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

In the Matter of the Accusation Against:

GOOD HEALTH INC. DBA PREMIER PHARMACY SERVICES

Pharmacy Permit No. PHY 53274,

and

MYRNA B. CORTEZ

Pharmacist License No. RPH 46795

Respondents.

Agency Case No. 6863

OAH No. 2021090534

DECISION AND ORDER

The attached Stipulated Surrender of License and 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 November 16, 2022.

It is so ORDERED on October 17, 2022.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By 

Seung W. Oh, Pharm.D.
Board President

ROB BONTA
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General
WILLIAM D. GARDNER
Deputy Attorney General
State Bar No. 244817
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 269-6292
Facsimile: (916) 731-2126
Attorneys for Complainant

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

In the Matter of the Accusation Against: **GOOD HEALTH, INC. dba PREMIER PHARMACY SERVICES** **410 Cloverleaf Drive** **Baldwin Park, CA 91706** **Permit No. PHY 53274** **and** **MYRNA B. CORTEZ** **3765 Mayfair Drive** **Pasadena, CA 91107** **Pharmacist License No. RPH 46795** Respondents.	Case No. 6863 OAH No. 2021090534 **STIPULATED SURRENDER OF LICENSE AND ORDER** (*As to Good Health Inc. dba Premier Pharmacy Services Only*)

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

PARTIES

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

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Rob Bonta, Attorney General of the State of California, by William D. Gardner, Deputy Attorney General.

2. Good Health Inc. dba Premier Pharmacy Services is represented in this proceeding by attorney Noah Jussim, whose address is: 350 S. Grand Avenue, Suite 3600, Los Angeles, CA 90071-3476.

JURISDICTION

3. On or about January 23, 2015, the Board issued Pharmacy Permit No. PHY 53274 to Good Health Inc. dba Premier Pharmacy Services; Stephen E. Samuel, chief executive officer and sole owner (Respondent). The Pharmacy Permit was in full force and effect at all times relevant to the charges brought in First Amended Accusation No. 6863 and will expire on January 1, 2023, unless renewed.

4. Accusation No. 6863 and all other statutorily required documents were properly served on Respondent on July 22, 2020. Respondent timely filed its Notice of Defense contesting the Accusation. First Amend Accusation No. 6863 was filed before the Board and is currently pending against Respondent. A copy of First Amended Accusation No. 6863 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in First Amended Accusation No. 6863. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

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

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

CULPABILITY

8. Respondent understands that the charges and allegations in First Amended Accusation No. 6863, if proven at a hearing, constitute cause for imposing discipline upon its Pharmacy Permit.

9. 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 cause for discipline. Respondent hereby gives up its right to contest that cause for discipline exists based on those charges.

10. Respondent understands that by signing this stipulation it enables the Board to issue an order accepting the surrender of their Pharmacy Permit without further process.

CONTINGENCY

11. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and surrender, 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 Surrender 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.

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

13. This Stipulated Surrender of License and 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 Surrender of License and 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.

14. 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:

ORDER

IT IS HEREBY ORDERED that Pharmacy Permit No. PHY 53274, issued to Good Health Inc. dba Premier Pharmacy Services; Stephen E. Samuel, chief executive officer and sole owner (Respondent), is surrendered and accepted by the Board. However, the surrender shall be stayed for a period of 150 days from the effective date, by which time the pharmacy shall be sold or closed.

1. In the event that the pharmacy is not sold within the 150-day stay of the surrender set forth herein, Respondent shall, within 10 days of the expired stay period, arrange for the destruction of, the transfer to, sale of or storage in a facility licensed and approved by the Board of all controlled substances and dangerous drugs and/or dangerous devices. Respondent shall further arrange for the transfer of all records of acquisition and disposition of dangerous drugs to premises licensed and approved by the Board. Respondent shall further provide written proof of such disposition and submit a completed Discontinuance of Business form according to Board guidelines.

2. In the event that the pharmacy has not identified a potential buyer within the first 100 days of the 150-day stay of surrender set forth herein, Respondent shall immediately begin to arrange for the continuation of care for ongoing patients of the pharmacy by, at minimum, providing a written notice to ongoing patients that specifies the anticipated closing date of the pharmacy and that identifies one or more area pharmacies capable of taking up the patients' care, and by cooperating as may be necessary in the transfer of records or prescriptions for ongoing patients. Within five days of its provision to the pharmacy's ongoing patients, Respondent shall provide a copy of the written notice to the Board. For the purposes of this provision, "ongoing

patients" means those patients for whom the pharmacy has on file a prescription with one or more refills outstanding, or for whom the pharmacy has filled a prescription within the preceding ninety (90) days.

