

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

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

**ALL MEDS SOLUTIONS INC.,  
JAMES DARREN DIZON SIMBULAN OWNER,  
Original Permit No. PHY 54464, and**

**JAMES DARREN DIZON SIMBULAN,  
Original Pharmacist License No. RPH 71920**

**Respondents**

**Agency Case No. 6860**

**OAH No. 2020020203**

## 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 August 26, 2020.

It is so ORDERED on July 27, 2020.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Greg M. Lippe", written in a cursive style.

By

Greg Lippe  
Board President

XAVIER BECERRA  
Attorney General of California  
LINDA L. SUN  
Supervising Deputy Attorney General  
MICHAEL YI  
Deputy Attorney General  
State Bar No. 217174  
300 So. Spring Street, Suite 1702  
Los Angeles, CA 90013  
Telephone: (213) 269-6483  
Facsimile: (916) 731-2126  
E-mail: Michael.Yi@doj.ca.gov  
*Attorneys for Complainant*

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

In the Matter of the Accusation Against:

**ALL MEDS SOLUTIONS INC.,  
JAMES DARREN DIZON SIMBULAN,  
OWNER  
3470 Wilshire Boulevard, Suite 800  
Los Angeles, CA 90010**

**Original Permit No. PHY 54464,**

**and**

**JAMES DARREN DIZON SIMBULAN  
4237 Verdugo Road, #1  
Los Angeles, CA 90065**

**Original Pharmacist License No. RPH 71920**

Respondents.

Case No. 6860

OAH No. 2020020203

**STIPULATED SURRENDER OF  
LICENSE AND ORDER AS TO  
ALL MEDS SOLUTIONS INC.,  
JAMES DARREN DIZON SIMBULAN,  
OWNER**

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER AS TO  
JAMES DARREN DIZON SIMBULAN**

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 Michael Yi, Deputy Attorney  
7 General.

8 2. All Meds Solutions Inc., James Darren Dizon Simbulan, Owner (Respondent All  
9 Meds) and James Darren Dizon Simbulan (Respondent Simbulan) (collectively, "Respondents")  
10 are represented in this proceeding by attorney Luis Andre P. Vizcocho, whose address is: 49  
11 Discovery, Suite 240, Irvine, CA 92618-6713.

12 3. On or about October 5, 2016, the Board issued Original Permit Number PHY 54464  
13 to All Meds Solutions Inc., James Darren Dizon Simbulan, Owner. The Original Permit expired  
14 on October 1, 2018, and has not been renewed.

15 4. On or about October 27, 2014, the Board issued Original Pharmacist License Number  
16 RPH 71920 to James Darren Dizon Simbulan. The Original Pharmacist License was in full force  
17 and effect at all times relevant to the charges brought herein and will expire on December 31,  
18 2021, unless renewed.

19 **JURISDICTION**

20 5. Accusation No. 6860 was filed before the Board, and is currently pending against  
21 Respondents. The Accusation and all other statutorily required documents were properly served  
22 on Respondents on January 6, 2020. Respondents timely filed their Notice of Defense contesting  
23 the Accusation. A copy of Accusation No. 6860 is attached as exhibit A and incorporated herein  
24 by reference.

25 ///

26 ///

27 ///

28 ///

1 **ADVISEMENT AND WAIVERS**

2 6. Respondents have carefully read, fully discussed with counsel, and understand the  
3 charges and allegations in Accusation No. 6860. Respondents have also carefully read, fully  
4 discussed with counsel, and understand the effects of these stipulations.

5 7. Respondents are fully aware of their legal rights in this matter, including the right to a  
6 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine  
7 the witnesses against them; the right to present evidence and to testify on their own behalf; the  
8 right to the issuance of subpoenas to compel the attendance of witnesses and the production of  
9 documents; the right to reconsideration and court review of an adverse decision; and all other  
10 rights accorded by the California Administrative Procedure Act and other applicable laws.

11 8. Respondents voluntarily, knowingly, and intelligently waive and give up each and  
12 every right set forth above.

13 **CULPABILITY**

14 9. Respondents understand and agree that the charges and allegations in Accusation  
15 No. 6860, if proven at a hearing, constitute cause for imposing discipline upon their Original  
16 Permit and Original Pharmacist License.

