

**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

Greg Lippe
Board President

1 XAVIER BECERRA
Attorney General of California
2 KAREN R. DENVER
Supervising Deputy Attorney General
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8
9 **BEFORE THE**
BOARD OF PHARMACY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12
13 In the Matter of the First Amended Accusation
Against:

14 **RAMIRO MOISES PEREZ**
15 **1300 E, Bidwell Street, Suite 105**
Folsom, CA 95630

16 **Registered Pharmacist License No. RPH**
17 **55547,**

18 **BIOSRX INC. DBA FOLSOM MEDICAL**
PHARMACY
19 **1300 E. Bidwell Street, Suite 105**
Folsom, CA 95630

20 **Original Pharmacy Permit No. PHY 48577,**

21 **and**

22 **ANNAMARIAM PAJOUHI**
23 **3941 Park Drive, Suite 20-344**
El Dorado Hills, CA 95672

24 **Registered Pharmacist License No. RPH**
25 **56332**

26 Respondents.

Case No. 6521

OAH No. 2019080572

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER AS TO:**

**RESPONDENT RAMIRO MOISES
PEREZ**

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

3 **PARTIES**

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

8 2. Respondent Ramiro Moises Perez (Respondent) is represented in this proceeding by
9 attorney Ivan Petrzelka, Pharm.D, J.D., whose address is: California Pharmacy Lawyers, 55
10 Cetus, 1st Floor, Irvine, CA 92618.

11 3. On or about June 29, 2004, the Board issued Registered Pharmacist License No. RPH
12 55547 to Ramiro Moises Perez (Respondent). The Registered Pharmacist License was in full
13 force and effect at all times relevant to the charges brought in First Amended Accusation number
14 6521 and will expire on July 31, 2022, unless renewed.

15 **JURISDICTION**

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

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

22 **ADVISEMENT AND WAIVERS**

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

27 7. Respondent is fully aware of his legal rights in this matter, including the right to a
28 hearing on the charges and allegations in the First Amended Accusation; the right to confront and

1 cross-examine the witnesses against him; the right to present evidence and to testify on his own
2 behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the
3 production of documents; the right to reconsideration and court review of an adverse decision;
4 and all other rights accorded by the California Administrative Procedure Act and other applicable
5 laws.

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

8 CULPABILITY

9 9. Respondent understands and agrees that the charges and allegations in First Amended
10 Accusation No. 6521, if proven at a hearing, constitute cause for imposing discipline upon his
11 Registered Pharmacist License.

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

16 11. Respondent agrees that his Registered Pharmacist License is subject to discipline and
17 he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order
18 below.

19 CONTINGENCY

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

1 respondent's license or which is related to the practice of pharmacy or the
2 manufacturing, obtaining, handling, distributing, billing, or charging for any drug,
3 device or controlled substance.

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

5 **2. Report to the Board**

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

10 Failure to submit timely reports in a form as directed shall be considered a violation of
11 probation. Any period(s) of delinquency in submission of reports as directed may be added to the
12 total period of probation. Moreover, if the final probation report is not made as directed,
13 probation shall be automatically extended until such time as the final report is made and accepted
14 by the board.

15 **3. Interview with the Board**

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

21 **4. Cooperate with Board Staff**

22 Respondent shall timely cooperate with the board's inspection program and with the board's
23 monitoring and investigation of respondent's compliance with the terms and conditions of his
24 probation, including but not limited to: timely responses to requests for information by board
25 staff; timely compliance with directives from board staff regarding requirements of any term or
26 condition of probation; and timely completion of documentation pertaining to a term or condition
27 of probation. Failure to timely cooperate shall be considered a violation of probation.
28

1 **5. Continuing Education**

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

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

5 During the period of probation, respondent shall notify all present and prospective
6 employers of the decision in case number 6521 and the terms, conditions and restrictions imposed
7 on respondent by the decision, as follows:

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

19 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
20 respondent undertaking any new employment, respondent shall cause (a) his direct supervisor, (b)
21 his pharmacist-in-charge, designated representative-in-charge, responsible manager, or other
22 compliance supervisor, and (c) the owner or owner representative of his employer, to report to the
23 board in writing acknowledging that the listed individual(s) has/have read the decision in case
24 number 6521, and the terms and conditions imposed thereby. If one person serves in more than
25 one role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the
26 respondent's responsibility to ensure that these acknowledgment(s) are timely submitted to the
27 board. In the event of a change in the person(s) serving the role(s) described in (a), (b), or (c)
28 during the term of probation, respondent shall cause the person(s) taking over the role(s) to report

1 to the board in writing within fifteen (15) days of the change acknowledging that he or she has
2 read the decision in case number 6521, and the terms and conditions imposed thereby.