3. The surrender of Respondent's Pharmacy Permit and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent license history with the Board of Pharmacy. Respondent understands and acknowledges that, for purposes of Business and Professions Code section 4307, this stipulated surrender is the same as a revocation.

4. Respondent shall lose all rights and privileges as a pharmacy in California at the end of the 150-day stay of surrender set forth herein unless the stay of surrender is terminated earlier pursuant to paragraph 10 below.

5. Respondent's sterile compounding license shall be canceled and deemed null and void at the end of the 150-day stay of surrender set forth herein unless the stay of surrender is terminated earlier pursuant to paragraph 10 below.

6. Respondent understands and agrees that if it ever files an application for licensure or a licensed premises or a petition for reinstatement in the State of California, the Board shall treat it as a new application for licensure.

7. Respondent may not reapply for any license from the Board for five (5) years from the effective date of this decision. Respondent stipulates that should it apply for any license from the Board on or after the effective date of this decision, all allegations set forth in First Amended Accusation No. 6863 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application. Respondent shall satisfy all requirements applicable to that license as of the date the application is submitted to the Board, including, but not limited to, taking and passing licensing examination(s) as well as fulfilling any education or experience requirements prior to the issuance of a new license.

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8. Stephen Samuel shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a pharmacy licensee, including a nonresident pharmacy licensee, for a period of five (5) years. By affixing his signature below in his individual capacity, Stephen Samuel acknowledges that he has been advised by counsel (Noah Jussim) regarding this stipulation, and makes all the waivers and accepts all the obligations of same that affect him personally.

9. Respondent shall relinquish its pharmacy permit, including any indicia of licensure issued by the Board, within ten (10) days of the expiration of the 150-day stay of surrender provided for herein. Respondent shall relinquish the premises wall license and renewal license to the Board within ten (10) days of the expiration of the 150-day stay of surrender provided for herein.

10. Respondent Good Health Inc. dba Premier Pharmacy Services and Stephen E. Samuel, its chief executive officer and sole owner, shall be jointly and severally liable to pay $99,186.75 to the Board for its costs associated with the investigation and enforcement of this matter pursuant to Business and Professions Code Section 125.3. The obligation to pay cost recovery is not stayed, and all costs shall be paid in full within 30 days of the effective date of the Decision and Order. In the event that said costs are not paid in full within 30 days of the effective date of the Decision and Order, the 150-day stay of surrender provided for herein shall be terminated, and the surrender of Respondent's pharmacy permit shall be immediate. The Board may enforce this order for payment of its costs in any appropriate court and by any appropriate means.

11. Respondent shall withdraw its request for hearing on Citation No. CI 2020 91186 within 30 days of the effective date of the Decision and Order.

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney Noah Jussim. I understand the stipulation and the effect it will have on me and on Pharmacy Permit PHY 53274. I enter into this Stipulated Surrender of License and

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Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: _____

STEPHEN E. SAMUEL, individually and on behalf of GOOD HEALTH INC. DBA PREMIER PHARMACY SERVICES,
Respondent

I have read and fully discussed with Stephen E. Samuel the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: _____

NOAH JUSSIM
Attorney for Respondent and Stephen E. Samuel

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: _____

Respectfully submitted,

ROB BONTA
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General

WILLIAM D. GARDNER
Deputy Attorney General
Attorneys for Complainant

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Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 9/6/22

STEPHEN E. SAMUEL, individually and on behalf of GOOD HEALTH INC. DBA PREMIER PHARMACY SERVICES,
Respondent

I have read and fully discussed with Stephen E. Samuel the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 9/6/2022

NOAH JUSSIM
Attorney for Respondent and Stephen E. Samuel

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DATED: _____

Respectfully submitted,

ROB BONTA
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General

WILLIAM D. GARDNER
Deputy Attorney General
Attorneys for Complainant

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DATED: _____

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Respondent

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DATED: _____

NOAH JUSSIM
Attorney for Respondent and Stephen E. Samuel

ENDORSEMENT

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DATED: 9/6/2022

Respectfully submitted,

ROB BONTA
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General



WILLIAM D. GARDNER
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

First Amended Accusation No. 6863

ROB BONTA
Attorney General of California
JAMES M. LEDAKIS
Supervising Deputy Attorney General
ARMANDO ZAMBRANO
Supervising Deputy Attorney General
WILLIAM D. GARDNER
Deputy Attorney General
State Bar No. 244817
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 269-6292
Facsimile: (213) 897-2804
Attorneys for Complainant

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

In the Matter of the Accusation Against**:** **GOOD HEALTH, INC. dba PREMIER PHARMACY SERVICES; STEPHEN E. SAMUEL, OWNER and CHIEF EXECUTIVE OFFICER** **410 Cloverleaf Drive** **Baldwin Park, CA 91706** **Permit No. PHY 53274** **and** **MYRNA B. CORTEZ** **3765 Mayfair Drive** **Pasadena, CA 91107** **Pharmacist License No. RPH 46795** Respondents.	Case No. 6863 **FIRST AMENDED ACCUSATION**

PARTIES

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

2. On or about January 23, 2015, the Board of Pharmacy issued Permit Number PHY 53274 to Good Health, Inc. dba Premier Pharmacy Services; Stephen E. Samuel, owner and chief executive officer (Respondent Pharmacy). The Permit was in full force and effect at all times relevant to the charges brought herein and will expire on January 1, 2022, unless renewed.

