 XAVIER BECERRA
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 ASPASIA A. PAPAVALASSILOU
Deputy Attorney General
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Attorneys for Complainant

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9 **BEFORE THE**
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15 **RALEY'S PHARMACY #332**
3001 Travis Blvd.
16 Fairfield, CA 94534

A C C U S A T I O N

17 **Original Permit No. PHY 53516,**

18 and

19 **HELEN MUNIRAH DANGTRAN**
3001 Travis Blvd.
20 Fairfield, CA 94534

21 **Original Pharmacist License No. RPH 55589**

22 Respondents.

23
24 Complainant alleges:

25 **PARTIES**

26 1. Anne Sodergren (Complainant) brings this Accusation solely in her official capacity
27 as the Interim Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

28 2. On or about May 19, 2015, the Board of Pharmacy issued Original Permit Number

1 PHY 53516 to Raley's Corporation doing business as Raley's Pharmacy #332 (Respondent
2 Pharmacy). The Original Permit was in full force and effect at all times relevant to the charges
3 brought in this Accusation and will expire on May 1, 2019, unless renewed.

4 3. On or about July 6, 2004, the Board of Pharmacy issued Original Pharmacist License
5 Number RPH 55589 to Helen Munirah Dangtran (Respondent Pharmacist). The Original
6 Pharmacist License was in full force and effect at all times relevant to the charges brought in this
7 Accusation and will expire on February 29, 2020, unless renewed.

8 4. Respondent Pharmacist has been the Pharmacist-in-Charge of Respondent Pharmacy
9 since on or about December 9, 2016.

10 JURISDICTION

11 5. This Accusation is brought before the Board of Pharmacy (Board), Department of
12 Consumer Affairs, under the authority of the following laws. All section references are to the
13 Business and Professions Code (Code) unless otherwise indicated.

14 6. Section 4113 of the Code, states, in pertinent part:

15 "(c) The pharmacist-in-charge shall be responsible for a pharmacy's compliance with all
16 state and federal laws and regulations pertaining to the practice of pharmacy."

17 7. Section 4300.1 of the Code states:

18 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by
19 operation of law or by order or decision of the board or a court of law, the placement of a license
20 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board
21 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary
22 proceeding against, the licensee or to render a decision suspending or revoking the license."

23 8. Section 4307, subd. (a), of the Code states:

24 Any person who has been denied a license or whose license has been revoked or is
25 under suspension, or who has failed to renew his or her license while it was under
26 suspension, or who has been a manager, administrator, owner, member, officer,
27 director, associate, partner, or any other person with management or control of any
28 partnership, corporation, trust, firm, or association whose application for a license has
been denied or revoked, is under suspension or has been placed on probation, and
while acting as the manager, administrator, owner, member, officer, director,
associate, partner, or any other person with management or control had knowledge of
or knowingly participated in any conduct for which the license was denied, revoked,

suspended, or placed on probation, shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, partner, or in any other position with management or control of a licensee as follows:

(1) Where a probationary license is issued or where an existing license is placed on probation, this prohibition shall remain in effect for a period not to exceed five years.

(2) Where the license is denied or revoked, the prohibition shall continue until the license is issued or reinstated.

STATUTORY AND REGULATORY PROVISIONS

9. Section 4301 of the Code states, in pertinent part:

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

...

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

10. California Code of Regulations, title 16, section 1714, subdivision (b), states:

“Each pharmacy licensed by the board shall maintain its facilities, space, fixtures, and equipment so that drugs are safely and properly prepared, maintained, secured and distributed. The pharmacy shall be of sufficient size and unobstructed area to accommodate the safe practice of pharmacy.”

COST RECOVERY PROVISION

11. Section 125.3 of the Code provides, 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, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

1 DRUG

2 12. Promethazine with codeine, used as a cough syrup medication and also known by the
3 trade name Phenergan with codeine, is a controlled substance under Health and Safety Code
4 section 11058, and a dangerous drug under Business and Professions Code section 4022.

5 CAUSE FOR DISCIPLINE

6 (Failure to Maintain Operational Standards and Security)
7 (Cal. Code Regs., tit. 16, § 1714, subd. (b))

8 13. Respondent Pharmacy has subjected its pharmacy permit to discipline, and
9 Respondent Pharmacist has subjected his pharmacist license to discipline, because Respondents
10 failed to meet operational standards and security by failing to maintain their facility in a manner
11 so that drugs could be safely prepared, maintained, secured, and distributed (Cal. Code Regs., tit.
12 16, § 1714, subd. (b)). An audit for the period May 1, 2017—January 2, 2018, showed that
13 Respondent Pharmacy had a shortage of a large amount of promethazine with codeine cough
14 syrup, with a total of approximately 34,268 ml of the drug missing from the pharmacy inventory.

15 DISCIPLINARY CONSIDERATIONS

16 14. As a disciplinary consideration, Complainant alleges that on or about January 12,
17 2018, the Board issued Respondent Pharmacy an Order of Correction for failure to maintain
18 operational standards and security (Cal. Code Regs., tit. 16, § 1714, subd. (b)). The order was for
19 the pharmacy to have the drug stock shelves cleaned, as the shelves were so dusty that the
20 inspector could write her name in the dust.

21 15. As a further disciplinary consideration, Complainant alleges that each Respondent has
22 been issued a citation by the Board, as described below.

23 A. On or about June 1, 2018, the Board issued Citation Number CI 2017 76665 to
24 Respondent Pharmacy for dispensing an irregular and invalid controlled substance prescription
25 (Cal. Code Regs., tit. 16, § 1761, subd. (a) and Health & Saf. Code, 11164, subd. (a)). The
26 offense occurred on or about July 1, 2016, when Respondent Pharmacy dispensed an irregular
27 and invalid prescription for 240 ml of promethazine with codeine to patient JG without
28 verification and resolution of the irregularities with the prescriber. The citation, which did not
impose a fine, is now final and is incorporated by reference as if fully set forth.

1 B. On or about November 5, 2015, the Board issued Citation Number CI 2014 65347 to
2 Respondent Pharmacist for failing to provide proof of compliance with continuing education
3 requirements (Bus. & Prof. Code, § 4231, subd. (d); Cal. Code Regs., tit. 16, § 1732.5).
4 Respondent was required to complete 30 hours of continuing education in the period of March 1,
5 2012—February 28, 2014, but was deficient by 2.5 hours, which she made up after the deadline.
6 The citation, which imposed a \$100 fine that Respondent paid, is now final and is incorporated by
7 reference as if fully set forth.

8 PRAYER

9 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
10 Accusation and that, following the hearing, the Board of Pharmacy issue a decision:

- 11 1. Revoking or suspending Original Permit Number PHY 53516, issued to Raley's
12 Corporation doing business as Raley's Pharmacy #332;
13 2. Revoking or suspending Original Pharmacist License Number RPH 55589, issued to
14 Helen Munirah Dangtran;
15 3. Ordering Raley's Corporation doing business as Raley's Pharmacy #332 and Helen
16 Munirah Dangtran to pay the Board of Pharmacy the reasonable costs of the investigation and
17 enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
18 4. Taking such other and further action as deemed necessary and proper.

19
20 DATED: March 6, 2019



21 ANNE SODERGREN
22 Interim Executive Officer
23 Board of Pharmacy
24 Department of Consumer Affairs
25 State of California
26 Complainant

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