3 If respondent works for or is employed by or through an employment service, respondent
4 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the board
5 of the decision in case number 6521, and the terms and conditions imposed thereby in advance of
6 respondent commencing work at such licensed entity. A record of this notification must be
7 provided to the board upon request.

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

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

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

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

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

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

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

2 During the period of probation, respondent shall not supervise any intern pharmacist, be the
3 pharmacist-in-charge, designated representative-in-charge, responsible manager or other
4 compliance supervisor of any entity licensed by the board, nor serve as a consultant. Respondent
5 may remain pharmacist-in-charge of BiosRX dba Folsom Medical Pharmacy only. Assumption
6 of any such unauthorized supervision responsibilities shall be considered a violation of probation.

7 **9. Reimbursement of Board Costs**

8 As a condition precedent to successful completion of probation, Respondent, jointly and
9 severally with his co-respondent, BiosRX Inc., dba Folsom Medical Pharmacy, shall pay to the
10 board its costs of investigation and prosecution in the amount of \$14,000.00

11 Respondent shall be permitted to pay these costs in a payment plan approved by the board
12 or its designee, so long as full payment is completed no later than one (1) year prior to the end
13 date of probation.

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

17 **10. Probation Monitoring Costs**

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

22 **11. Status of License**

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

27 If respondent's Pharmacist License expires or is cancelled by operation of law or otherwise
28 at any time during the period of probation, including any extensions thereof due to tolling or

1 otherwise, upon renewal or reapplication respondent's license shall be subject to all terms and
2 conditions of this probation not previously satisfied.

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

4 Following the effective date of this decision, should respondent cease practice due to
5 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
6 respondent may relinquish his license, including any indicia of licensure issued by the board,
7 along with a request to surrender the license. The board or its designee shall have the discretion
8 whether to accept the surrender or take any other action it deems appropriate and reasonable.
9 Upon formal acceptance of the surrender of the license, respondent will no longer be subject to
10 the terms and conditions of probation. This surrender shall constitute a record of discipline and
11 shall become a part of the respondent's license history with the board.

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

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

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

26 If respondent does not practice as a pharmacist in California for the minimum number of
27 hours in any calendar month for any reason (including vacation), respondent shall notify the
28 board in writing within ten (10) days of the conclusion of that calendar month. This notification

1 shall include at least: the date(s), location(s), and hours of last practice; the reason(s) for the
2 interruption or reduction in practice; and the anticipated date(s) on which respondent will resume
3 practice at the required level. Respondent shall further notify the board in writing within ten (10)
4 days following the next calendar month during which respondent practices as a pharmacist in
5 California for the minimum of hours. Any failure to timely provide such notification(s) shall be
6 considered a violation of probation.

7 It is a violation of probation for respondent's probation to be extended pursuant to the
8 provisions of this condition for a total period, counting consecutive and non-consecutive months,
9 exceeding thirty-six (36) months. The board or its designee may post a notice of the extended
10 probation period on its website.

11 14. **Violation of Probation**

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

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

26 15. **Completion of Probation**

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

1 **16. Remedial Education**

2 Within thirty (30) days of the effective date of this decision, respondent shall submit to the
3 board or its designee, for prior approval, an appropriate program of remedial education related to
4 the topics of compounding, pharmacy operations, pharmacy law and the role of a pharmacist-in-
5 charge (PIC). The program of remedial education shall be at respondent’s expense and consist of
6 at least 10 hours per year, of which 50% shall be by way of live webinar or in person. All
7 remedial education shall be in addition to, and shall not be credited toward, continuing education
8 (CE) courses used for license renewal purposes for pharmacists.