3. On or about November 22, 1993, the Board of Pharmacy issued Pharmacist License Number RPH 46795 to Myrna B. Cortez (Respondent Cortez). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on August 30, 2021, unless renewed. Respondent Cortez was the designated pharmacist-in-charge of Respondent Pharmacy at all times relevant to the charges brought herein.

JURISDICTION

4. This Accusation is brought before the Board of Pharmacy (Board), Department of Consumer Affairs, under the authority of the following laws.

5. Section 4011 of the Business and Professions Code (BPC) states that the Board shall administer and enforce the California Pharmacy Law (Division 2 of the BPC, commencing with Section 4000) and the Uniform Controlled Substances Act (Division 10 of the Health and Safety code, commencing with Section 11000).

6. Section 4300, subdivision (a), of the BPC provides that "[e]very license issued may be suspended or revoked."

7. Section 4300.1 of the BPC 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."

PERTINENT CALIFORNIA PHARMACY LAW STATUTES

8. Section 4113, subdivision (c), of the BPC states that "[t]he pharmacist-in-charge shall be responsible for a pharmacy's compliance with all state and federal laws and regulations pertaining to the practice of pharmacy."

9. Section 4301 of the BPC states:

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

. . .

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

. . .

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

. . . .

10. Section 4307, subdivision (a), of the BPC states:

Any person who has been denied a license or whose license has been revoked or is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a manager, administrator, owner member, officer, director, associate, or partner of any partnership, corporation, firm, or association whose application for a license has been denied or revoked, is under suspension or has been placed on probation, and while acting as the manger, administrator, owner, member, officer, director, associate, or partner had knowledge or knowingly participated in any conduct for which the license was denied, revoked, suspended, or placed on probation, shall be prohibited from serving as a manger, administrator, owner, member, officer, director, associate, or partner of a licensee as follows:

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

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

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11. Section 4081 of the Code states:

"(a) All records of manufacture and of sale, acquisition, or disposition of dangerous drugs or dangerous devices shall be at all times during business hours open to inspection by authorized officers of the law, and shall be preserved for at least three years from the date of making. A current inventory shall be kept by every manufacturer, wholesaler, pharmacy, veterinary food-animal drug retailer, physician, dentist, podiatrist, veterinarian, laboratory, 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 any pharmacy, wholesaler, or veterinary food-animal drug retailer shall be jointly responsible, with the pharmacist-in-charge or representative-in-charge, for maintaining the records and inventory described in this section.

12. Section 4105 of the Code states, in pertinent part:

"(a) All records or other documentation of the acquisition and disposition of dangerous drugs and dangerous devices by any entity licensed by the board shall be retained on the licensed premises in a readily retrievable form.

. . .

"(c) The records required by this section shall be retained on the licensed premises for a period of three years from the date of making.

. . . .

13. Section 4059.5, subdivision (a), of the Code states:

"Except as otherwise provided in this chapter, dangerous drugs or dangerous devices may only be ordered by an entity licensed by the board and shall be delivered to the licensed premises and signed for and received by a pharmacist. Where a licensee is permitted to operate through a designated representative, or in the case of a reverse distributor a designated representative-reverse distributor, that individual shall sign for and receive the delivery."

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14. Section 4160, subdivision (a), of the Code states:

"A person shall not act as a wholesaler or third-party logistics provider of any dangerous drug or dangerous device unless he or she has obtained a license from the board."

15. Section 4169 of the Code states, in pertinent part:

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

(1) Purchase, trade, sell, warehouse, distribute, or transfer dangerous drugs or dangerous devices at wholesale with a person or entity that is not licensed with the board as a wholesaler, third-party logistics provider, or pharmacy."

UNIFORM CONTROLLED SUBSTANCES ACT PROVISIONS

16. Section 11208 of the Health and Safety Code (HSC) provides:

"In a prosecution under this division, proof that a defendant received or has had in his possession at any time a greater amount of controlled substances than is accounted for by any record required by law or that the amount of controlled substances possessed by the defendant is a lesser amount than is accounted for by any record required by law is prima facie evidence of guilt."

