

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

**In the Matter of the Accusation Against:**

**EVERGREEN PHARMACEUTICAL OF CALIFORNIA, INC., dba  
OMNICARE OF NORTHERN CALIFORNIA,**

**Pharmacy Permit No. PHY 54230;**

**and**

**YASIN MOHAMMED SHAN,**

**Pharmacist License No. RPH 68586,**

**Respondents**

**Agency Case No. 6753**

**OAH No. 2019091105**

## 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 December 9, 2020.

It is so ORDERED on November 9, 2020.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Greg M. Lippe", is written over a horizontal line.

By

Greg Lippe  
Board President

1 XAVIER BECERRA  
Attorney General of California  
2 KENT D. HARRIS  
Supervising Deputy Attorney General  
3 STANTON W. LEE  
Deputy Attorney General  
4 State Bar No. 203563  
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*Attorneys for Complainant*

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

13 In the Matter of the Accusation Against:

14 **EVERGREEN PHARMACEUTICAL OF**  
15 **CALIFORNIA, INC. dba OMNICARE OF**  
16 **NORTHERN CALIFORNIA**  
17 **850 S. Guild Ave.**  
18 **Lodi, CA 95240**

19 **Original Permit No. PHY 54230**

20 **and**

21 **YASIN MOHAMMED SHAN**  
22 **Pharmacist-In-Charge**  
23 **1802 Crestwood Cr.**  
24 **Stockton, CA 95210**

25 **Original Pharmacist License No. RPH 68586**

26 Respondents.

Case No. 6753

OAH No. 2019091105

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER AS TO  
RESPONDENT EVERGREEN ONLY**

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

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1 **PARTIES**

2 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy  
3 (Board). She brought this action solely in her official capacity and is represented in this matter by  
4 Xavier Becerra, Attorney General of the State of California, by Stanton W. Lee, Deputy Attorney  
5 General.

6 2. Respondent Evergreen Pharmaceutical of California, Inc. dba Omnicare of Northern  
7 California (Respondent) is represented in this proceeding by attorney Jeff Astarabadi, whose  
8 address is: Much Shelist, P.C., 2 Park Plaza, Ste. 1075, Irvine, CA 92614.

9 3. On or about August 5, 2016, the Board issued Pharmacy License No. PHY 54230 to  
10 Respondent. The Pharmacy License was in full force and effect at all times relevant to the  
11 charges brought in Accusation No. 6753, and will expire on August 1, 2019, unless renewed.

12 **JURISDICTION**

13 4. Accusation No. 6753 was filed before the Board, and is currently pending against  
14 Respondent. The Accusation and all other statutorily required documents were properly served  
15 on Respondent on September 3, 2019. Respondent timely filed its Notice of Defense contesting  
16 the Accusation.

17 5. A copy of Accusation No. 6753 is attached as exhibit A and incorporated herein by  
18 reference.

19 **ADVISEMENT AND WAIVERS**

20 6. Respondent has carefully read, fully discussed with counsel, and understands the  
21 charges and allegations in Accusation No. 6753. Respondent has also carefully read, fully  
22 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary  
23 Order.

24 7. Respondent is fully aware of its legal rights in this matter, including the right to a  
25 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine  
26 the witnesses against them; the right to present evidence and to testify on its own behalf; the right  
27 to the issuance of subpoenas to compel the attendance of witnesses and the production of

28 ///

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.

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

### **CULPABILITY**

9. Respondent understands and agrees that the charges and allegations in Accusation No. 6753, if proven at a hearing, constitute cause for imposing discipline upon Pharmacy License No. PHY 54230.

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

11. Respondent agrees that its Pharmacy License 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**

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

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

///

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

15. 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 License No. PHY 54230 issued to Respondent Pharmacy Evergreen Pharmaceutical of California, Inc. dba Omnicare of Northern is revoked. However, the revocation is stayed and Respondent Pharmacy is placed on probation for three (3) years on the following terms and conditions:

### 1. Definition: Respondent

For the purposes of these terms and conditions, “respondent” shall refer to Evergreen Pharmaceutical of California, Inc. dba Omnicare of Northern California. 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:

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- 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
- the filing of a disciplinary pleading, issuance of a citation, or initiation of another administrative action filed by any state or federal agency which involves respondent's license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging for any drug, device or controlled substance.

Failure to timely report 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.

### **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.

1           **5.     Cooperate with Board Staff**

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

8           **6.     Reimbursement of Board Costs**

9           As a condition precedent to successful completion of probation, Respondent shall pay to the  
10 board its costs of investigation and prosecution in the amount of \$15,000.00. Respondent shall be  
11 permitted to pay these costs in a payment plan approved by the board or its designee, so long as  
12 full payment is completed no later than one (1) year prior to the end date of probation. Failure to  
13 pay costs by the deadline(s) shall be considered a violation of probation.