17 10. For the purpose of resolving the Accusation without the expense and uncertainty of  
18 further proceedings, Respondents agree that, at a hearing, Complainant could establish a factual  
19 basis for the charges in the Accusation, and that Respondents hereby give up their right to contest  
20 those charges.

21 11. Respondent Simbulan agrees that his Original Pharmacist License and Original  
22 Permit are subject to discipline and he agrees to be bound by the Board's probationary terms as  
23 set forth in the Disciplinary Order below.

24 **RESERVATION**

25 12. The admissions made by Respondents herein are only for the purposes of this  
26 proceeding, or any other proceedings in which the Board of Pharmacy or other professional  
27 licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.  
28

**CONTINGENCY**

13. These stipulations shall be subject to approval by the Board. Respondents understand and agree that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding these stipulations and settlement, without notice to or participation by Respondents or their counsel. By signing these stipulations, Respondents understand and agree that they may not withdraw their agreement or seek to rescind the stipulations prior to the time the Board considers and acts upon them. If the Board fails to adopt these stipulations as its Decision and Order, this Stipulated Surrender of License and Stipulated Settlement shall be of no force or effect, except for this paragraph, they shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

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

15. These stipulations are intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. They supersede any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). These stipulations may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

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

**ORDER AS TO RESPONDENT ALL MEDS**

IT IS HEREBY ORDERED that Original Permit Number PHY 54464 issued to All Meds Solutions Inc., James Darren Dizon Simbulan, Owner, is surrendered and accepted by the Board.

1. The surrender of Respondent All Meds' Original Permit and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent

1 All Meds. This stipulation constitutes a record of the discipline and shall become a part of  
2 Respondent All Med's license history with the Board.

3 2. If Respondent All Meds ever applies for licensure or petitions for reinstatement in the  
4 State of California, the Board shall treat it as a new application for licensure. Respondent All  
5 Meds must comply with all the laws, regulations and procedures for licensure in effect at the time  
6 the application or petition is filed, and all of the charges and allegations contained in Accusation  
7 No. 6860 shall be deemed to be true, correct and admitted by Respondent All Meds when the  
8 Board determines whether to grant or deny the application or petition.

9 3. If Respondent All Meds should ever apply or reapply for a new license or  
10 certification, or petition for reinstatement of a license, by any other health care licensing agency  
11 in the State of California, all of the charges and allegations contained in Accusation No. 6860  
12 shall be deemed to be true, correct, and admitted by Respondent All Meds for the purpose of any  
13 Statement of Issues or any other proceeding seeking to deny or restrict licensure.

14 4. Respondent All Meds shall not apply for licensure or petition for reinstatement for  
15 three (3) years from the effective date of the Board's Decision and Order.

16 **DISCIPLINARY ORDER AS TO RESPONDENT SIMBULAN**

17 IT IS HEREBY ORDERED that Original Pharmacist License Number RPH 71920 issued  
18 to James Darren Dizon Simbulan is revoked. However, the revocation is stayed and Respondent  
19 Simbulan is placed on probation for three (3) years on the following terms and conditions.

20 **1. Obey All Laws**

21 Respondent Simbulan shall obey all state and federal laws and regulations.

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

- 24 • an arrest or issuance of a criminal complaint for violation of any provision of  
25 the

26 Pharmacy Law, state and federal food and drug laws, or state and federal  
27 controlled substances laws

28 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

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

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

## 9 **2. Report to the Board**

10 Respondent Simbulan shall report to the Board quarterly, on a schedule as directed by the  
11 Board or its designee. The report shall be made either in person or in writing, as directed. Among  
12 other requirements, Respondent Simbulan shall state in each report under penalty of perjury  
13 whether there has been compliance with all the terms and conditions of probation.

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

## 19 **3. Interview with the Board**

20 Upon receipt of reasonable prior notice, Respondent Simbulan shall appear in person for  
21 interviews with the Board or its designee, at such intervals and locations as are determined by the  
22 Board or its designee. Failure to appear for any scheduled interview without prior notification to  
23 Board staff, or failure to appear for two (2) or more scheduled interviews with the Board or its  
24 designee during the period of probation, shall be considered a violation of probation.