17. Section 11209, subdivision (a), of the HSC provides in pertinent part:

"No person shall deliver Schedule II, III, or IV controlled substances to a pharmacy or pharmacy receiving area, nor shall any person receive controlled substances on behalf of a pharmacy unless, at the time of delivery, a pharmacist or authorized receiving personnel signs a receipt showing the type and quantity of the controlled substances received."

18. Section 111255 of the Health and Safety Code provides:

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

19. Section 111295 of the Health and Safety Code provides:

"It is unlawful for any person to manufacture, sell, deliver, hold, or offer for sale any drug or device that is adulterated."

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20. Section 111305 of the Health and Safety Code provides:

"It is unlawful for any person to receive in commerce any drug or device that is adulterated or to deliver or proffer for delivery any drug or device."

21. Section 111330 of the of the Health and Safety Code provides:

"Any drug or device is misbranded if its labeling is false or misleading in any particular."

22. Section 111340, subdivision (b), provides that a drug is misbranded unless it bears a label containing "[a]n accurate statement of the quantity of the contents in terms of weight, measure, or numerical count."

23. Section 111390 of the Health and Safety Code provides:

"Any drug or device is misbranded if its container is so made, formed, or filled as to be misleading."

24. Section 111395, subdivision (c) of the Health and Safety Code provides that a drug is misbranded if "[t]he contents of the original package have been, wholly or partly, removed and replaced with other material in the package."

25. Section 111440 of the Health and Safety Code provides:

"It is unlawful for any person to manufacture, sell, deliver, hold, or offer for sale any drug or device that is misbranded."

PERTINENT STATE AND FEDERAL REGULATIONS

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

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

27. California Code of Regulations, title 22, section 72371, subdivision (c), states in pertinent part:

"Patient's drugs supplied by prescription which have been discontinued and those which remain in the facility after discharge of the patient shall be destroyed by the facility in the following manner:

"(1) Drugs listed in Schedules II, III or IV of the Federal Comprehensive Drug Abuse Prevention and Control Act of 1970 shall be destroyed by the facility in the presence of a pharmacist and a registered nurse employed by the facility. The name of the patient, the name and strength of the drug, the prescription number, the amount destroyed, the date of destruction and the signatures of the witnesses required above shall be recorded in the patient's health record or in a separate log. Such log shall be retained for at least three years."

28. Code of Federal Regulations, title 21, section 1317.40, subdivision (a), states:

"Manufacturers, distributors, reverse distributors, narcotic treatment programs, hospitals/clinics with an on-site pharmacy, and retail pharmacies that desire to be collectors shall modify their registration to obtain authorization to be a collector in accordance with § 1301.51 of this chapter. Authorization to be a collector is subject to renewal. If a registrant that is authorized to collect ceases activities as a collector, such registrant shall notify the Administration in accordance with § 1301.52(f) of this chapter."

DANGEROUS DRUGS & CONTROLLED SUBSTANCES

29. Alprazolam is a benzodiazepine used to treat anxiety disorders. It is a schedule IV controlled substance and is classified as a dangerous drug pursuant to BPC section 4022.

30. Diethylpropion is a stimulant prescribed for appetite suppression. It is a schedule IV controlled substance and is classified as a dangerous drug pursuant to BPC section 4022.

31. Hydromorphone is an opioid used for pain relief. It is a schedule II controlled substance and is classified as a dangerous drug pursuant to BPC section 4022.

32. Meperidine is an opioid used for pain relief. It is a schedule II controlled substance and is classified as a dangerous drug pursuant to BPC section 4022.

33. Morphine sulfate is an opioid used for pain relief. It is a schedule II controlled substance and is classified as a dangerous drug pursuant to BPC section 4022.

34. Oxycodone with acetaminophen is an opioid used for pain relief. It is a schedule II controlled substance and is classified as a dangerous drug pursuant to BPC section 4022.

35. Tramadol 37.5 mg/acetaminophen 325 mg (brand name "Ultracet") is an opioid analgesic prescribed for pain relief. It is a schedule IV controlled substance and is classified as a dangerous drug pursuant to BPC section 4022.

36. The following pharmaceuticals are classified as dangerous drugs pursuant to BPC section 4022: Abilify; Atripla; Depakote DR; Depakote ER; Diovan; Escitalopram; Fosrenol; Glyburide; Guanfacine; Harvoni; Hydrocortisone; Invega Sustenna; Ketorolac; Lamotrigine; Latuda; Lexapro; Paliperidone; Pioglitazone; Prandin; Prezista; Pyrazinamide; Sovaldi; Stribild; Tranylcypromine; Truvada; and Valsartan.

