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

In the Matter of the First Amended Accusation Against:

RAMIRO MOISES PEREZ,
Pharmacist License No. RPH 55547; and

BIOSRX INC. DBA FOLSOM MEDICAL PHARMACY,
Pharmacy Permit No. PHY 48577; and

ANNAMARIAM PAJOUHI,
Pharmacist License No. RPH 56332,

Respondents

Agency Case No. 6521

OAH No. 2019080572

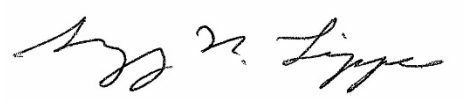
DECISION AND ORDER

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 January 20, 2021.

It is so ORDERED on December 21, 2020.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

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

In the Matter of the First Amended Accusation Against: **RAMIRO MOISES PEREZ** **1300 E, Bidwell Street, Suite 105** **Folsom, CA 95630** **Registered Pharmacist License No. RPH 55547,** **BIOSRX INC. DBA FOLSOM MEDICAL PHARMACY** **1300 E. Bidwell Street, Suite 105** **Folsom, CA 95630** **Original Pharmacy Permit No. PHY 48577,** **and** **ANNAMARIAM PAJOUHI** **3941 Park Drive, Suite 20-344** **El Dorado Hills, CA 95672** **Registered Pharmacist License No. RPH 56332** Respondents.	Case No. 6521 OAH No. 2019080572 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER AS TO:** **RESPONDENT BIOSRX INC. DBA FOLSOM MEDICAL PHARMACY**

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

PARTIES

1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy (Board). She brought this action solely in her official capacity and is represented in this matter by Xavier Becerra, Attorney General of the State of California, by Daniel D. McGee, Deputy Attorney General.

2. Respondent BiosRX Inc., dba Folsom Medical Pharmacy (Respondent), is represented in this proceeding by attorney Ivan Petrzelka, Pharm.D, J.D., whose address is: California Pharmacy Lawyers, 55 Cetus, 1st Floor, Irvine, CA 92618.

3. On or about June 5, 2007, the Board issued Pharmacy Permit Number PHY 48577 to pharmacist Ramiro Moises Perez ("pharmacist Perez") to do business as Folsom Medical Pharmacy, with pharmacist Perez being the individual licensed owner and 100% shareholder.

4. On or about August 22, 2011, pharmacist Perez changed the corporate and trade style name on the license to BiosRX Inc. to do business as Folsom Medical Pharmacy, with pharmacist Perez as the president, chief executive officer, secretary, treasurer/chief financial officer, director, 100% shareholder and pharmacist-in-charge. The pharmacy permit was in full force and effect at all times relevant to the charges brought in First Amended Accusation number 6521 and will expire on June 1, 2021, unless renewed.

JURISDICTION

5. First Amended Accusation number 6521 was filed before the Board and is currently pending against Respondent. The First Amended Accusation and all other statutorily required documents were properly served on Respondent on July 7, 2020. Respondent timely filed his Notice of Defense contesting the First Amended Accusation.

6. A copy of First Amended Accusation number 6521 is attached as Exhibit A and incorporated herein by reference.

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ADVISEMENT AND WAIVERS

7. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in First Amended Accusation number 6521. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

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

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

CULPABILITY

10. Respondent understands and agrees that the charges and allegations in First Amended Accusation number 6521, if proven at a hearing, constitute cause for imposing discipline upon its Pharmacy Permit.

11. For the purpose of resolving the First Amended 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 First Amended Accusation, and that Respondent hereby gives up his right to contest those charges.

12. Respondent agrees that its Pharmacy Permit is subject to discipline and it agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

13. 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 his counsel. By signing the stipulation, Respondent understands and agrees that it 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.

14. 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.

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

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Pharmacy Permit Number PHY 48577, issued to Respondent BiosRX Inc., dba Folsom Medical Pharmacy, is revoked. However, the revocation is stayed and Respondent is placed on probation for five (5) years on the following terms and conditions:

1. **Definition: Respondent**

For the purposes of these terms and conditions, "respondent" shall refer to BiosRX Inc., dba Folsom Medical Pharmacy. All terms and conditions stated herein shall bind and be applicable to the licensed premises and to all owners, managers, officers, administrators, members, directors, trustees, associates, or partners thereof. For purposes of compliance with any

term or condition, any report, submission, filing, payment, or appearance required to be made by respondent to or before the board or its designee shall be made by an owner or executive officer with authority to act on behalf of and legally bind the licensed entity.

2. **Obey All Laws**

Respondent shall obey all state and federal laws and regulations.

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

- 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, no contest, or similar, in any state or federal criminal proceeding to any criminal complaint, information or indictment;
- a conviction of any crime; or
- discipline, citation, or other administrative action filed by any state or federal agency which involves respondent's pharmacy permit or which is related to the practice of pharmacy or the manufacturing, obtaining, handling or distributing, billing, or charging for any dangerous drug, and/or dangerous device or controlled substance.

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

3. **Report to the Board**

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

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4. **Interview with the Board**

Upon receipt of reasonable prior notice, respondent shall appear in person for interviews with the board or its designee, at such intervals and locations as are 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.

5. **Cooperate with Board Staff**

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

6. **Reimbursement of Board Costs**

As a condition precedent to successful completion of probation, respondent, jointly and severally with its co-respondent, Ramiro Moises Perez, shall pay to the board its costs of investigation and prosecution in the amount of $14,000.00.

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.