## 25 **4. Cooperate with Board Staff**

26 Respondent Simbulan shall timely cooperate with the Board's inspection program and with  
27 the Board's monitoring and investigation of Respondent Simbulan's compliance with the terms  
28 and conditions of probation, including but not limited to: timely responses to requests for  
information by Board staff; timely compliance with directives from Board staff regarding



1 requirements of any term or condition of probation; and timely completion of documentation  
2 pertaining to a term or condition of probation. Failure to timely cooperate shall be considered a  
3 violation of probation.

4 **5. Continuing Education**

5 Respondent Simbulan shall provide evidence of efforts to maintain skill and knowledge as a  
6 pharmacist as directed by the Board or its designee.

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

8 During the period of probation, Respondent Simbulan shall notify all present and  
9 prospective employers of the decision in case number 6860 and the terms, conditions and  
10 restrictions imposed on Respondent Simbulan by the decision, as follows:

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

23 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
24 Respondent Simbulan undertaking any new employment, Respondent Simbulan shall cause  
25 (a) his direct supervisor, (b) his pharmacist-in-charge, designated representative-in-charge,  
26 responsible manager, or other compliance supervisor, and (c) the owner or owner representative  
27 of his employer, to report to the Board in writing acknowledging that the listed individual(s)  
28 has/have read the decision in case number 6860, and terms and conditions imposed thereby. If

1 one person serves in more than one role described in (a), (b), or (c), the acknowledgment shall so  
2 state. It shall be Respondent Simbulan's responsibility to ensure that these acknowledgment(s) are  
3 timely submitted to the Board. In the event of a change in the person(s) serving the role(s)  
4 described in (a), (b), or (c) during the term of probation, Respondent Simbulan shall cause the  
5 person(s) taking over the role(s) to report to the Board in writing within fifteen (15) days of the  
6 change acknowledging that he or she has read the decision in case number 6860, and the terms  
7 and conditions imposed thereby.

8 If Respondent Simbulan works for or is employed by or through an employment service,  
9 Respondent Simbulan must notify the person(s) described in (a), (b), and (c) above at every entity  
10 licensed by the Board of the decision in case number 6860, and the terms and conditions imposed  
11 thereby in advance of Respondent Simbulan commencing work at such licensed entity. A record  
12 of this notification must be provided to the Board upon request.

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

20 Failure to timely notify present or prospective employer(s) or failure to cause the identified  
21 person(s) with that/those employer(s) to submit timely written acknowledgments to the Board  
22 shall be considered a violation of probation.

23 "Employment" within the meaning of this provision includes any full-time, part-time,  
24 temporary, relief, or employment/management service position as a pharmacist, or any position  
25 for which a pharmacist is a requirement or criterion for employment, whether Respondent  
26 Simbulan is an employee, independent contractor or volunteer.

27 ///

28 ///

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

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

4           Failure to timely notify the Board of any change in employer, name, address, or phone  
5 number shall be considered a violation of probation.

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

7           During the period of probation, Respondent Simbulan shall not supervise any intern  
8 pharmacist, be the pharmacist-in-charge, designated representative-in-charge, responsible  
9 manager or other compliance supervisor of any entity licensed by the Board, nor serve as a  
10 consultant. Assumption of any such unauthorized supervision responsibilities shall be considered  
11 a violation of probation.

12           **9. Reimbursement of Board Costs**

13           As a condition precedent to successful completion of probation, Respondent Simbulan shall  
14 pay to the Board its costs of investigation and prosecution in the amount of \$4,883.75.  
15 Respondent Simbulan shall be permitted to pay these costs in a payment plan approved by the  
16 Board or its designee, so long as full payment is completed no later than one (1) year prior to the  
17 end date of probation.

18           **10. Probation Monitoring Costs**

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

23           **11. Status of License**

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

1 If Respondent Simbulan's Original Pharmacist License expires or is cancelled by operation  
2 of law or otherwise at any time during the period of probation, including any extensions thereof  
3 due to tolling or otherwise, upon renewal or reapplication Respondent Simbulan's license shall be  
4 subject to all terms and conditions of this probation not previously satisfied.