COST RECOVERY

37. Section 125.3 of the BPC states, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FACTUAL BACKGROUND: GENERIC ULTRACET TABLETS

38. On August 16, 2018, the Board received a complaint from the Department of Health Care Services (DHCS) regarding Respondent Pharmacy's sale of more than 120,000 generic Ultracet tablets (i.e., tramadol 37.5 mg/acetaminophen 325 mg) to a medical practice called Beautologie Cosmetic Surgery and Med Spa (Beautologie). Beautologie is not licensed to operate as a pharmacy, but its physicians are permitted to dispense prescription medications to patients for "office use" only. Because Beautologie is not licensed to operate as a pharmacy, the DHCS complaint expressed concerns about the large amounts of generic Ultracet being sold by Respondent Pharmacy to Beautologie for purported "office use" by its patients.

39. In conducting an investigation into the DHCS complaint, a Board investigator obtained and analyzed pertinent records and information from Respondent Pharmacy and its wholesalers in order to perform an audit related to Respondent Pharmacy's acquisition and

dispensing of all generic Ultracet tablets from April 18, 2015, to December 11, 2018.[1] Acquisition and dispensing records received from Respondent Pharmacy in preparation for the audit were accompanied by verifications of accuracy signed by Respondent Pharmacy's owner and Respondent Cortez. The audit revealed that Respondent Pharmacy could not account for its acquisition of more than 15,000 generic Ultracet tablets over the audited time period. Specifically, the audit showed that as of April 18, 2015, Respondent Pharmacy had an inventory of 37 generic Ultracet tablets and that it acquired a total of 192,400 additional generic Ultracet tablets between April 18, 2015 and December 11, 2018. Therefore, Respondent Pharmacy's *documentable* gross inventory of generic Ultracet tablets during the audited time period was 192,437.

40. Over that same period of time, however, Respondent Pharmacy dispensed a total of 203,799 generic Ultracet tablets (mostly to Beautologie for purported "office use"), returned another 446 tablets via reverse distributors and, as of December 11, 2018, held an additional 3,338 tablets in its inventory. Therefore, Respondent Pharmacy's *actual* gross inventory of generic Ultracet tablets during the audited time period was 207,583. Accordingly, Respondent Pharmacy's records failed to account for its acquisition of more than 15,000 generic Ultracet tablets that were taken into its inventory between April 18, 2015, and December 11, 2018.

FIRST CAUSE FOR DISCIPLINE

(Violation of Pharmacy Law: Acquisition Records)

41. Respondent Pharmacy and Respondent Cortez are subject to disciplinary action under BPC section 4301, subdivision (o), in conjunction with BPC sections 4113, subdivision (c), 4081 and 4105, in that Respondents failed to maintain acquisition records related to thousands of generic Ultracet tablets. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 38 through 40, inclusive, as though set forth fully herein.

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[1] Respondent Pharmacy did not acquire, dispense or possess any brand name Ultracet during the relevant time period.

SECOND CAUSE FOR DISCIPLINE

(Violation of Uniform Controlled Substance Act: Acquisition Records)

42. Respondent Pharmacy and Respondent Cortez are subject to disciplinary action under BPC section 4301, subdivision (j), in conjunction with BPC section 4113, subdivision (c), and HSC sections 11208 and 11209, in that Respondents received controlled substances without having a pharmacist or authorized receiving personnel sign a receipt showing the type and quantity of the controlled substances received with respect to thousands of generic Ultracet tablets. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 38 through 40, inclusive, as though set forth fully herein.

THIRD CAUSE FOR DISCIPLINE

(Violation of Pharmacy Law: Operational Standards)

43. Respondent Pharmacy and Respondent Cortez are subject to disciplinary action under section 4301, subdivision (o), in conjunction with section California Code of Regulations, title 16, section 1714, in that Respondents failed maintain Respondent Pharmacy's facilities, space, fixtures, and equipment such that drugs were safely and properly maintained, secured and distributed as evidenced by the vast discrepancies between its in-stock inventory and the inventory denoted by its acquisition and dispensing records. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 38 through 40, inclusive, as though set forth fully herein.

FACTUAL BACKGROUND: INSPECTION ON JUNE 7, 2017

44. On June 7, 2017, a Board inspector, joined by a Department of Health Care Services (DHCS) investigation team, conducted an inspection of Respondent Pharmacy. Respondent Cortez was present for the inspection as was Respondent Pharmacy's manager of business operations. During the course of the inspection, the Board inspector performed a spot check of Respondent Pharmacy's active drug shelves which revealed a number of violations of law involving misbranded and adulterated drugs. Specifically, the Board inspector documented multiple instances in which the contents of original manufacturer containers had been wholly or

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partly replaced with other material, some of which differed in strength, quality and/or purity from what was represented on the original manufacturer containers.