There shall be no deviation from this schedule absent prior written approval by the board or its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of probation.

7. **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.

8. **Status of Permit**

Respondent shall, at all times while on probation, maintain current pharmacy permit with the board. Failure to maintain a current permit shall be considered a violation of probation.

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

9. **Permit Surrender While on Probation/Suspension**

Following the effective date of this decision, should respondent wish to discontinue business, respondent may tender the premises permit to the board for surrender. The board or its designee shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the permit, respondent will no longer be subject to the terms and conditions of probation.

Upon acceptance of the surrender, respondent shall relinquish the premises wall and renewal permit to the board within ten (10) days of notification by the board that the surrender is accepted. Respondent shall further submit a completed Discontinuance of Business form according to board guidelines and shall notify the board of the records inventory transfer within five (5) days. Respondent shall further arrange for the transfer of all records of acquisition and disposition of dangerous drugs and/or devices to premises licensed and approved by the board.

Respondent shall also, by the effective date of this decision, arrange for the continuation of care for ongoing patients of the pharmacy by, at minimum, providing a written notice to ongoing patients that specifies the anticipated closing date of the pharmacy and that identifies one or more area pharmacies capable of taking up the patients' care, and by cooperating as may be necessary in the transfer of records or prescriptions for ongoing patients. Within five days of its provision to the pharmacy's ongoing patients, Respondent shall provide a copy of the written notice to the board. For the purposes of this provision, "ongoing patients" means those patients for whom the pharmacy has on file a prescription with one or more refills outstanding, or for whom the pharmacy has filled a prescription within the preceding sixty (60) days.

Respondent may not apply for any new permit from the board for three (3) years from the effective date of the surrender. Respondent shall meet all requirements applicable to the permit sought as of the date the application for that permit is submitted to the board.

Respondent further stipulates that it shall reimburse the board for its costs of investigation and prosecution prior to the acceptance of the surrender.

10. **Sale or Discontinuance of Business**

During the period of probation, should respondent sell, trade or transfer all or part of the ownership of the permitted entity, discontinue doing business under the permit issued to respondent, or should practice at that location be assumed by another full or partial owner, person, firm, business, or entity, under the same or a different premises permit number, the board or its designee shall have the sole discretion to determine whether to exercise continuing jurisdiction over the permitted location, under the current or new premises permit number, and/or carry the remaining period of probation forward to be applicable to the current or new premises permit number of the new owner.

11. **Notice to Employees**

Respondent shall, upon or before the effective date of this decision, ensure that all employees involved in permitted operations are made aware of all the terms and conditions of probation, either by posting a notice of the terms and conditions, circulating such notice, or both. If the notice required by this provision is posted, it shall be posted in a prominent place and shall remain posted throughout the probation period. Respondent shall ensure that any employee hired or used after the effective date of this decision are made aware of the terms and conditions of probation by posting a notice, circulating a notice, or both. Additionally, respondent shall submit written notification to the board, within fifteen (15) days of the effective date of this decision, that this term has been satisfied. Failure to timely provide such notification to employees, or to timely submit such notification to the board shall be considered a violation of probation.

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

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

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

13. **Premises Open for Business**

Respondent shall remain open and engaged in its ordinary business as a pharmacy in California for a minimum of 100 hours per calendar month for the first year of probation and thereafter for a minimum of 120 hours per calendar month for the remainder of probation. Any month during which this minimum is not met shall toll the period of probation, i.e., the period of probation shall be extended by one month for each month during which this minimum is not met. During any such period of tolling of probation, respondent must nonetheless comply with all terms and conditions of probation, unless respondent is informed otherwise in writing by the board or its designee. If, for any reason (including vacation), respondent is not open and engaged in its ordinary business as a pharmacy for the minimum number of hours in any calendar month as called for by this provision, then respondent shall notify the board in writing within ten (10) days of the conclusion of that calendar month. This notification shall include at minimum all of the following: the date(s) and hours respondent was open; the reason(s) for the interruption or why business was not conducted; and the anticipated date(s) on which respondent will resume business as required. Respondent shall further notify the board in writing within ten (10) days following the next calendar month during which respondent is open and engaged in its ordinary business as a pharmacy in California for the minimum number of hours as called for by this provision. Any failure to timely provide such notification(s) shall be considered a violation of probation.

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14. **Posted Notice of Probation**

Respondent shall prominently post a probation notice provided by the board or its designee in a place conspicuous to and readable by the public within two (2) days of receipt thereof from the board or its designee. Failure to timely post such notice, or to maintain the posting during the entire period of probation, shall be considered a violation of probation.

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

15. **Violation of Probation**

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

If respondent violates probation in any respect, the board, after giving respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If a petition to revoke probation or an accusation is filed against respondent during probation, the board shall have continuing jurisdiction and the period of probation shall be automatically extended until the petition to revoke probation or accusation is heard and decided, and the charges and allegations in First Amended Accusation No. 6521 shall be deemed true and correct.

16. **Completion of Probation**

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

17. **Consultant Pharmacist**

During the period of probation, Respondent Pharmacy shall retain an independent consultant at its own expense who shall be responsible for conducting an on-site physical

inspection to review the operations of Respondent Pharmacy on a monthly basis for compliance by Respondent Pharmacy with state and federal laws and regulations governing the practice of pharmacy, and compliance by respondent. During the period of probation, the Board or its designee, retains the discretion to conduct an in-person inspection or a remote review, in lieu of the in-person inspection, and to reduce the frequency of the inspection of the pharmacist consultant's review.