14           **7.     Probation Monitoring Costs**

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

19           **8.     Status of License**

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

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

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1           **9. License Surrender While on Probation/Suspension**

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

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

17           **10. Sale or Discontinuance of Business**

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

26           **11. Notice to Employees**

27           Respondent shall, upon or before the effective date of this decision, ensure that all  
28 employees involved in permit operations are made aware of all the terms and conditions of

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

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

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

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

#### 19 **13. Premises Open for Business**

20 Respondent shall remain open and engaged in its ordinary business as a Pharmacy in  
21 California for a minimum of one hundred twenty (120) hours per calendar month. Any month  
22 during which this minimum is not met shall toll the period of probation, i.e., the period of  
23 probation shall be extended by one month for each month during with this minimum is not met.  
24 During any such period of tolling of probation, respondent must nonetheless comply with all  
25 terms and conditions of probation, unless respondent is informed otherwise in writing by the  
26 board or its designee. If respondent is not open and engaged in its ordinary business as a  
27 Pharmacy for a minimum of forty (40) hours in any calendar month, for any reason (including  
28 vacation), respondent shall notify the board in writing within ten (10) days of the conclusion of

1 that calendar month. This notification shall include at minimum all of the following: the date(s)  
2 and hours respondent was open; the reason(s) for the interruption or why business was not  
3 conducted; and the anticipated date(s) on which respondent will resume business as required.  
4 Respondent shall further notify the board in writing with ten (10) days following the next  
5 calendar month during which respondent is open and engaged in its ordinary business as a  
6 Pharmacy in California for a minimum of forty (40) hours. Any failure to timely provide such  
7 notification(s) shall be considered a violation of probation.

8 **14. Posted Notice of Probation**

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

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

17 **15. Violation of Probation**

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

24 If respondent violates probation in any respect, the board, after giving respondent notice  
25 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that  
26 was stayed. If a petition to revoke probation or an accusation is filed against respondent during  
27 probation, or the preparation of an accusation or petition to revoke probation is requested from  
28 the Office of the Attorney General, the board shall have continuing jurisdiction and the period of

1 probation shall be automatically extended until the petition to revoke probation or accusation is  
2 heard and decided, and the charges and allegations in Second Amended Accusation No. 6753  
3 shall be deemed true and correct.

4 **16. Completion of Probation**

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

7 **ACCEPTANCE**

8 Leo Lariviere, Director of Regulatory Affairs for Respondent has carefully read the above  
9 Stipulated Settlement and Disciplinary Order on behalf of Respondent. Leo Lariviere asserts that  
10 he has full authority to bind Respondent to the terms of this Decision and Order of the Board of  
11 Pharmacy and signs this acceptance with full binding authorization by Respondent. Leo Lariviere  
12 asserts that both he and Respondent understand the stipulation and the effect it will have on  
13 Pharmacy License No. PHY 54230. Respondent enters into this Stipulated Settlement and  
14 Disciplinary Order voluntarily, knowingly, and intelligently.

15  
16 DATED: \_\_\_\_\_

\_\_\_\_\_  
Leo Lariviere,  
Director of Regulatory Affairs,  
EVERGREEN PHARMACEUTICAL OF  
CALIFORNIA, INC. DBA OMNICARE OF  
NORTHERN CALIFORNIA  
*Respondent*

20  
21 I have read and fully discussed with Respondent Evergreen Pharmaceutical of California,  
22 Inc. dba Omnicare of Northern California the terms and conditions and other matters contained in  
23 the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

24  
25 DATED: \_\_\_\_\_

\_\_\_\_\_  
Jeff Astarabadi  
*Attorney for Respondent*

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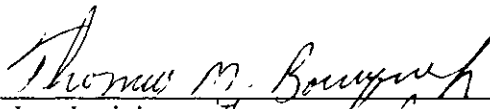
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14 Disciplinary Order voluntarily, knowingly, and intelligently.

15  
16 DATED: 9-29-20

  
\_\_\_\_\_  
~~Leo Lariviere,~~ *Thomas M. Bourque Jr.*  
Director of Regulatory Affairs,  
EVERGREEN PHARMACEUTICAL OF  
CALIFORNIA, INC. DBA OMNICARE OF  
NORTHERN CALIFORNIA  
*Respondent*

21 I have read and fully discussed with Respondent Evergreen Pharmaceutical of California,  
22 Inc. dba Omnicare of Northern California the terms and conditions and other matters contained in  
23 the above Stipulated Settlement and Disciplinary Order. I approve its form and content.  
24

25 DATED: \_\_\_\_\_

26 Jeff Astarabadi  
*Attorney for Respondent*  
27  
28

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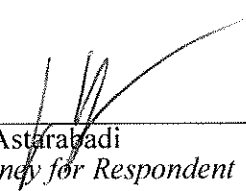
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14 Disciplinary Order voluntarily, knowingly, and intelligently.