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

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

18 **17. No New Ownership or Management of Licensed Premises**

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

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Ivan Petrzelka. I understand the stipulation and the effect it will have on my Registered Pharmacist License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: _____
RAMIRO MOISES PEREZ
Respondent

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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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Ivan Petrzelka. I understand the stipulation and the effect it will have on my Registered Pharmacist License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.


DATED: 9/3/2020


RAMIRO MOISES PEREZ
Respondent

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

Exhibit A

First Amended Accusation No. 6521

1 XAVIER BECERRA
Attorney General of California
2 KAREN R. DENVER
Supervising Deputy Attorney General
3 DANIEL D. MCGEE
Deputy Attorney General
4 State Bar No. 218947
1300 I Street, Suite 125
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6 Telephone: (916) 210-7895
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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 6521

13 **BIOSRX INC.**
14 **dba FOLSOM MEDICAL PHARMACY**
15 **RAMIRO MOISES PEREZ,**
16 **PRESIDENT/SECRETARY/TREASURER/**
17 **CHIEF FINANCIAL OFFICER**
18 **/DIRECTOR/100%**
19 **SHAREHOLDER/PHARMACIST-IN-**
20 **CHARGE**
1300 E. Bidwell Street, Suite # 105
Folsom, CA 95630

FIRST AMENDED ACCUSATION

21 **Pharmacy Permit No. PHY 48577**

22 **RAMIRO MOISES PEREZ**
1300 E. Bidwell Street
Folsom, CA 95630

23 **Original Pharmacist License**
24 **No. RPH 55547**

25 and

26 **ANNAMARIAM PAJOUHI**
3941 Park Drive, Suite 20-344
El Dorado Hills, CA 95762

27 **Original Pharmacist License**
28 **No. RPH 56332**

Respondents.

1 Anne Sodergren (“Complainant”) alleges:

2 **PARTIES**

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

5 **Pharmacy Permit**

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

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

15 **Pharmacist Licenses**

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

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

24 **JURISDICTION**

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

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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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1 14. Code section 4023.5 states: “‘direct supervision and control’ means that a pharmacist
2 is on the premises at all times and is fully aware of all activities performed by either a pharmacy
3 technician or intern pharmacist.”

4 15. Code section 4169 states, in pertinent part:

5 (a) A person or entity shall not do any of the following:

6 ...

7
8 (2) Purchase, trade, sell, or transfer dangerous drugs that the person knew or
9 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.***

10 (4) Purchase, trade, sell, or transfer dangerous drugs or dangerous devices after
11 the beyond use date on the label.

12 ...

13 (b) Notwithstanding any other law, a violation of this section may subject the
14 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.

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

16 The board may institute any action or actions as may be provided by law and
17 that, in its discretion, are necessary, to prevent the sale of pharmaceutical preparations
18 and drugs that do not conform to the standard and tests as to quality and strength,
19 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).

20 17. Health and Safety Code section 111255 states:

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

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

25 **(Regulatory Provisions)**

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

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

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

3 20. Title 16, California Code of Regulations (“CCR”), section 1707.5, subdivision (d),
4 states:

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

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

16 (c) Every pharmacy, in a place conspicuous to and readable by a prescription
17 drug consumer, at or adjacent to each counter in the pharmacy where dangerous drugs
18 are dispensed or furnished, shall post or provide a notice containing the following
19 text:

20 Point to your language. Interpreter services will be provided to you upon
21 request at no cost.

22 This text shall be repeated in at least the following languages: Arabic,
23 Armenian, Cambodian, Cantonese, Farsi, Hmong, Korean, Mandarin, Russian,
24 Spanish, Tagalog, and Vietnamese.

25 Each pharmacy shall use the standardized notice provided or made available by
26 the board, unless the pharmacy has received prior approval of another format or
27 display methodology from the board. The board may delegate authority to a
28 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

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

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

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

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

17 **COST RECOVERY**

18 28. Code section 125.3 states, in pertinent part, that the Board may request the
19 administrative law judge to direct a licentiate found to have committed a violation or violations of
20 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
21 enforcement of the case.