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.

ACCEPTANCE

I, Ramiro Moises Perez, am the president, chief executive officer, secretary, treasurer/chief financial officer, director and 100% shareholder of BiosRX, Inc., dba Folsom Medical Pharmacy ("respondent"), and have full authority to bind respondent to this agreement. I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with respondent's attorney, Ivan Petrzelka. I understand the stipulation and the effect it will have on respondent's Pharmacy Permit. Respondent enters into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agrees to be bound by the Decision and Order of the Board of Pharmacy.

DATED: _____

BiosRX Inc., dba Folsom Medical Pharmacy
Respondent
By RAMIRO MOISES PEREZ, its president, secretary, treasurer/chief financial officer, director and 100% shareholder

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inspection to review the operations of Respondent Pharmacy on a monthly basis for compliance by Respondent Pharmacy with state and federal laws and regulations governing the practice of pharmacy, and compliance by respondent. During the period of probation, the Board or its designee, retains the discretion to conduct an in-person inspection or a remote review, in lieu of the in-person inspection, and to reduce the frequency of the inspection of the pharmacist consultant's review.

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.

ACCEPTANCE

I, Ramiro Moises Perez, am the president, chief executive officer, secretary, treasurer/chief financial officer, director and 100% shareholder of BiosRX, Inc., dba Folsom Medical Pharmacy ("respondent"), and have full authority to bind respondent to this agreement. I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with respondent's attorney, Ivan Petrzelka. I understand the stipulation and the effect it will have on respondent's Pharmacy Permit. Respondent enters into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agrees to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 9/3/2020

BiosRX Inc., dba Folsom Medical Pharmacy
Respondent
By RAMIRO MOISES PEREZ, its president, secretary, treasurer/chief financial officer, director and 100% shareholder

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APPROVAL AS TO FORM

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

DATED: _____

Ivan Petrzelka
Attorney for Respondent

ENDORSEMENT

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

DATED: _____

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
KAREN R. DENVIR
Supervising Deputy Attorney General

DANIEL D. MCGEE
Deputy Attorney General
Attorneys for Complainant

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APPROVAL AS TO FORM

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

DATED: September 3, 2020

Ivan Petrzelka
Attorney for Respondent

ENDORSEMENT

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

DATED: 9/4/2020

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
KAREN R. DENVIR
Supervising Deputy Attorney General

DANIEL D. MCGEE
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

First Amended Accusation No. 6521

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

In the Matter of the Accusation Against**:** **BIOSRX INC.** **dba FOLSOM MEDICAL PHARMACY** **RAMIRO MOISES PEREZ,** **PRESIDENT/SECRETARY/TREASURER/** **CHIEF FINANCIAL OFFICER** **/DIRECTOR/100%** **SHAREHOLDER/PHARMACIST–IN-CHARGE** 1300 E. Bidwell Street, Suite # 105 Folsom, CA 95630 **Pharmacy Permit No. PHY 48577** **RAMIRO MOISES PEREZ** 1300 E. Bidwell Street Folsom, CA 95630 **Original Pharmacist License** **No. RPH 55547** and **ANNAMARIAM PAJOUHI** 3941 Park Drive, Suite 20-344 El Dorado Hills, CA 95762 **Original Pharmacist License** **No. RPH 56332** Respondents.	Case No. 6521 **FIRST AMENDED ACCUSATION**

Anne Sodergren ("Complainant") alleges:

PARTIES

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

Pharmacy Permit

2. On or about June 5, 2007, the Board issued Pharmacy Permit Number PHY 48577 to Ramiro Moises Perez ("Respondent Perez") to do business as Folsom Medical Pharmacy, with Respondent Perez being the individual licensed owner and 100% shareholder.

3. On or about August 22, 2011, Respondent Perez changed the corporate and trade style name on the license to BiosRX Inc. to do business as Folsom Medical Pharmacy, with Respondent Perez as the president, chief executive officer, secretary, treasurer/chief financial officer, director, 100% shareholder and pharmacist-in-charge. The pharmacy permit was in full force and effect at all times relevant to the charges brought herein and will expire on June 1, 2019, unless renewed.

Pharmacist Licenses

4. On or about June 29, 2004, the Board issued Original Pharmacist License Number RPH 55547 to Respondent Perez. The original pharmacist license was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2020, unless renewed.

5. On or about September 24, 2004, the Board issued Original Pharmacist License Number RPH 56332 to Annamariam Pajouhi ("Respondent Pajouhi"). The original pharmacist license was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2020, unless renewed.

JURISDICTION

6. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code ("Code") unless otherwise indicated.

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7. Code section 4011 provides that the Board shall administer and enforce both the Pharmacy Law [Bus. & Prof. Code §§ 4000, *et seq*.] and the Uniform Controlled Substances Act [Health & Safety Code §§ 11000, *et seq*.].

8. Code section 4300 states, in pertinent part:

> (a) Every license issued may be suspended or revoked.
>
> (b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:
>
> (1) Suspending judgment.
>
> (2) Placing him or her upon probation.
>
> (3) Suspending his or her right to practice for a period not exceeding one year.
>
> (4) Revoking his or her license.
>
> (5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper. . . .

9. Code section 4300.1, states:

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

STATUTORY AND REGULATORY PROVISIONS

(Statutory Provisions)

10. Code section 4307, subdivision (a) states:

> Any person who has been denied a license or whose license has been revoked or is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a manager, administrator, owner, member, officer, director, associate, or partner of any partnership, corporation, 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, or partner had knowledge 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, or partner 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.