15  
16 DATED: \_\_\_\_\_

17 Leo Lariviere,  
18 Director of Regulatory Affairs,  
19 EVERGREEN PHARMACEUTICAL OF  
20 CALIFORNIA, INC. DBA OMNICARE OF  
21 NORTHERN CALIFORNIA  
22 *Respondent*

23 I have read and fully discussed with Respondent Evergreen Pharmaceutical of California,  
24 Inc. dba Omnicare of Northern California the terms and conditions and other matters contained in  
25 the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

26 DATED: 9/24/20 \_\_\_\_\_

27   
28 Jeff Astarabadi  
*Attorney for Respondent*

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**ENDORSEMENT**

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

DATED: \_\_\_\_\_

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
KENT D. HARRIS  
Supervising Deputy Attorney General

STANTON W. LEE  
Deputy Attorney General  
*Attorneys for Complainant*

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**ENDORSEMENT**

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

DATED: September 30, 2020

Respectfully submitted,

XAVIER BECHERRA  
Attorney General of California  
KENT D. HARRIS  
Supervising Deputy Attorney General



STANTON W. LEE  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 6753**

1 XAVIER BECERRA  
Attorney General of California  
2 KENT D. HARRIS  
Supervising Deputy Attorney General  
3 STANTON W. LEE  
Deputy Attorney General  
4 State Bar No. 203563  
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Sacramento, CA 94244-2550  
6 Telephone: (916) 210-7872  
Facsimile: (916) 324-5567  
7 E-mail: Stanton.Lee@doj.ca.gov  
*Attorneys for Complainant*  
8

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17 **Original Permit No. PHY 54230**

18 **and**

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20 **Pharmacist-In-Charge**  
1802 Crestwood Cr.  
Stockton, CA 95210

21 **Original Pharmacist License No. RPH 68586**

22 Respondents.  
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Case No. 6753

OAH No. 2019091105

**SECOND AMENDED ACCUSATION**

1 Complainant alleges:

2 **PARTIES**

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

5 2. On or about August 5, 2016, the Board issued Original Permit Number PHY 54230 to  
6 Evergreen Pharmaceutical of California, Inc. to do business as Omnicare of Northern California  
7 (Respondent Pharmacy). The Permit was in full force and effect at all times relevant to the  
8 charges brought herein and will expire on August 1, 2020, unless renewed.

9 3. On or about January 11, 2013, the Board issued Original Pharmacist License Number  
10 RPH 68586 to Yasin Mohammed Shan (PIC Shan). The Original Pharmacist License was in full  
11 force and effect at all times relevant to the charges brought herein and will expire on June 30,  
12 2020, unless renewed.

13 4. The Board records for Respondent Pharmacy indicate that Respondent Shan was the  
14 Pharmacist-In-Charge of Respondent Pharmacy from August 5, 2016 through July 29, 2019, and  
15 during all times relevant to the charges brought herein.

16 **Prior Board Citations Against PIC Shan**

17 5. On or about September 4, 2015, the Board issued Citation Number CI 2015 66921  
18 against PIC Shan for the following violations:

19 (a) 16 CCR 1714(b): failing to maintain proper storage temperatures for  
20 dangerous drugs;

21 (b) 16 CCR 1707.5(d): failing to properly train and inform staff of  
22 pharmacy interpretive services;

23 (c) 16 CCR 1764: revealing the contents of a prescription to an  
24 unauthorized person;

25 (d) 16 CCR 1735.2(j): failing to complete biennial compounding self-  
26 assessment; and

27 (e) 16 CCR 1715(a) and (b): failing to complete self-assessment.

28 The Board records indicate that the administrative citation issued to PIC Shan for the above  
violations have been resolved.

6. On or about May 24, 2016, the Board issued Citation Number CI 2015 70505 against PIC Shan for the following violation:

(a) 16 CCR 1714(d): failing to maintain proper security of controlled substances, resulting in the inability to account for the theft or loss of 447 doses of various strengths, types, and schedules of controlled substances missing from the e-kits delivered to 63 health care facilities and pharmacies.

The Board records indicate that the administrative citation issued to PIC Shan for the above violation has been resolved.

## JURISDICTION

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

8. Section 4011 of the code states that the Board shall administer and enforce the Pharmacy Law [Code section 4000 et seq.].

9. Section 4300 of the Code 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 . . .

• • • •

10. Section 4300.1 of the Code 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.

**BUSINESS AND PROFESSIONS CODE**

11. Section 4076 of the Code states in pertinent part:

(a) A pharmacist shall not dispense any prescription except in a container that meets the requirements of state and federal law and is correctly labeled with all of the following:

....

(4) The name of the prescriber . . .

....

12. Section 4077 of the Code states in pertinent part:

(a) Except as provided in subdivisions (b) and (c), no person shall dispense any dangerous drug upon prescription except in a container correctly labeled with the information required by Section 4076.

....

13. Section 4104 of the Code states in pertinent part:

....