22 **GENERAL BACKGROUND**

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

28 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.

29 **CBD Oil For Sale**

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

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

6 **Interpretive Services**

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

13 **Controlled Substance Security**

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

19 **Pharmacy Technician Supervision**

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

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

5 **Adulterated Drugs and Inaccurate Beyond Use Dates**

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

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

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

22 **Compounding Policies and Procedures**

23 38. During the 4/3/18 inspection, Respondent Pajouhi provided to SK a copy of the
24 Pharmacy's compounding policies and procedures. Those policies and procedures were dated
25 July 23, 2013. Regarding drug expiration dates, Item 8 of the policies and procedures stated:
26 "Ensuring all of the ingredients are present and all ingredients are (sic) have ample expiration
27 dates (making sure they are not expired)."
28

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

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

10 **Compounding Training**

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

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

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

28 //

1 **Self-Assessments**

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

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

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

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

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

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

4 **FIRST CAUSE FOR DISCIPLINE**

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

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

11 **SECOND CAUSE FOR DISCIPLINE**

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

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

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

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

22 **THIRD CAUSE FOR DISCIPLINE**

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

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

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

3 **FOURTH CAUSE FOR DISCIPLINE**

4 **(Failure to Supervise Pharmacy Technician – against all Respondents)**

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

10 **FIFTH CAUSE FOR DISCIPLINE**

11 **(Adulterated Drugs – against all Respondents)**

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

22 **SIXTH CAUSE FOR DISCIPLINE**

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

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

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

3 **SEVENTH CAUSE FOR DISCIPLINE**

4 **(Sale of Adulterated Drugs)**

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

- 9 a. **Subdivision (a)(2):** Respondents purchased, traded, sold and/or transferred
10 dangerous drugs that Respondent’s know or reasonably should have known were adulterated; and,
11 b. **Subdivision (a)(4):** Respondents purchased, traded, sold and/or transferred
12 dangerous drugs after the beyond use date on the label.

13 **EIGHTH CAUSE FOR DISCIPLINE**

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

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

- 20 a. **Subdivision (a):** Respondents failed to follow written procedures requiring
21 personnel to ensure that expired products were not used for compounding; and,
22 b. **Subdivision (b):** Respondents failed to have current, dated policies and
23 procedures. Further, no documentation of annual review by the pharmacist-in-charge was made.

24 **NINTH CAUSE FOR DISCIPLINE**

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

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

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

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

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

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

11 **TENTH CAUSE FOR DISCIPLINE**

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

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

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

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

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

24 **ELEVENTH CAUSE FOR DISCIPLINE**

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

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

- 1 a. Failing to post notice of, and provide, interpretive services, as set forth in
2 paragraph 32 above;
- 3 b. Failing to secure CII controlled substances to prevent theft or diversion, as set
4 forth in paragraph 33 above;
- 5 c. Failing to establish direct supervision of pharmacy technicians, as set forth in
6 paragraph 34 above;
- 7 d. Holding expired drugs and ingredients in the Pharmacy that were adulterated,
8 as set forth in paragraphs 35-37 above;
- 9 e. Allowing and approving expired products to be used in compounded drug
10 preparations, as set forth in paragraphs 35-37 above;
- 11 f. Allowing and approving incorrect beyond use dates for compounded drug
12 preparations, as set forth in paragraphs 35-37 above;
- 13 g. Failing to follow the Pharmacy's compounding policies and procedures, as set
14 forth in paragraphs 38-40 above;
- 15 h. Failing to document review of the Pharmacy's compounding policies and
16 procedures, as set forth in paragraphs 38-40 above;
- 17 i. Failing to provide and document compounding training and ongoing
18 competency, as set forth in paragraphs 41-43 above; and,
- 19 j. Failing to complete a pharmacy self-assessment on the proper form, as set forth
20 in paragraph 45 above.

21 **OTHER MATTERS**

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

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

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

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

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

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

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

21
22 DATED: July 6, 2020



23 ANNE SODERGREN
24 Executive Officer
25 Board of Pharmacy
26 Department of Consumer Affairs
27 State of California
28 *Complainant*

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