11. Code section 4156 provides that "[a] pharmacy corporation shall not do, or fail to do, any act where doing or failing to do the act would constitute unprofessional conduct under any statute or regulation. In the conduct of its practice, a pharmacy corporation shall observe and be bound by the laws and regulations that apply to a person licensed under this chapter."

12. Code section 4301 provides, 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:

. . . .

(c) Gross negligence.

. . . .

(g) Knowingly making or signing any certificate or other document that falsely represents the existence or nonexistence of a state of facts.

. . . .

(j) The violation of any of the statutes of this state, of any other state, or of the United States regulating controlled substances and dangerous drugs.

. . . .

(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. . . .

13. Code section 4113, subdivision (c), provides that "[t]he 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."

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14. Code section 4023.5 states: "'direct supervision and control' means that a pharmacist is on the premises at all times and is fully aware of all activities performed by either a pharmacy technician or intern pharmacist."

15. Code section 4169 states, in pertinent part:

> (a) A person or entity shall not do any of the following:
>
> …
>
> (2) Purchase, trade, sell, or transfer dangerous drugs that the person knew or reasonably should have known were adulterated, as set forth in Article 2 (commencing with Section 111250) of Chapter 6 of Part 5 of Division 104 of the Health and Safety Code.***
>
> (4) Purchase, trade, sell, or transfer dangerous drugs or dangerous devices after the beyond use date on the label.
>
> …
>
> (b) Notwithstanding any other law, a violation of this section may subject the person or entity that has committed the violation to a fine not to exceed the amount specified in Section 125.9 for each occurrence, pursuant to a citation issued by the board.

16. Code section 4342, subdivision (a), states:

> The board may institute any action or actions as may be provided by law and that, in its discretion, are necessary, to prevent the sale of pharmaceutical preparations and drugs that do not conform to the standard and tests as to quality and strength, provided in the latest edition of the United States Pharmacopoeia or the National Formulary, or that violate any provision of the Sherman Food, Drug, and Cosmetic Law (Part 5 (commencing with Section 109875) of Division 104 of the Health and Safety Code).

17. Health and Safety Code section 111255 states:

> Any drug or device is adulterated if it has been produced, prepared, packed, or held under conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health.

18. Health and Safety Code section 111295 provides that "[i]t is unlawful for any person to manufacture, sell, deliver, hold, or offer for sale any drug or device that is adulterated."

(Regulatory Provisions)

19. Title 21, Code of Federal Regulations, section 1301.75, subdivision (b), states:

> Controlled substances listed in Schedules II, III, IV, and V shall be stored in a securely locked, substantially constructed cabinet. However, pharmacies and institutional practitioners may disperse such substances throughout the stock of

noncontrolled substances in such a manner as to obstruct the theft or diversion of the controlled substances.

20. Title 16, California Code of Regulations ("CCR"), section 1707.5, subdivision (d), states:

> The pharmacy shall have policies and procedures in place to help patients with limited or no English proficiency understand the information on the label as specified in subdivision (a) in the patient's language. The pharmacy's policies and procedures shall be specified in writing and shall include, at minimum, the selected means to identify the patient's language and to provide interpretive services and translation services in the patient's language. The pharmacy shall, at minimum, provide interpretive services in the patient's language, if interpretive services in such language are available, during all hours that the pharmacy is open, either in person by pharmacy staff or by use of a third-party interpretive service available by telephone at or adjacent to the pharmacy counter.

21. Title 16, CCR section 1707.6 provides, in pertinent part:

> (c) Every pharmacy, in a place conspicuous to and readable by a prescription drug consumer, at or adjacent to each counter in the pharmacy where dangerous drugs are dispensed or furnished, shall post or provide a notice containing the following text:
>
> Point to your language. Interpreter services will be provided to you upon request at no cost.
>
> This text shall be repeated in at least the following languages: Arabic, Armenian, Cambodian, Cantonese, Farsi, Hmong, Korean, Mandarin, Russian, Spanish, Tagalog, and Vietnamese.
>
> Each pharmacy shall use the standardized notice provided or made available by the board, unless the pharmacy has received prior approval of another format or display methodology from the board. The board may delegate authority to a committee or to the Executive Officer to give the approval.
>
> The pharmacy may post this notice in paper form or on a video screen if the posted notice or video screen is positioned so that a consumer can easily point to and touch the statement identifying the language in which he or she requests assistance. Otherwise, the notice shall be made available on a flyer or handout clearly visible from and kept within easy reach of each counter in the pharmacy where dangerous drugs are dispensed or furnished, available at all hours that the pharmacy is open. The flyer or handout shall be at least 8 1/2 inches by 11 inches.

22. Title 16, CCR 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.

23. Title 16, CCR section 1715 provides, in pertinent part

(a) The pharmacist-in-charge of each pharmacy as defined under section 4029 or section 4037 of the Business and Professions Code shall complete a self-assessment of the pharmacy's compliance with federal and state pharmacy law. The assessment shall be performed before July 1 of every odd-numbered year. The primary purpose of the self-assessment is to promote compliance through self-examination and education.

. . . .

(c) The components of this assessment shall be on Form 17M-13 (Rev. 10/14) entitled "Community Pharmacy Self-Assessment Hospital Outpatient Pharmacy Self-Assessment" and on Form 17M-14 (Rev. 10/14) entitled "Hospital Pharmacy Self-Assessment" which are hereby incorporated by reference to evaluate compliance with federal and state laws and regulations.