(b) Every pharmacy shall have written policies and procedures for addressing chemical, mental, or physical impairment, as well as theft, diversion, or self-use of dangerous drugs, among licensed individuals employed by or with the pharmacy.

....

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

....

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

....

15. Section 4115 of the Code states in pertinent part:

(a) A pharmacy technician may perform packaging, manipulative, repetitive, or other nondiscretionary tasks, only while assisting, and while under the direct supervision and control of a pharmacist.

....

(f) (1) A pharmacy with only one pharmacist shall have no more than one pharmacy technician performing the tasks specified in subdivision (a). The ratio of pharmacy technicians performing the tasks specified in subdivision (a) to any

additional pharmacist shall not exceed 2:1; except that this ratio shall not apply to personnel performing clerical functions . . . This ratio is applicable to all practice settings . . .

. . . .

16. Section 4115.5 of the Code states in pertinent part:

. . . .

(b) (1) A pharmacy technician trainee participating in an externship as described in subdivision (a) may perform the duties described in subdivision (a) of Section 4115 only under the direct supervision and control of a pharmacist.

. . . .

(b) (4) A pharmacist may only supervise one pharmacy technician trainee at any given time.

. . . .

17. Section 4301 of the Code states in pertinent part:

The board shall take action against any holder of a license who is guilty of unprofessional conduct . . . Unprofessional conduct shall include, but is not limited to, any of the following:

. . . .

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

. . . .

### **HEALTH AND SAFETY CODE**

18. Health and Safety Code Section 11162.1 states in pertinent part:

(a) The prescription forms for controlled substances shall be printed with the following features:

. . . .

(9) The preprinted name, category of licensure, license number, federal controlled substance registration number, and address of the prescribing practitioner.

. . . .

19. Health and Safety Code Section 11167.5 states in pertinent part:

(a) An order for a controlled substance classified in Schedule II for a patient

1 of a licensed skilled nursing facility, a licensed intermediate care facility, a licensed  
2 home health agency, or a licensed hospice may be dispensed upon an oral or  
3 electronically transmitted prescription. If the prescription is transmitted orally, the  
4 pharmacist shall, prior to filling the prescription, reduce the prescription to writing in  
5 ink in the handwriting of the pharmacist on a form developed by the pharmacy for  
6 this purpose. If the prescription is transmitted electronically, the pharmacist shall,  
7 prior to filling the prescription, produce, sign, and date a hard copy prescription. The  
8 prescriptions shall contain the date the prescription was orally or electronically  
9 transmitted by the prescriber, the name of the person for whom the prescription was  
10 authorized, the name and address of the licensed skilled nursing facility, licensed  
11 intermediate care facility, licensed home health agency, or licensed hospice in which  
12 that person is a patient, the name and quantity of the controlled substance prescribed,  
13 the directions for use, and the name, address, category of professional licensure,  
14 license number, and federal controlled substance registration number of the  
15 prescriber. The original shall be properly endorsed by the pharmacist with the  
16 pharmacy's state license number, the name and address of the pharmacy, and the  
17 signature of the person who received the controlled substances for the licensed skilled  
18 nursing facility, licensed intermediate care facility, licensed home health agency, or  
19 licensed hospice. A licensed skilled nursing facility, a licensed intermediate care  
20 facility, a licensed home health agency, or a licensed hospice shall forward to the  
21 dispensing pharmacist a copy of any signed telephone orders, chart orders, or related  
22 documentation substantiating each oral or electronically transmitted prescription  
23 transaction under this section.

24 . . . .

## 25 **CALIFORNIA CODE OF REGULATIONS**

26 20. All references to the California Code of Regulations (Regulations) are to title 11,  
27 unless otherwise indicated.

28 21. Section 1714 of the Regulations state in pertinent part:

(d) Each pharmacist while on duty shall be responsible for the security of the  
prescription department, including provisions for effective control against theft or  
diversion of dangerous drugs and devices, and records for such drugs and devices.  
Possession of a key to the pharmacy where dangerous drugs and controlled  
substances are stored shall be restricted to a pharmacist.

(e) A pharmacist may transfer a prescription for Schedule III, IV or V  
controlled substances to another pharmacy for refill purposes in accordance with Title  
21, Code of Federal Regulations, section 1306.25.

22 . . . .

23 22. Section 1717 of the Regulations state in pertinent part:

24 . . . .

25 (e) A pharmacist may transfer a prescription for Schedule III, IV or V  
26 controlled substances to another pharmacy for refill purposes in accordance with Title  
27 21, Code of Federal Regulations, section 1306.25.