5 **12. License Surrender While on Probation**

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

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

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

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

1 If Respondent Simbulan does not practice as a pharmacist in California for the minimum  
2 number of hours in any calendar month, for any reason (including vacation), Respondent  
3 Simbulan shall notify the Board in writing within ten (10) days of the conclusion of that calendar  
4 month. This notification shall include at least: the date(s), location(s), and hours of last practice;  
5 the reason(s) for the interruption or reduction in practice; and the anticipated date(s) on which  
6 Respondent Simbulan will resume practice at the required level. Respondent Simbulan shall  
7 further notify the Board in writing within ten (10) days following the next calendar month during  
8 which Respondent Simbulan practices as a pharmacist in California for the minimum of hours.  
9 Any failure to timely provide such notification(s) shall be considered a violation of probation.

10 It is a violation of probation for Respondent Simbulan's probation to be extended pursuant  
11 to the provisions of this condition for a total period, counting consecutive and non-consecutive  
12 months, exceeding thirty-six (36) months. The Board or its designee may post a notice of the  
13 extended probation period on its website.

#### 14 **14. Violation of Probation**

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

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

petition to revoke probation or accusation is heard and decided, and the charges and allegations in Accusation No. 6860 shall be deemed true and correct.

**15. Completion of Probation**

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

**16. Remedial Education**

Within sixty (60) days of the effective date of this decision, Respondent Simbulan shall submit to the Board or its designee, for prior approval, an appropriate program of remedial education related to California and Federal pharmacy law, inventory control, pharmacy operations, and records management. The program of remedial education shall consist of 10 hours per year of probation for a total of 30 hours, at Respondent Simbulan's own expense. Half of the total hours (15 hours) must be live webinar or in-person education. All remedial education shall be in addition to, and shall not be credited toward, continuing education (CE) courses used for license renewal purposes for pharmacists.

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

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

**17. Ethics Course**

Within sixty (60) calendar days of the effective date of this decision, Respondent Simbulan shall enroll in a course in ethics, at his expense, approved in advance by the Board or its designee that complies with Title 16 California Code of Regulations section 1773.5. Respondent Simbulan shall provide proof of enrollment upon request. Within five (5) days of completion, Respondent

1 Simbulan shall submit a copy of the certificate of completion to the Board or its designee. Failure  
2 to timely enroll in an approved ethics course, to initiate the course during the first year of  
3 probation, to successfully complete it before the end of the second year of probation, or to timely  
4 submit proof of completion to the Board or its designee, shall be considered a violation of  
5 probation.

6 **18. No Ownership or Management of Licensed Premises**

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

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 ACCEPTANCE

2 I have carefully read the above Stipulated Surrender of License and Order as to All Meds  
3 Solutions Inc., James Darren Dizon Simbulan, Owner, and have fully discussed it with my  
4 attorney, Luis Andre P. Vizcocho. I understand the stipulation and the effect it will have on my  
5 Original Permit. I enter into this stipulation voluntarily, knowingly, and intelligently, and agree to  
6 be bound by the Decision and Order of the Board of Pharmacy.

7  
8 DATED: 5/21/20

  
ALL MEDS SOLUTIONS INC.,  
JAMES DARREN DIZON SIMBULAN, OWNER  
*Respondent*

11 ACCEPTANCE


12 I have carefully read the above Stipulated Settlement and Disciplinary Order as to James  
13 Darren Dizon Simbulan, and have fully discussed it with my attorney, Luis Andre P. Vizcocho.  
14 I understand the stipulation and the effect it will have on my Original Pharmacist License. I enter  
15 into this stipulation voluntarily, knowingly, and intelligently, and agree to be bound by the  
16 Decision and Order of the Board of Pharmacy.

17  
18 DATED: 5/21/20

  
JAMES DARREN DIZON SIMBULAN  
*Respondent*

21 I have read and fully discussed with Respondents the terms and conditions and other  
22 matters contained in the above Stipulated Surrender of License and Order as to All Meds  
23 Solutions Inc., James Darren Dizon Simbulan, Owner, and Stipulated Settlement and Disciplinary  
24 Order as to James Darren Dizon Simbulan. I approve their form and content.

25  
26 DATED: 5/21/2020

  
Luis Andre P. Vizcocho  
*Attorney for Respondents*



**ENDORSEMENT**

The foregoing Stipulated Surrender of License and Order as to All Meds Solutions Inc., James Darren Dizon Simbulan, Owner, and Stipulated Settlement and Disciplinary Order as to James Darren Dizon Simbulan, are hereby respectfully submitted for consideration by the Board of Pharmacy.