(d) Each self-assessment shall be kept on file in the pharmacy for three years after it is performed.

24. Title 16, CCR section 1735.2, subdivision (i) provides, in pertinent part:

Every compounded drug preparation shall be given a beyond use date representing the date or date and time beyond which the compounded drug preparation should not be used, stored, transported or administered, and determined based on the professional judgment of the pharmacist performing or supervising the compounding.

(1) For non-sterile compounded drug preparation(s), the beyond use date shall not exceed any of the following:

(A) the shortest expiration date or beyond use date of any ingredient in the compounded drug preparation. . . .

25. Title 16, CCR section 1735.5 provides, in pertinent part:

(a) Any pharmacy engaged in compounding shall maintain written policies and procedures for compounding that establishes procurement procedures, methodologies for the formulation and compounding of drugs, facilities and equipment cleaning, maintenance, operation, and other standard operating procedures related to compounding. Any material failure to follow the pharmacy's written policies and procedures shall constitute a basis for disciplinary action.

(b) The policies and procedures shall be reviewed and such review shall be documented on an annual basis by the pharmacist-in-charge. The policies and procedures shall be updated whenever changes in policies and procedures are implemented. . . .

26. Title 16, CCR section 1735.7 states:

(a) A pharmacy engaged in compounding shall maintain documentation demonstrating that personnel involved in compounding have the skills and training required to properly and accurately perform their assigned responsibilities and

documentation demonstrating that all personnel involved in compounding are trained in all aspects of policies and procedures. This training shall include but is not limited to support personnel (e.g. institutional environmental services, housekeeping), maintenance staff, supervising pharmacist and all others whose jobs are related to the compounding process.

(b) The pharmacy shall develop and maintain an on-going competency evaluation process for pharmacy personnel involved in compounding, and shall maintain documentation of any and all training related to compounding undertaken by pharmacy personnel.

(c) Pharmacy personnel assigned to compounding duties shall demonstrate knowledge about processes and procedures used in compounding prior to compounding any drug preparation.

27. Title 16, CCR section 1793.7, subdivision (b) provides that "[p]harmacy technicians must work under the direct supervision of a pharmacist and in such a relationship that the supervising pharmacist is fully aware of all activities involved in the preparation and dispensing of medications, including the maintenance of appropriate records."

COST RECOVERY

28. Code section 125.3 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.

GENERAL BACKGROUND

29. On or about April 3, 2018, Board Inspector "SK" conducted an inspection of Folsom Medical Pharmacy ("Pharmacy") after the Board had received an anonymous complaint alleging that the Pharmacy was selling Cannabidiol ("CBD") oil. Cannabidiol is a compound found in cannabis (marijuana). Federal law considers cannabis and its extracts to be a Schedule I controlled substance.

30. At the time of the inspection, SK identified Respondent Pajouhi as the only pharmacist present. Respondent Pajouhi stated that she worked part time at the Pharmacy and that the pharmacist-in-charge (Respondent Perez) was out of the country. Respondent Pajouhi proceeded to provide SK information and documents during the inspection.

CBD Oil For Sale

31. At the time of the 4/3/18 inspection, SK noted many bottles of CBD oil on the front

counter of the Pharmacy along with related information for its use. SK informed Respondent Pajouhi regarding the local, state and federal laws and regulations governing the sale of such products. Respondent Pajouhi, in turn, directed a pharmacy technician to remove these products and materials and stated that they would be returned. SK's later investigation confirmed that the Pharmacy had ceased selling CBD oil.

Interpretive Services

32. At the time of the 4/3/18 inspection, SK noted that the Pharmacy did not have any interpretive services poster whereby a patient could point to the language for which they needed interpretive services. This was noted to be a violation of pharmacy law. SK asked Respondent Pajouhi whether the Pharmacy had any interpretive service or the ability to provide interpretive services in all required languages. In response to SK's questioning, Respondent Pajouhi admitted that the Pharmacy did not have any interpretive services available.

Controlled Substance Security

33. During the 4/3/18 inspection, SK noted that CIII-V controlled substances were dispersed throughout the Pharmacy with the other drug stock, which is permitted. However, CII controlled substances were being stored together in a plastic bin that did not have any locking mechanism. This did not secure the CII drugs from theft or diversion in violation of pharmacy law.

Pharmacy Technician Supervision

34. During the 4/3/18 inspection, SK noted that Respondent Pajouhi was mainly working in the front part of the Pharmacy. SK further located a remote compounding room that was situated at the back of the Pharmacy and in operation. Pharmacy technician "DP" was alone in the room and engaged in compounding drug preparations. SK found numerous expired drugs in the room, and during the inspection, an expired product appeared to be in the process of being used. These activities were occurring without Respondent Pajouhi being able to directly supervise and be fully aware of all activities the pharmacy technician was engaged in due to the remoteness of this compounding room in relation to the main pharmacy area. This lack of supervision involved the use of expired drugs and products in the compounded drug preparations, as documented on

the compounding logs. For the compounding activities to have been subject to direct supervision, the pharmacist on duty would have to be fully aware that the pharmacy technician was creating compounding records that documented the use of expired drugs and ingredients (as was the case in 25 of 29 prescriptions that SK reviewed, as alleged in greater detail below).