45. The instances of misbranded pharmaceuticals found on Respondent Pharmacy's active drug shelves, as documented by the Board inspector, were as follows:

- an open 30-tablet manufacturer bottle of Paliperidone 1.5 mg was found to contain 51 tablets;
- an open 100-tablet manufacturer bottle of Ketorolac 100 mg was found to contain 177 tablets;
- another open 100-tablet manufacturer bottle of Ketorolac 100 mg was found to contain 214 tablets;
- an open 100-tablet manufacturer bottle of Tranylcypromine 10 mg was found to contain 174 tablets;
- an open 100-tablet manufacturer bottle of Pyrazinamide 500 mg was found to contain 164 whole tablets and 49 cut/partial tablets (partial tablets also adulterated);
- another open 100-tablet manufacturer bottle of Pyrazinamide 500 mg was found to contain 180 whole tablets and 14.5 cut/partial tablets (partial tablets also adulterated;
- an open 90-tablet manufacturer bottle of Pioglitazone 45 mg was found to contain 241 tablets;
- an open 100-tablet manufacturer bottle of Prandin 2 mg was found to contain 221 tablets;
- another open 100-tablet manufacturer bottle of Prandin 2 mg was found to contain 164 tablets;
- an open 90-tablet manufacturer bottle of Pioglitazone 30 mg was found to contain 241 tablets;
- an open 90-tablet manufacturer bottle of Pioglitazone 15 mg was found to contain 300 tablets;
- an open 100-tablet manufacturer bottle of Depakote DR 500 mg was found to contain 125 tablets;

- an open 100-tablet manufacturer bottle of Diethylpropion 75 mg was found to contain 131 tablets;
- an open 100-tablet manufacturer bottle of Depakote ER 500 mg was found to contain 121 tablets;
- another open 100-tablet manufacturer bottle of Depakote ER 500 mg was found to contain 115 tablets.

46. The instances of adulterated pharmaceuticals found on Respondent Pharmacy's active drug shelves, as documented by the Board inspector, were as follows:

- cut/partial tablets found in open manufacturer container of Guanfacine 2 mg tablets;
- cut/partial tablets found in open manufacturer container of Hydrocortisone 10 mg tablets;
- cut/partial tablets found in open manufacturer container of Valsartan 80 mg tablets;
- cut/partial tablets found in open manufacturer container of Abilify 10 mg tablets;
- cut/partial tablets found in open manufacturer container of Escitalopram 5 mg tablets;
- cut/partial tablets found in open manufacturer container of Lexapro 20 mg tablets;
- cut/partial tablets found in open manufacturer container of Diovan 40 mg tablets;
- cut/partial tablets found in open manufacturer container of Lamotrigine 100 mg tablets;
- cut/partial tablets found in another open manufacturer container of Lamotrigine 100 mg tablets;
- cut/partial tablets found in open manufacturer container of Fosrenol 500 mg tablets;
- cut/partial tablets found in open manufacturer container of Abilify 5 mg tablets;
- cut/partial tablets found in open manufacturer container of Latuda 60mg tablets;
- cut/partial tablets found in open manufacturer container of Glyburide 5 mg tablets;
- cut/partial tablets found in open manufacturer container of Alprazolam 2 mg tablets;
- cut/partial tablets found in open manufacturer container of Glyburide 2.5 mg tablets.

47. The Board inspector also conducted an audit related to Respondent Pharmacy's acquisition and dispensing of the following eight (8) high-priced medications: (1) Harvoni, a hepatitis C medication; (2) Depakote ER, an anticonvulsive medication; (3) Sovaldi, a hepatitis C

medication; (4) Stribild, an HIV/AIDS medication; (5) Atripla, an HIV/AIDS medication; (6) Invega Sustenna, an injectable medication used for treatment of schizophrenia; (7) Prezista, an HIV medication; and (8) Truvada, an HIV medication. In performing the audit, the inspector obtained and analyzed a variety of documents including Respondent Pharmacy's inventory, acquisition and dispensing records as well as records from pharmaceutical wholesalers and reverse distributors.

48. The Board's audit revealed large variances between the amount of those pharmaceutical medications that should have been in Respondent Pharmacy's inventory and the amount that was actually present (or missing) from its inventory. Specifically, the audit showed the following:

- Respondent Pharmacy was short in its inventory of Harvoni 90 mg/400 mg tablets by 9,260 tablets;
- Respondent Pharmacy was short in its inventory of Depakote ER 500 mg by 1,998 tablets;[2]
- Respondent was short in its inventory of Sovaldi 400 mg tablets by 1,617 tablets;
- Respondent Pharmacy was short in its inventory of Stribild 150 mg/200 mg/300 mg tablets by 477 tablets;
- Respondent Pharmacy had no records to account for its acquisition of 3,831 Truvada 200 mg/300 mg tablets;
- Respondent Pharmacy had no records to account for its acquisition of 1,549 Prezista 800 mg tablets;
- Respondent Pharmacy had no records to account for its acquisition of 162 Atripla 600 mg tablets; and
- Respondent Pharmacy had no records to account for its acquisition of 8 Invega Sustenna 156 mg syringes.