DATED: June 3, 2020

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
LINDA L. SUN  
Supervising Deputy Attorney General

*Michael Yi*

MICHAEL YI  
Deputy Attorney General  
*Attorneys for Complainant*

LA2019505212

**Exhibit A**

**Accusation No. 6860**

1 XAVIER BECERRA  
Attorney General of California  
2 LINDA L. SUN  
Supervising Deputy Attorney General  
3 MICHAEL YI  
Deputy Attorney General  
4 State Bar No. 217174  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 269-6483  
6 Facsimile: (916) 731-2126  
E-mail: Michael.Yi@doj.ca.gov  
7 *Attorneys for Complainant*

8  
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. 6860

13 **ALL MEDS SOLUTIONS INC.,**  
14 **JAMES DARREN DIZON SIMBULAN,**  
**OWNER**  
15 **3470 Wilshire Boulevard, Suite 800**  
**Los Angeles, CA 90010**

**ACCUSATION**

16 **Original Permit No. PHY 54464,**

17 **and**

18 **JAMES DARREN DIZON SIMBULAN**  
19 **4237 Verdugo Road, #1**  
**Los Angeles, CA 90065**

20 **Original Pharmacist License No. RPH 71920**

21 Respondents.  
22

23  
24 **PARTIES**

25 1. Anne Sodergren (Complainant) brings this Accusation solely in her official capacity  
26 as the Interim Executive Officer of the Board of Pharmacy (Board), Department of Consumer  
27 Affairs.  
28

2. On or about October 5, 2016, the Board issued Original Permit Number PHY 54464 to All Meds Solutions Inc., James Darren Dizon Simbulan (Respondent All Meds). The Original Permit expired on October 1, 2018, and has not been renewed.

3. On or about October 27, 2014, the Board issued Original Pharmacist License Number RPH 71920 to James Darren Dizon Simbulan (Respondent Simbulan). The Original Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2021, unless renewed.

### **JURISDICTION**

4. 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.

5. Section 118, subdivision (b), provides that the suspension, expiration, or forfeiture by operation of law of a license shall not deprive the Board of authority or jurisdiction to institute or continue with disciplinary action against the license, or to order suspension or revocation of the license, during the period within which the license may be renewed, restored, reissued, or reinstated.

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

7. Section 4300 provides that that every license issued by the Board is subject to discipline, including suspension or revocation.

8. Section 4300.1 states:

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

////

////

////

1           9.     Section 4307, subdivision (a) states:

2           (a) Any person who has been denied a license or whose license has been revoked or  
3           is under suspension, or who has failed to renew his or her license while it was under  
4           suspension, or who has been a manager, administrator, owner, member, officer,  
5           director, associate, partner, or any other person with management or control of any  
6           partnership, corporation, trust, firm, or association whose application for a license  
7           has been denied or revoked, is under suspension or has been placed on probation,  
8           and while acting as the manager, administrator, owner, member, officer, director,  
9           associate, partner, or any other person with management or control had knowledge  
10          of or knowingly participated in any conduct for which the license was denied,  
11          revoked, suspended, or placed on probation, shall be prohibited from serving as a  
12          manager, administrator, owner, member, officer, director, associate, partner, or in  
13          any other position with management or control of a licensee as follows:

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

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

### 19                               STATUTORY PROVISIONS

20          10.    Section 4081, subdivisions (a) and (b), state:

21           (a) All records of manufacture and of sale, acquisition, receipt, shipment, or  
22           disposition of dangerous drugs or dangerous devices shall be at all times during  
23           business hours open to inspection by authorized officers of the law, and shall be  
24           preserved for at least three years from the date of making. A current inventory shall  
25           be kept by every manufacturer, wholesaler, third-party logistics provider, pharmacy,  
26           veterinary food-animal drug retailer, outsourcing facility, physician, dentist,  
27           podiatrist, veterinarian, laboratory, licensed correctional clinic, as defined in Section  
28           4187 , clinic, hospital, institution, or establishment holding a currently valid and  
          unrevoked certificate, license, permit, registration, or exemption under Division 2  
(commencing with Section 1200) of the Health and Safety Code or under Part 4  
(commencing with Section 16000) of Division 9 of the Welfare and Institutions Code  
who maintains a stock of dangerous drugs or dangerous devices.