Adulterated Drugs and Inaccurate Beyond Use Dates

35. During the 4/3/18 inspection, SK further noted that there were many expired drugs and ingredients in both the main Pharmacy area and in the compounding room. Specifically, SK found a total of 73 expired drugs and/or ingredients.

36. Due to the number of expired drugs and/or ingredients in the Pharmacy's stock, SK removed four compounded prescriptions from the will call area to determine if expired products were used in their preparation. These prescriptions were ready to be picked up by patients without any further involvement of the pharmacist. Of these initial four prescriptions, SK determined that three had been made with expired drugs or ingredients.

37. Given these circumstances, SK asked Respondent Pajouhi to remove 29 compounded prescriptions from the will call area (approximately half of the total number of compounded prescriptions ready to be picked up). Respondent Pajouhi, in turn, instructed pharmacy technician "AH" to remove the prescriptions and print their compounding records. Of the 29 prescriptions SK inspected, at least 25 prescriptions (86%) were given a beyond use date longer than the documented shortest date of any ingredient. At least 19 of the prescriptions had been prepared with expired drugs or ingredients. This was in violation of pharmacy law in addition to the Pharmacy's own policies, as alleged in greater detail below.

Compounding Policies and Procedures

38. During the 4/3/18 inspection, Respondent Pajouhi provided to SK a copy of the Pharmacy's compounding policies and procedures. Those policies and procedures were dated July 23, 2013. Regarding drug expiration dates, Item 8 of the policies and procedures stated: "Ensuring all of the ingredients are present and all ingredients are (sic) have ample expiration dates (making sure they are not expired)."

39. Respondent Pajouhi also provided policies that were on the Pharmacy's computer system, but those policies had no indication of an effective date or an annual review date.

40. On April 26, 2018, Respondent Perez later transmitted to SK a 50-page document of policies and procedures. However, those policies and procedures were dated as being effective on May 1, 2018, which was after the date of the inspection and even after the date of the e-mail by which Respondent Perez had transmitted the policies. On June 1, 2018, attorneys representing Respondent Perez and the Pharmacy forwarded these same policies and procedures to SK. To date, no policies and procedures have been produced by the Pharmacy that demonstrate that the policies were reviewed and effective prior to the 4/3/18 inspection date.

Compounding Training

41. During the 4/3/18 inspection, SK requested training documentation for all staff engaged in compounding at the Pharmacy. Respondent Pajouhi stated that she was unaware of any such training records and was unsure if any existed.

42. On April 26, 2018, Respondent Perez later e-mailed to SK various documents, including recent training records. With respect to the training records for Respondent Pajouhi and TCH "DP," both documents were checked "yes" on all line items, including next to the following statement: "Periodically and methodically checks stock for expired or damaged materials? Including but not limited to APIs, bases, fillers, colorants, etc." None of the training records documented any training undertaken by Pharmacy personnel. Nor did the training records describe any ongoing competency evaluation process, all in violation of pharmacy law.

43. Given these circumstances, SK later requested Respondent Perez to send him training records that met the requirements of Title 16, CCR section 1735.7. In response, on June 1, 2018, attorneys for Respondent Perez and the Pharmacy provided the same training records that Respondent Perez had e-mailed to SK on April 26, 2018. Again, those records failed to document whether personnel had the necessary skills and training to properly compound drug preparations. Nor did the records document any ongoing competency evaluation process or any demonstration of knowledge about compounding.

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Self-Assessments

44. During the 4/3/18 inspection, SK asked Respondent Pajouhi to provide self-assessments for both the Pharmacy's compliance with federal and state pharmacy law and the Pharmacy's compounding practices. The only documents that Respondent Pajouhi could retrieve were on the computer. Printouts of those self-assessments were each dated June 9, 2017. Neither self-assessment was signed.

45. Further, the Pharmacy self-assessment was on Form 17M-13 (Rev. 01/11) and not on Form 17M-13 (Rev. 10/14) as legally required.

46. Respondent Perez later e-mailed these forms to SK. Respondent Perez, however, had signed these forms under the penalty of perjury while leaving them dated June 9, 2017. Both the pharmacy and compounding self-assessments so e-mailed were marked on every page that all applicable laws and regulations were being followed by the Pharmacy. Respondent Perez further marked "yes" as to item 3 of the pharmacy self-assessment indicating that the "drug stock is clean, orderly, properly stored, properly labeled and in-date." Respondent Perez also marked "yes" as to item 2.6 of the compounding self-assessment claiming that the expiration dates given to compounded drug preparations were not longer than the shortest date of any component used. Moreover, Respondent Perez indicated with respect to item 3.1.6 of the compounding self-assessment that the manufacturer, lot number and expiration date of each component was recorded on the compounding record. SK found these statements to be questionable given the abundance of expired products he found to be in the Pharmacy's drug stock during his investigation.

47. Respondent Perez also marked boxes on the compounding self-assessment indicating compliance with required compounding training and documents. SK found these statements to be questionable also given the incomplete training documentation that had been provided during his investigation.

48. Based on the incomplete assessment documents that had been provided, SK found that the Pharmacy had dispensed prescriptions without completed pharmacy and compounding self-assessments on file. The unsigned documents in the Pharmacy were not considered complete

due to Respondent Perez's ostensible failure to evaluate the items and give accurate responses. Further, Respondent Perez never provided a pharmacy self-assessment completed on the proper form.