28 Prescriptions for other dangerous drugs which are not controlled substances may also  
be transferred by direct communication between pharmacists or by the receiving  
pharmacist's access to prescriptions or electronic files that have been created or

verified by a pharmacist at the transferring pharmacy. The receiving pharmacist shall create a written prescription; identifying it as a transferred prescription; and record the date of transfer and the original prescription number. When a prescription transfer is accomplished via direct access by the receiving pharmacist, the receiving pharmacist shall notify the transferring pharmacy of the transfer. A pharmacist at the transferring pharmacy shall then assure that there is a record of the prescription as having been transferred, and the date of transfer. Each pharmacy shall maintain inventory accountability and pharmacist accountability and dispense in accordance with the provisions of section 1716 of this Division. Information maintained by each pharmacy shall at least include:

(1) Identification of pharmacist(s) transferring information;

(2) Name and identification code or address of the pharmacy from which the prescription was received or to which the prescription was transferred, as appropriate;

(3) Original date and last dispensing date;

(4) Number of refills and date originally authorized;

(5) Number of refills remaining but not dispensed;

(6) Number of refills transferred.

....

23. Section 1761 of the Regulations state in pertinent part:

(a) No pharmacist shall compound or dispense any prescription with contains any significant error, omission, irregularity, uncertainty, ambiguity or alteration. Upon receipt of any such prescription, the pharmacist shall contact the prescriber to obtain the information needed to validate the prescription.

....

24. Section 1793.7 of the Regulations state in pertinent part:

(a) . . . any function performed by a pharmacy technician in connection with the dispensing of a prescription, including repackaging from bulk and storage of pharmaceuticals, must be verified and documented in writing by a pharmacist . . .

### **COST RECOVERY**

25. Business and Professions Code section 125.3 provides, in pertinent part, that a 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.

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## **DEFINITIONS**

26. *Oxycodone* is an opioid drug used for pain relief.

27. *Percocet* is a drug containing the opioid oxycodone and the non-opioid acetaminophen and is used for pain relief.

28. *Hydromorphone* is an opioid drug used for pain relief.

29. *Norco* is a drug containing the opioid hydrocodone and the non-opioid acetaminophen and is used for pain relief.

30. *Lyrica* is the brand name for the anti-epileptic drug pregabalin and is used for pain relief.

31. *MS Contin* is an opioid drug used for pain relief.

32. All the drugs listed in Paragraphs 24-29 are Schedule II controlled substances, with the exception of *Lyrica*, which is a Schedule V controlled substance.

## **FACTUAL ALLEGATIONS**

### **Pharmacy Inspection of April 26, 2017**

33. On or about April 26, 2017, Board investigators PP and JH completed an inspection at Respondent Pharmacy located at 850 South Guild Avenue in Lodi, California. For approximately 20 minutes, Inspector PP observed the entrance of the building where Respondent Pharmacy was located and observed three males enter the pharmacy during that time.

34. Upon entering the building, Inspector PP was greeted by a pharmacy employee with the nametag "Joe." Inspector PP was then escorted into the pharmacy by Respondent Pharmacy's manager, JF. Inspector PP observed JF obtain a key from an office desk and open the locked pharmacy door. Upon inquiry by Inspector PP, JF confirmed she was not a pharmacist and that "Joe," who was also not a pharmacist, had given her access and use of the pharmacy key.

35. Inside the pharmacy, JF explained to Inspector PP that they were in the intake area and Inspector PP observed multiple pharmacy employees working on computers and talking on the phone. JF then escorted Inspector PP to a large warehouse area with multiple rows of drugs

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1 and supplies that JF described as the actual pharmacy. This area included a compounding area  
2 and a cage where controlled substances were stored.

3 36. When asked by Inspector PP, where the pharmacist was located, JF led Inspector PP  
4 to another area of the building and introduced Pharmacist Phan to Inspector PP. In that area,  
5 Inspector PP observed multiple employees working and in the process of pulling dangerous drugs  
6 from the shelves, bringing dangerous drugs for filling bubble packs, or filling bubble packs with  
7 dangerous drugs. Inspector PP documented at least nine pharmacy technicians and at least four  
8 student technicians engaged in pharmacy technician duties. When Pharmacist Phan was asked  
9 whether he was the only pharmacist on duty, he responded in the affirmative. Pharmacist Phan  
10 indicated there was another pharmacist working, but she was located outside the locked pharmacy  
11 and inside an office area.

12 37. Inspector JH observed multiple pharmacy technicians working within the caged area  
13 of the pharmacy. The caged area was out of sight from where Pharmacist Phan was located and  
14 there were no pharmacists working in or around the cage or providing direct supervision to the  
15 pharmacy technicians in the cage as they filled prescriptions for controlled substances.

16 38. During the inspection, PIC Shan arrived at the pharmacy and Inspector PP spoke with  
17 PIC Shan regarding the staffing ratios between licensed pharmacists and pharmacy technicians  
18 and interns. PIC Shan confirmed to Inspector PP that the pharmacy area was considered the area  
19 behind the locked doors.