          (b) The owner, officer, and partner of a pharmacy, wholesaler, third-party logistics  
provider, or veterinary food-animal drug retailer shall be jointly responsible, with the  
pharmacist-in-charge, responsible manager, or designated representative-in-charge,  
for maintaining the records and inventory described in this section.

11.    Section 4301 states that: "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 includes, but is not limited to, any of the following:

....

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

3 . . . .

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

8 12. Section 4312, subdivision (b), provides that if a pharmacy notifies the Board of its  
9 intent to remain closed or to discontinue business, the licensee shall, within 10 days thereafter,  
10 arrange for the transfer of all dangerous drugs and controlled substances or dangerous devices to  
11 another licensee authorized to possess the dangerous drugs and controlled substances or  
12 dangerous devices. The licensee transferring the dangerous drugs and controlled substances or  
13 dangerous devices shall immediately confirm in writing to the Board that the transfer has taken  
14 place.

15 13. Section 4333, subdivision (a), states:

16 All prescriptions filled by a pharmacy and all other records required by Section 4081  
17 shall be maintained on the premises and available for inspection by authorized  
18 officers of the law for a period of at least three years. In cases where the pharmacy  
discontinues business, these records shall be maintained in a board-licensed facility  
for at least three years.

### 19 **REGULATORY PROVISIONS**

20 14. California Code of Regulations, title 16, section 1708.2, states:

21 Any permit holder shall contact the board prior to transferring or selling any  
22 dangerous drugs, devices or hypodermics inventory as a result of termination of  
23 business or bankruptcy proceedings and shall follow official instructions given by  
the board applicable to the transaction.

### 24 **COST RECOVERY**

25 15. Section 125.3 provides that the Board may request the administrative law judge to  
26 direct a licensee found to have committed a violation or violations of the licensing act to pay a  
27 sum not to exceed the reasonable costs of the investigation and enforcement of the case.  
28

**DEFINITIONS**

16. Section 4021 defines “controlled substance” as any substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.

17. Section 4022 defines “dangerous drug” or “dangerous device” as any drug or device unsafe for self-use in humans or animals, and includes the following:

(a) Any drug that bears the legend: “Caution:federal law prohibits dispensing without prescription,” “Rx only,” or words of similar import.

(b) Any device that bears the statement: “Caution:federal law restricts this device to sale by or on the order of a \_\_\_\_\_,” “Rx only,” or words of similar import, the blank to be filled in with the designation of the practitioner licensed to use or order use of the device.

(c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006.

18. Diazepam is commonly known by the trade name “Valium.” Diazepam is a Schedule IV controlled substance pursuant to Health and Safety Code section 11057, subdivision (d)(9), and a dangerous drug pursuant to section 4022.

19. Lorazepam is commonly known by the trade name “Ativan.” Lorazepam is a Schedule IV controlled substance pursuant to Health and Safety Code section 11057, subdivision (d)(16), and a dangerous drug pursuant to section 4022.

20. Hydrocodone-Acetaminophen is commonly known by the trade name “Vicodin.” Hydrocodone-Acetaminophen is a Schedule II controlled substance pursuant to Health and Safety Code section 11055, subdivision (I), and a dangerous drug pursuant to section 4022.

21. Oxycodone is commonly known by the trade name “Oxycontin.” Oxycodone is a Schedule II controlled substance pursuant to Health and Safety Code section 11055, subdivision (M), and a dangerous drug pursuant to section 4022.

////

////

////

////

**FACTUAL ALLEGATIONS**

22. On March 22, 2019, during a routine inspection of Respondent All Meds, a Board inspector (Board inspector) observed a sign on the door requesting that all deliveries be sent to suite 600. The Board inspector went to suite 600 and contacted Respondent Simbulan's father, Moses Simbulan. Mr. Simbulan related that Respondent Simbulan dissolved his corporation, Respondent All Meds, and that the pharmacy was vacant. The Board inspector gave a copy of the Board's Discontinuance of Business form (DOB) to Mr. Simbulan and asked that Respondent Simbulan contact her within 72 hours. The Board inspector also requested that Respondent Simbulan provide the location of where Respondent All Meds' drug inventory and pharmacy records were transferred.