FIRST CAUSE FOR DISCIPLINE

(Failure to Provide Interpretative Services – against Respondents Perez and Folsom Medical Pharmacy)

49. Respondents Perez and Folsom Medical Pharmacy are subject to disciplinary action for unprofessional conduct under Code section 4301, subdivision (o), in that said Respondents violated Title 16 CCR § 1707.5, subdivision (d), by failing to make interpretive services available to consumers, as more particularly set forth above in paragraph 32.

SECOND CAUSE FOR DISCIPLINE

(Failure to Provide Notice to Consumers – against Respondents Perez and Folsom Medical Pharmacy)

50. As alleged in greater detail in paragraph 32 above, Respondents Perez and Folsom Medical Pharmacy are subject to disciplinary action for unprofessional conduct under Code section 4301, subdivision (o), in that said Respondents violated the following subdivisions of Title 16 CCR § 1707.6 regarding interpretive services:

a. **Subdivisions (a):** Respondents failed to prominently post in a place conspicuous to and readable by a consumer the required notice to consumers; and,

b. **Subdivision (b):** Respondents failed to provide a poster sized notice to consumers containing the text identified in paragraph 20 above.

THIRD CAUSE FOR DISCIPLINE

(Failure to Maintain Pharmacy, Fixtures, and Equipment so that Drugs Were Safely and Properly Secured – against Respondents Perez and Folsom Medical Pharmacy)

51. Respondents Perez and Folsom Medical Pharmacy are subject to disciplinary action for unprofessional conduct under Code section 4301, subdivisions (j) and (o), in that said Respondents violated Title 16, CCR section 1714, subdivision (b), and Title 21, Code of Federal Regulations, Part 1301, section 75, subdivision (b). Specifically, said Respondents stored

Schedule II controlled substances in an unsecured bin in the main pharmacy drug stock area, as alleged in greater detail in paragraph 33 above.

FOURTH CAUSE FOR DISCIPLINE

(Failure to Supervise Pharmacy Technician – against all Respondents)

52. Respondents Perez, Folsom Medical Pharmacy and Pajouhi are each subject to disciplinary action for unprofessional conduct under Code section 4301, subdivision (o), in that said Respondents violated Title 16, CCR section 1793.7(b) and Code section 4023.5 by failing to supervise a pharmacy technician actively engaged in drug compounding, as alleged in greater detail in paragraph 34 above.

FIFTH CAUSE FOR DISCIPLINE

(Adulterated Drugs – against all Respondents)

53. Respondents Perez, Folsom Medical Pharmacy and Pajouhi are each subject to disciplinary action for unprofessional conduct under Code section 4301, subdivision (o), in that said Respondents violated Title 16, CCR section 1714 and Health & Safety Code sections 111255 and 111295. As alleged in greater detail in paragraphs 35-37 above, it was determined during a Board inspection on April 3, 2018, and subsequent investigation, that said Respondents had several expired drugs and products intermingled with the pharmacy's active drug stock. Further, an audit of 29 compounded drug preparations, which were ready to be picked up by patients, revealed that 19 prescriptions had been prepared with one or more expired drugs or ingredients. These prescriptions, drugs and ingredients were adulterated and may have been rendered injurious to patients' health due to a change in chemical composition or a decrease in effectiveness.

SIXTH CAUSE FOR DISCIPLINE

(Beyond Use Dates for Compounded Drug Preparations – against all Respondents)

54. Respondents Perez, Folsom Medical Pharmacy and Pajouhi are each subject to disciplinary action for unprofessional conduct under Code section 4301, subdivision (o), in that said Respondents violated Title 16, CCR section 1735.2, subdivision (i)(1)(A). Specifically, and as alleged in greater detail in paragraphs 35-37 above, it was determined during a Board inspection on April 3, 2018, and subsequent investigation, that Respondents approved at least 25

compounded prescriptions that were assigned a "beyond use date" that exceeded the shortest expiration date of one or more of the ingredients used for the prescription.

SEVENTH CAUSE FOR DISCIPLINE

(Sale of Adulterated Drugs)

55. As alleged in greater detail in paragraphs 35-37 above, Respondents Perez, Folsom Medical Pharmacy and Pajouhi are each subject to disciplinary action for unprofessional conduct under Code section 4301, subdivision (o), in that said defendants violated Code section 4169 as follows:

a. **Subdivision (a)(2):** Respondents purchased, traded, sold and/or transferred dangerous drugs that Respondent's know or reasonably should have known were adulterated; and,

b. **Subdivision (a)(4):** Respondents purchased, traded, sold and/or transferred dangerous drugs after the beyond use date on the label.

EIGHTH CAUSE FOR DISCIPLINE

(Failure to Maintain Current Dated Compounding Policies and Procedures – against Respondents Perez and Folsom Medical Pharmacy)

56. As alleged in greater detail in paragraphs 38-40 above, Respondents Perez and Folsom Medical Pharmacy are subject to disciplinary action for unprofessional conduct under Code section 4301, subdivision (o), in that said Respondents violated the following subdivisions of Title 16, CCR section 1735.5:

a. **Subdivision (a):** Respondents failed to follow written procedures requiring personnel to ensure that expired products were not used for compounding; and,

b. **Subdivision (b):** Respondents failed to have current, dated policies and procedures. Further, no documentation of annual review by the pharmacist-in-charge was made.