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[2] This figure takes into account additional dispensing history records that were provided to the Board after an audit was performed and a written notice of violation was issued.

49. Respondent Pharmacy is not registered with the Drug Enforcement Administration as a collection site for drug take-back services. During the inspection conducted on June 7, 2017, the Board inspector identified a "CII Narcotic Emergency Box" (i.e., "E-kit") containing a variety of controlled substances that Respondent Pharmacy had unlawfully accepted as a return from a skilled nursing facility. The E-kit was stored inside a locked cabinet with other controlled substances but was not quarantined. The controlled substances contained in the E-kit included 6 tablets of morphine sulfate IR 15 mg, 3 vials of morphine sulfate injections 10 mg/ml, 3 vials of hydromorphone injections 2 mg/ml, and 3 vials of meperidine HCL injections 50 mg/ml.

FOURTH CAUSE FOR DISCIPLINE

(Misbranded Drugs)

50. Respondent Pharmacy and Respondent Cortez are subject to disciplinary action under section 4301, subdivision (j), in conjunction with Health and Safety Code sections 111330, 111340, subdivision (b), 111390, 111395, subdivision (c), and 111440 in that Respondents held and/or offered for sale misbranded drugs. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 44 and 49, inclusive, as though set forth fully herein.

FIFTH CAUSE FOR DISCIPLINE

(Adulterated Drugs)

51. Respondent Pharmacy and Respondent Cortez are subject to disciplinary action under section 4301, subdivision (j), in conjunction with section 4113, subdivision (c), and Health and Safety Code sections 111255, 111295 and 111305 in that Respondents held or offered adulterated drugs for sale. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 44 through 49, inclusive, as though set forth fully herein.

SIXTH CAUSE FOR DISCIPLINE

(Violation of Pharmacy Law: Acquisition & Disposition Records)

52. Respondent Pharmacy and Respondent Cortez are subject to disciplinary action under section 4301, subdivision (o), in conjunction with section 4081 and section 4105 in that Respondents failed to maintain acquisition, sale and/or disposition records related to certain

dangerous drugs in its inventory. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 44 through 49, inclusive, as though set forth fully herein.

SEVENTH CAUSE FOR DISCIPLINE

(Violation of Pharmacy Law: Operational Standards)

53. Respondent Pharmacy and Respondent Cortez are subject to disciplinary action under section 4301, subdivision (o), in conjunction with section California Code of Regulations, title 16, section 1714, in that Respondents failed maintain Respondent Pharmacy's facilities, space, fixtures, and equipment such that drugs were safely and properly maintained, secured and distributed as evidenced by the container overfills, cut/partial tablets and vast discrepancies between its in-stock inventory and the inventory denoted by its acquisition and dispensing records. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 44 through 49, inclusive, as though set forth fully herein.

EIGHTH CAUSE FOR DISCIPLINE

(Violation of Laws Regulating Controlled Substances)

54. Respondent Pharmacy and Respondent Cortez are subject to disciplinary action under section 4301, subdivision (j), in conjunction with California Code of Regulations, title 22, section 72371, subdivision (c)(1), and Code of Federal Regulations, title 21, section 1317.40, subdivision (a). Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 44 and 49, inclusive, as though set forth fully herein.

FACTUAL BACKGROUND: OUT-OF-STATE DISCIPLINE

55. On November 2, 2018, Respondent Pharmacy was disciplined by the Arizona Board of Pharmacy for violating Arizona state law. At that time, Respondent Pharmacy held a non-resident pharmacy permit issued by the State of Arizona. The non-resident pharmacy permit authorized Respondent Pharmacy to join with a licensed Arizona pharmacy to provide "shared services" to Arizona consumers, provided that Respondent Pharmacy complied with applicable provisions of Arizona pharmacy law. Respondent Pharmacy joined with a pharmacy in Tempe, Arizona, called Valley Med Pharmacy to provide shared services to Arizona consumers, but in doing so, Respondent Pharmacy failed to comply with applicable Arizona pharmacy law. As a

result, the Arizona Board of Pharmacy filed Board Complaint No. 18-0016 against Respondent Pharmacy, alleging unprofessional conduct due to Respondent Pharmacy's violation of Arizona Administrative Code R4-23-621, which regulates shared services. Respondent entered into a Consent Agreement with the Arizona Board of Pharmacy on November 2, 2018, pursuant to which it agreed to pay a $9,000.00 fine for these violations.