23. On April 2, 2019, the Board received a completed DOB from Respondent Simbulan as the Pharmacist-in-Charge of Respondent All Meds. The DOB stated that Respondent All Meds discontinued business on October 1, 2018. The DOB also stated that an inventory of all dangerous drugs was taken on November 4, 2017. Respondent Simbulan attached Respondent All Meds': (1) Original and Renewal Retail Pharmacy Permits; (2) Drug Inventory Report dated November 4, 2017; and (3) Universal Drug Action Form dated March 29, 2019, regarding the destruction of non-controlled drugs. Respondent Simbulan signed the DOB under penalty of perjury on March 29, 2019, and provided the following Statement:

All Meds Solutions Inc. was opened on October 5, 2016 and closed on October 1, 2018. Due to not having a board-licensed facility for storage, all prescription drugs, hard copy prescription records and original invoices were destroyed accordingly. Under the witness of Felina Simbulan (mother) and Moises Simbulan (father), on November 4, 2017 all prescription drugs were destroyed in a method sufficient to render all such controlled and non controlled substances non-retrievable. I destroyed these drugs in accordance to the FDA guidance on how to properly dispose drugs in the trash, and not to flush them in the toilet. The drugs were placed in a large plastic bag, mixed with 20 lbs of Arm & Hammer Cat Litter and about 500mL of warm water. The bag was sealed and thrown away in the building dumpster. Please see attachment for Destruction Form and Inventory record.



All hard copy prescription records have been destroyed and all digital copies have been wiped from hard drives and a digital back up copy is available from Digital Business Solutions Inc. phone #(949) 298-6600.

All original invoices have been destroyed except for two original invoices. The two original invoices are located at business Advance Specialty Care Inc. 3470 Wilshire Blvd. Ste. 600 Los Angeles, CA 90010 phone# 213-739-1155. The business is owned by my parents, Felina and Moises Simbulan.

24. Respondent All Meds' Universal Drug Action Form stated that approximately 18,211 non-controlled drugs were destroyed on November 4, 2017, by cat litter and water, then disposed in the dumpster. The following controlled drugs were also destroyed on November 4, 2017, in the same manner:

Schedule III Drug Name/Strength	Quantity
Diazepam/2 mg tablet	140
Lorazepam/2 mg tablet	100
Total	240

Schedule II Drug Name/Strength	Quantity
Hydrocodone-Acetaminophen /10-325 mg	70
Oxycodone/30 mg	100
Total	170

### **FIRST CAUSE FOR DISCIPLINE**

#### **(Unprofessional Conduct – Violations of Controlled Substance Statutes)**

25. Respondents are subject to disciplinary action under section 4301, subdivision (j), in conjunction with California Code of Regulations, title 16, section 1708.2, in that Respondents improperly destroyed dangerous drugs prior to contacting the Board, after the termination of

1 business. Complainant refers to, and by this reference incorporates, the allegations set forth  
2 above in paragraphs 21 through 23, inclusive, as though set forth fully herein.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct – Violations of Controlled Substance Laws and Regulations)**

5 26. Respondents are subject to disciplinary action under section 4301, subdivision (o), in  
6 conjunction with California Code of Regulations, title 16, section 1708.2, in that Respondents  
7 improperly destroyed dangerous drugs prior to contacting the Board, after the termination of  
8 business. Complainant refers to, and by this reference incorporates, the allegations set forth  
9 above in paragraphs 21 through 23, inclusive, as though set forth fully herein.

10 **THIRD CAUSE FOR DISCIPLINE**

11 **(Unprofessional Conduct – Violations of Controlled Substance Statutes)**

12 27. Respondents are subject to disciplinary action under section 4301, subdivision (j), in  
13 conjunction with section 4312, subdivision (b), in that Respondents improperly destroyed  
14 dangerous drugs prior to contacting the Board, after the discontinuation of business. Respondents  
15 also failed to arrange for the transfer of all dangerous drugs and controlled substances to another  
16 licensee authorized to possess the dangerous drugs and controlled substances or dangerous  
17 devices. Complainant refers to, and by this reference incorporates, the allegations set forth above  
18 in paragraphs 21 through 23, inclusive, as though set forth fully herein.