20 39. PIC Shan escorted Inspector PP to an office area outside of the locked pharmacy.  
21 The office did not have any windows that would allow visual supervision of the activities  
22 occurring in the pharmacy. PIC Shan escorted Inspector PP to an area where Respondent  
23 Pharmacy maintained its invoice purchase records. This area was down a hallway from the office  
24 area and was not visually observable from the office area. The invoice purchase records were  
25 kept in large filing cabinets that were not secured. Also filed in the unsecured filing cabinets  
26 were patient prescriptions that contained HIPAA protected information.

27 40. PIC Shan provided Inspector PP with copies of the staff work schedules for the week  
28 and a list of the student interns working at Respondent Pharmacy. The work schedule did not

1 include the students working at the time and the student intern list did not include the date of the  
2 student's arrival at Respondent Pharmacy.

3 41. During the inspection Inspectors PP and JH reviewed Respondent Pharmacy's  
4 Schedule II prescriptions and copies of prior inspection reports issued to Respondent Pharmacy  
5 by the Board. When asked by the Board inspectors, PIC Shan was unable to provide copies of  
6 Respondent Pharmacy's pharmacy technician job duty policies and procedures or Respondent  
7 Pharmacy's policies and procedures relating to theft, diversion or chemically, mentally or  
8 impaired employees in the workplace.

9 42. In review of Respondent Pharmacy's Schedule II prescriptions, Inspector PP noted  
10 that multiple prescriptions for skilled nursing facilities were in violation of pharmacy law,  
11 including but not limited to, Respondent Pharmacy never receiving hard copies of electronic  
12 prescriptions, partial fills were given to patients without proper documentation, and missing  
13 prescription numbers from dispensed prescriptions.

14 43. Inspector PP requested from Respondent Pharmacy, and received, a Medi-Cal  
15 prescription billing list. Upon review of the list, Inspector PP identified multiple areas of non-  
16 compliance including, but not limited to, non-compliance with required documentation relating to  
17 Schedule II controlled substance prescriptions.

18 44. Inspector PP requested from Respondent Pharmacy, its policies and procedures  
19 relating to theft and diversion of controlled substances. Respondent Pharmacy was unable,  
20 however, to produce such a policy and procedure and could only provide Inspector PP with a  
21 copy of its policies and procedures relating to the theft of non-controlled substances.

22 45. As the Pharmacist-In-Charge, PIC Shan is responsible for Respondent Pharmacy's  
23 compliance and non-compliance with all state and federal laws and regulations pertaining to the  
24 practice of pharmacy.

### 25 **Pharmacy Inspection of June 27, 2019**

26 46. On or about June 27, 2019, Board investigator KN completed an inspection at  
27 Respondent Pharmacy located at 850 South Guild Avenue in Lodi, California. As a part of the  
28 inspection, KN asked PIC John Stapf and Compliance Administrator Heather Honeycutt for

assistance. KN asked PIC Stapf for a list of non-controlled prescription orders filled by Respondent Pharmacy in July 2018, September 2018, and February 2019. KN then asked Compliance Administrator Honeycutt to select any date within each of those three months and to provide a dispensing log with prescriptions numbers so that a comparison could be made between orders received by Respondent Pharmacy and what was typed and dispensed to patients.

47. 92 total prescriptions were randomly selected by KN with 16 total errors found in the sample. Of the 92 total prescriptions, 70 were electronic prescriptions and 22 were non-electronic/faxed prescriptions. Among the 70 electronic prescriptions, 7 errors were found and among the 22 non-electronic/faxed prescriptions, 9 errors were found. In each circumstance, the prescribing doctor was not named on the prescription label, but instead, the patient's attending doctor was named instead. The inspection results are summarized below:

Prescriptions Randomly Selected	Total Errors Found	Error Rate
92 total prescriptions reviewed	16	17.4%
70 electronic prescriptions of 92 total	7	10%
22 non-electronic/faxed prescriptions of 92 total	9	40.9%

## **RESPONDENT PHARMACY**

### **FIRST CAUSE FOR DISCIPLINE** **(Non-Compliance with Pharmacist to Technician Ratio)**

48. Respondent Pharmacy is subject to discipline under Code sections 4301 and 4115(a) and (f)(1) in that Respondent Pharmacy exceeded the applicable pharmacist to pharmacy technician ratio under pharmacy law. More specifically, at the inspection on April 26, 2017, Inspector PP observed only one pharmacist on duty in Respondent Pharmacy when there were at least nine pharmacy technicians working at the time, conducting pharmacy technician tasks.

### **SECOND CAUSE FOR DISCIPLINE** **(Non-Compliance with Pharmacist to Extern Ratio)**

49. Respondent Pharmacy is subject to discipline under Code sections 4301 and 4115.5(b)(1) and (b)(4) in that Respondent Pharmacy exceeded the applicable pharmacist to student pharmacy technician ratio under pharmacy law. More specifically, at the inspection on

1 April 26, 2017, Inspector PP observed only one pharmacist on duty in Respondent Pharmacy  
2 when there were three student pharmacy technicians working on pharmacy technician tasks.