NINTH CAUSE FOR DISCIPLINE

(Failure to Comply with Compounding Training – against Respondents Perez and Folsom Medical Pharmacy)

57. As alleged in greater detail in paragraphs 41-43 above, Respondents Perez and Folsom Medical Pharmacy are subject to disciplinary action for unprofessional conduct under

Code section 4301, subdivision (o), in that said Respondents violated the following subdivisions of Title 16, CCR section 1735.7:

a. **Subdivision (a):** Respondents failed to provide records that showed that personnel had the necessary skills and training to properly compound drug preparations;

b. **Subdivision (b):** Respondents failed to provide records that documented an ongoing competency evaluation process and all training completed related to compounding by pharmacy personnel; and,

c. **Subdivision (c):** Respondents failed to provide records that document the demonstration of knowledge about processes and procedures used in compounding any drug preparation.

TENTH CAUSE FOR DISCIPLINE

(Failure to Complete Self-Assessment – against Respondents Perez and Folsom Medical Pharmacy)

58. As alleged in greater detail in paragraphs 44-48 above, Respondents Perez and Folsom Medical Pharmacy are subject to disciplinary action for unprofessional conduct under Code section 4301, subdivision (o), in that said Respondents violated the following subdivisions of Title 16, CCR section 1715:

a. **Subdivision (a):** Respondents failed to complete a self-assessment of the pharmacy's compliance with federal and state pharmacy laws;

b. **Subdivision (c):** Respondents failed to complete the pharmacy self-assessment on Form 17M-13 (Rev. 10/14) as required; and,

c. **Subdivision (d):** Respondents failed to keep complete self-assessments on file at the Pharmacy.

ELEVENTH CAUSE FOR DISCIPLINE

(Gross Negligence – against Respondents Perez and Folsom Medical Pharmacy)

59. Respondents Perez and Folsom Medical Pharmacy are subject to disciplinary action for unprofessional conduct under Code section 4301, subdivisions (c) and (o), in that said Respondents operated in a grossly negligent manner by:

a. Failing to post notice of, and provide, interpretive services, as set forth in paragraph 32 above;

b. Failing to secure CII controlled substances to prevent theft or diversion, as set forth in paragraph 33 above;

c. Failing to establish direct supervision of pharmacy technicians, as set forth in paragraph 34 above;

d. Holding expired drugs and ingredients in the Pharmacy that were adulterated, as set forth in paragraphs 35-37 above;

e. Allowing and approving expired products to be used in compounded drug preparations, as set forth in paragraphs 35-37 above;

f. Allowing and approving incorrect beyond use dates for compounded drug preparations, as set forth in paragraphs 35-37 above;

g. Failing to follow the Pharmacy's compounding policies and procedures, as set forth in paragraphs 38-40 above;

h. Failing to document review of the Pharmacy's compounding policies and procedures, as set forth in paragraphs 38-40 above;

i. Failing to provide and document compounding training and ongoing competency, as set forth in paragraphs 41-43 above; and,

j. Failing to complete a pharmacy self-assessment on the proper form, as set forth in paragraph 45 above.

OTHER MATTERS

60. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number PHY 48577, issued to Respondent BiosRX Inc. dba Folsom Medical Pharmacy, then Respondent BiosRX Inc. dba Folsom Medical Pharmacy shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number 48577 is placed on probation or until Pharmacy Permit Number 49845 is reinstated if it is revoked.

61. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number PHY 48577, issued to Respondent BiosRX Inc. dba Folsom Medical Pharmacy while Respondent Ramiro Moises Perez has been an officer and/or owner and had knowledge of or knowingly participated in any conduct for which the licensee was disciplined, then Respondent Perez shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 48577 is placed on probation or until Pharmacy Permit Number 48577 is reinstated if it is revoked.

62. Pursuant to Code section 4307, if discipline is imposed on Original Pharmacist License Number RPH 55547, issued to Ramiro Moises Perez, then Respondent Perez shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Original Pharmacist License Number RPH 55547 is placed on probation or until Original Pharmacist License Number RPH 55547 is reinstated if it is revoked.

63. Pursuant to Code section 4307, if discipline is imposed on Original Pharmacist License Number RPH 56332, issued to Annamariam Pajouhi, then Respondent Pajouhi shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Original Pharmacist License Number RPH 56332 is placed on probation or until Original Pharmacist License Pharmacist License Number RPH 56332 is reinstated if it is revoked.

PRAYER

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

1. Revoking or suspending Pharmacy Permit Number PHY 48577, issued to Respondent BiosRX Inc. doing business as Folsom Medical Pharmacy;

2. Revoking or suspending Original Pharmacist License Number RPH 55547, issued to Respondent Ramiro Moises Perez;

3. Revoking or suspending Original Pharmacist License Number RPH 56332, issued to Respondent Annamariam Pajouhi;

4. Prohibiting BiosRX Inc. doing business as Folsom Medical Pharmacy from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 48577 is placed on probation or until Pharmacy Permit Number 48577 is reinstated if it is revoked;

5. Prohibiting Respondent Ramiro Moises Perez from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number 48577 is placed on probation or until Pharmacy Permit Number 48577 is reinstated if it is revoked;

6. Prohibiting Respondent Ramiro Moises Perez from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Original Pharmacist License Number RPH 55547 is placed on probation or until Original Pharmacist License Number RPH 55547 is reinstated if it is revoked;

7. Prohibiting Respondent Annamariam Pajouhi from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Original Pharmacist License Number RPH 56332 is placed on probation or until Original Pharmacist License Number RPH 56332 is reinstated if it is revoked;

8. Ordering Respondents BiosRX Inc. doing business as Folsom Medical Pharmacy, Ramiro Moises Perez and Annamariam Pajouhi to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,

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

DATED: July 6, 2020

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

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