19 **FOURTH CAUSE FOR DISCIPLINE**

20 **(Unprofessional Conduct – Violations of Controlled Substance Laws and Regulations)**

21 28. Respondents are subject to disciplinary action under section 4301, subdivision (o), in  
22 conjunction with section 4312, subdivision (b), in that Respondents improperly destroyed  
23 dangerous drugs prior to contacting the Board, after the discontinuation of business. Respondents  
24 also failed to arrange for the transfer of all dangerous drugs and controlled substances to another  
25 licensee authorized to possess the dangerous drugs and controlled substances or dangerous  
26 devices. Complainant refers to, and by this reference incorporates, the allegations set forth above  
27 in paragraphs 21 through 23, inclusive, as though set forth fully herein.

1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct – Violations of Controlled Substance Statutes)**

3 29. Respondents are subject to disciplinary action under section 4301, subdivision (j), in  
4 conjunction with section 4333, subdivision (a), in that Respondents improperly destroyed and  
5 transferred pharmacy records to an unauthorized facility after discontinuation of business.  
6 Respondents failed to maintain records of all filled prescriptions and other records required by  
7 Section 4081 on the premises or an authorized Board-licensed facility for at least three years.  
8 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
9 paragraphs 21 through 23, inclusive, as though set forth fully herein.

10 **SIXTH CAUSE FOR DISCIPLINE**

11 **(Unprofessional Conduct – Violations of Controlled Substance Laws and Regulations)**

12 30. Respondents are subject to disciplinary action under section 4301, subdivision (o), in  
13 conjunction with section 4333, subdivision (a), in that Respondents improperly destroyed and  
14 transferred pharmacy records to an unauthorized facility after discontinuation of business.  
15 Respondents failed to maintain records of all filled prescriptions and other records required by  
16 Section 4081 on the premises or an authorized Board-licensed facility for at least three years.  
17 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
18 paragraphs 21 through 23, inclusive, as though set forth fully herein.

19 **OTHER MATTERS**

20 31. Pursuant to section 4307, if discipline is imposed on Original Permit Number PHY  
21 54464, Respondent All Meds shall be prohibited from serving as a manager, administrator,  
22 owner, member, officer, director, associate, or partner of a licensee for five years if Original  
23 Permit Number PHY 54464 is placed on probation or until Original Permit Number PHY 54464  
24 is reinstated, if it is revoked.

25 32. Pursuant to section 4307, if discipline is imposed on Original Permit Number PHY  
26 54464 while Respondent Simbulan has been an officer and owner, and had knowledge of or  
27 knowingly participated in any conduct for which the licensee was disciplined, Respondent  
28 Simbulan shall be prohibited from serving as a manager, administrator, owner, member, officer,

1 director, associate, or partner of a licensee for five years if Original Permit Number PHY 54464  
2 is placed on probation or until Original Permit Number PHY 54464 is reinstated, if it is revoked.

3 **PRAYER**

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

6 1. Revoking or suspending Original Permit Number PHY 54464, issued to All Meds  
7 Solutions Inc., James Darren Dizon Simbulan;

8 2. Revoking or suspending Original Pharmacist License Number RPH 71920, issued to  
9 James Darren Dizon Simbulan;

10 3. Prohibiting All Meds Solutions Inc. from serving as a manager, administrator, owner,  
11 member, officer, director, associate, or partner of a licensee for five years if Original Permit  
12 Number PHY 54464 is placed on probation or until Original Permit Number PHY 54464 is  
13 reinstated if Original Permit Number PHY 54464 is revoked;

14 4. Prohibiting James Darren Dizon Simbulan from serving as a manager, administrator,  
15 owner, member, officer, director, associate, or partner of a licensee for five years if Original  
16 Permit Number PHY 54464 is placed on probation or until Original Permit Number PHY 54464  
17 is reinstated if Original Permit Number PHY 54464 is revoked;

18 5. Ordering James Darren Dizon Simbulan to pay the Board of Pharmacy the reasonable  
19 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
20 Code section 125.3; and,

21 6. Taking such other and further action as deemed necessary and proper.

22  
23  
24 DATED: December 30, 2019



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

LA201950521253959066.docx