3 **THIRD CAUSE FOR DISCIPLINE**  
4 **(Failure to Obtain Hardcopy of Electronic or Orally Prescribed Schedule II**  
5 **Controlled Substances Prescription and to Properly Document Prescription Information)**

6 50. Respondent Pharmacy is subject to discipline under Code section 4301 and Health  
7 and Safety Code section 11167.5(a) in that Respondent Pharmacy failed to obtain hard copies of  
8 prescriptions for Schedule II controlled substances received at Respondent Pharmacy orally or via  
9 electronic transmission and Respondent Pharmacy failed to document required prescription  
10 information for prescriptions received. More specifically, at the inspection on April 26, 2017, it  
11 was determined that Respondent Pharmacy filled Schedule II controlled substance prescriptions  
12 without including the name, address, category of professional licensure, license number, and  
13 federal controlled substance registration number of the prescriber and failed to properly endorse  
14 the prescription by the pharmacist with the pharmacy's state license number, the name and  
15 address of the pharmacy, and the signature of the person who received the controlled substance  
16 prescription.

17 **FOURTH CAUSE FOR DISCIPLINE**  
18 **(Transferring Controlled Substance Prescription with Insufficient Documentation)**

19 51. Respondent Pharmacy is subject to discipline under Code section 4301 and  
20 Regulation section 1717(e) in that Respondent Pharmacy transferred a prescription for a  
21 controlled substance to another pharmacy for refill, without proper documentation. More  
22 specifically, at the inspection of April 26, 2017, it was determined that Respondent Pharmacy  
23 transferred the controlled substance prescription number RX47923945, dated September 6, 2016,  
24 without a pharmacist identified from either pharmacy, no quantity, no prescriber signature, and no  
25 verification by the pharmacy as to the legitimacy of the prescription. Inspector PP identified at  
26 least two instances where prescription number RX47923945 was filled without the above  
27 required information.

28 ///

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**FIFTH CAUSE FOR DISCIPLINE**  
**(Filling Prescriptions with Erroneous or Uncertain Information)**

52. Respondent Pharmacy is subject to discipline under Code section 4301 and Regulation section 1761(a) in that Respondent Pharmacy filled prescriptions with incomplete information. More specifically, at the inspection of April 26, 2017, it was determined that Respondent Pharmacy filled prescriptions when it did not have the prescriber's signature and without quantities identified. Additionally, Respondent Pharmacy filled prescriptions based on hospital discharge records instead of a prescription for medication.

**SIXTH CAUSE FOR DISCIPLINE**  
**(Filling Prescriptions with Incomplete Prescriber Information)**

53. Respondent Pharmacy is subject to discipline under Code section 4301 and Health and Safety Code section 11162.1(a)(9) in that Respondent Pharmacy filled prescriptions when it did not have the complete contact information for a prescriber. More specifically, at the inspection of April 26, 2017, it was determined that Respondent Pharmacy filled Schedule II controlled substance prescriptions written by a physician when Respondent Pharmacy did not have that physician's physical address on record.

**SEVENTH CAUSE FOR DISCIPLINE**  
**(Insufficient Pharmacy Security)**

54. Respondent Pharmacy is subject to discipline under Code section 4301 and Regulation section 1714(d) in that Respondent Pharmacy did not maintain proper security to the pharmacy by allowing a non-pharmacist to maintain control of the key to the pharmacy. More specifically, at the inspection of April 26, 2017, Inspector PP observed a non-pharmacist manager retrieve the key to the locked pharmacy and provided access to Inspector PP. Inspector PP confirmed that Respondent Pharmacy had a policy and procedure that allowed a non-pharmacist to maintain control of the key to access the pharmacy.

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**EIGHTH CAUSE FOR DISCIPLINE**  
**(Failure to Maintain Policies and Procedures Relating to  
Theft and Diversion of Controlled Substances)**

55. Respondent Pharmacy is subject to discipline under Code sections 4301 and 4104(b) in that Respondent Pharmacy did not have written policies and procedures addressing theft and diversion of controlled substances in the pharmacy. More specifically, at the inspection of April 26, 2017, Inspector PP asked Respondent Pharmacy to produce a policy and procedure for theft and diversion of controlled substances, but Respondent Pharmacy did not maintain and was unable to produce such a policy and procedure and the policy and procedure provided to Inspector PP related only to the theft of non-controlled substances.

**NINTH CAUSE FOR DISCIPLINE**  
**(Non-Compliance with Prescription Labeling Requirements)**

56. Respondent Pharmacy is subject to discipline under Code sections 4076 and 4077 in that Respondent Pharmacy allowed and dispensed prescriptions where the prescribing doctor was not identified on the prescription label and instead, the patient's attending doctor was named instead, as alleged in further detail in Paragraphs 46-47.

**RESPONDENT PIC SHAN**

**TENTH CAUSE FOR DISCIPLINE**  
**(Non-Compliance with Pharmacist to Technician Ratio)**

57. Respondent PIC Shan is subject to discipline under Code sections 4301 and 4115(a) and (f)(1) in that Respondent PIC Shan, as the Pharmacist-In-Charge of Respondent Pharmacy, allowed Respondent Pharmacy to exceed the applicable pharmacist to pharmacy technician ratio under pharmacy law, as alleged in further detail in Paragraph 48.

**ELEVENTH CAUSE FOR DISCIPLINE**  
**(Non-Compliance with Pharmacist to Extern Ratio)**

58. Respondent PIC Shan is subject to discipline under Code sections 4301 and 4115.5(b)(1) and (b)(4) in that Respondent PIC Shan, as the Pharmacist-In-Charge of Respondent Pharmacy, allowed Respondent Pharmacy to exceed the applicable pharmacist to student pharmacy technician ratio under pharmacy law, as alleged in further detail in Paragraph 49.

**TWELFTH CAUSE FOR DISCIPLINE**

**(Failure to Obtain Hardcopy of Electronic or Orally Prescribed Schedule II Controlled Substances Prescription and to Properly Document Prescription Information)**

59. Respondent PIC Shan is subject to discipline under Code section 4301 and Health and Safety Code section 11167.5(a) in that Respondent PIC Shan, as the Pharmacist-In-Charge of Respondent Pharmacy, failed to obtain hard copies of prescriptions for Schedule II controlled substances received at Respondent Pharmacy orally or via electronic transmission and Respondent PIC Shan failed to document required prescription information for prescriptions received, as alleged in further detail in Paragraph 50.

**THIRTEENTH CAUSE FOR DISCIPLINE**

**(Transferring Controlled Substance Prescription with Insufficient Documentation)**

60. Respondent PIC Shan is subject to discipline under Code section 4301 and Regulation section 1717(e) in that Respondent PIC Shan, as the Pharmacist-In-Charge of Respondent Pharmacy, allowed Respondent Pharmacy to transfer a prescription for a controlled substance to another pharmacy for refill, without proper documentation, as alleged in further detail in Paragraph 51.

**FOURTEENTH CAUSE FOR DISCIPLINE**

**(Filling Prescriptions with Erroneous or Uncertain Information)**

61. Respondent PIC Shan is subject to discipline under Code section 4301 and Regulation section 1761(a) in that Respondent PIC Shan, as the Pharmacist-In-Charge of Respondent Pharmacy, allowed Respondent Pharmacy to fill prescriptions with incomplete information, as alleged in further detail in Paragraph 52.

**FIFTEENTH CAUSE FOR DISCIPLINE**

**(Filling Prescriptions with Incomplete Prescriber Information)**

62. Respondent PIC Shan is subject to discipline under Code section 4301 and Health and Safety Code section 11162.1(a)(9) in that PIC Shan, as the Pharmacist-In-Charge of Respondent Pharmacy, allowed Respondent Pharmacy to fill prescriptions when it did not have the complete contact information for a prescriber, as alleged in further detail in Paragraph 53.



**SIXTEENTH CAUSE FOR DISCIPLINE**  
**(Insufficient Pharmacy Security)**

63. Respondent PIC Shan is subject to discipline under Code section 4301 and Regulation section 1714(d) in that Respondent PIC Shan, as the Pharmacist-In-Charge of Respondent Pharmacy, did not maintain proper security to the pharmacy by allowing a non-pharmacist to maintain control of the key to the pharmacy, as alleged in further detail in Paragraph 54.

**SEVENTEENTH CAUSE FOR DISCIPLINE**  
**(Failure to Maintain Policies and Procedures Relating to Theft and Diversion of Controlled Substances)**

64. Respondent PIC Shan is subject to discipline under Code sections 4301 and 4104(b) in that Respondent PIC Shan, as the Pharmacist-In-Charge of Respondent Pharmacy, did not maintain written policies and procedures addressing theft and diversion of controlled substances in the pharmacy, as alleged in further detail in Paragraph 55.

**AGGRAVATING FACTORS**

65. To determine the degree of discipline to be assessed against Respondent PIC Shan, if any, Complainant re-alleges the citation history against PIC Shan as more fully set forth above in Paragraphs 5-6.

**PRAYER**

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

1. Revoking or suspending Permit Number PHY 54230, issued to Evergreen Pharmaceutical of California, Inc. dba Omnicare of Northern California;

2. Revoking or suspending Pharmacist License Number RPH 68586, issued to Yasin Mohammed Shan;

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1           3.     Ordering Evergreen Pharmaceutical of California, Inc. dba Omnicare of Northern  
2 California and Yasin Mohammed Shan to wholly and separately pay the Board of Pharmacy the  
3 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
4 Professions Code section 125.3; and,

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

6  
7     DATED:   July 10, 2020



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

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