NINTH CAUSE FOR DISCIPLINE

(Violation of Arizona Pharmacy Law)

56. Respondent Pharmacy is subject to disciplinary action under BPC section 4301, subdivision (o), in that Respondent violated Arizona state laws governing pharmacy. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraph 55 inclusive, as though set forth fully herein.

FACTUAL BACKGROUND: MISLABELED PRESCRIPTIONS

57. In August 2018, the Board received a complaint from the California Department of Public Health (CDPH) regarding the possible diversion of Schedule II controlled substances such as oxycodone at Respondent Pharmacy through the use of mislabeled "CII medication cards" (i.e., punch-out bubble packs). Specifically, the CDPH complaint informed the Board that a skilled nursing facility had discovered that in multiple instances the CII medication cards provided by Respondent Pharmacy did not actually contain the schedule II narcotics identified on the prescription labels but instead contained other non-Schedule II drugs medications such a lorazepam, a Schedule IV drug. In each instance, underneath the prescription label of the purported CII medication card was another prescription label that identified the non-CII drug that was actually found in the medication card.

58. Ultimately, the Board was unable to determine whether the intentional mislabeling of the CII medication cards and the diversion of the Schedule II narcotics had taken place at Respondent Pharmacy or at the skilled nursing facility. During the course of its investigation, however, the Board found that Respondent Pharmacy had failed to comply with applicable labeling requirements required with respect to several of the prescriptions at issue. Specifically, with regard to the prescription labels for the following oxycodone with acetaminophen

prescriptions, Respondent Pharmacy failed to include all of the identification codes appearing on the tablets or capsules as required by Business and Professions Code section 4076, subdivision (a)(11)(A): Prescription Number 2155882; Prescription Number 2140713; Prescription Number 2142840; Prescription Number 2145158; and Prescription Number 2139551.

TENTH CAUSE FOR DISCIPLINE

(Violation of Prescription Labeling Requirements)

59. Respondent Pharmacy and Respondent Cortez are subject to disciplinary action under section 4301, subdivision (o), in conjunction with Business and Professions Code section 4076, subdivision (a)(11)(A) in that Respondents failed to comply with applicable prescription labeling requirements. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 57 and 58, inclusive, as though set forth fully herein.

FACTUAL BACKGROUND: UNLICENSED WHOLESALER/ADULTERATED DRUGS

60. In September 2020, the Board received correspondence from an attorney for Respondent Pharmacy indicting that the pharmacy had purchased nearly 6 million dollars' worth of HIV medications from an unlicensed wholesaler and had dispensed a significant amount of those medications to patients before learning of the issue. According to Respondent Pharmacy, it was duped into believing that a certain individual, T.L., was an employee of licensed wholesaler Greenhill Trading, Inc. (Greenhill), when in reality, T.L. had no association with Greenhill, which is based in New York.

61. Respondent Pharmacy was in need of a new wholesaler to provide HIV medications because one of the wholesalers that it had been using had stopped shipping certain medications. T.L., representing himself as an employee of Greenhill, offered to provide the HIV medications to Respondent Pharmacy at a discount. For example, one of the highest quantity drugs to be purchased by Respondent Pharmacy, Descovy 30 mg, was to be sold at a price 7% below what it had been paying. Other high volume HIV drugs, including Truvada 200/300 mg and Biktarvy 50/200/250 mg, were also to be sold at a discount of 7% below what Respondent Pharmacy would have had to pay if it purchased the drugs from McKesson, a prominent international wholesaler also used by Respondent Pharmacy.

62. Between August 19, 2020, and September 14, 2020, Respondent Pharmacy made seventeen (17) separate purchases from T.L. for a variety of high-priced HIV medications. T.L. required that all purchases be paid for by check rather than wire transfer or other form of payment. He also required that each invoice be paid for separately and that no one check be written for an amount in excess of $500,000. As a result of these unusual requirements, there were several examples of multiple invoices being issued for the same dates of purchase. For example, on September 8, 2020, T.L. issued four (4) separate invoices for purchases totaling nearly $1.4 million, but because of T.L.'s form of payment requirements, Respondent Pharmacy had to cut four (4) separate checks to pay the invoices, which ranged in value from $215,510.94 to $397,932.00.

63. Most of the seventeen (17) checks were picked up at Respondent Pharmacy by courier. Respondent Pharmacy generally included both Greenhill's name and address on the checks; however, at some point someone working with T.L. who identified himself as a Greenhill salesman named "Brian", asked that a check be issued without Greenhill's address. According to Brian, Greenhill was having issues with its scanner and somehow it would be easier if there were no address on the check. The check issued without Greenhill's address was drafted in the amount of $91,160.60. On or about September 16, 2020, Respondent Pharmacy was notified by a check cashing business in Miami, Florida, that someone was attempting to cash the check at their store. At this point, Respondent Pharmacy put a stop payment on the check and began to investigate its dealings with T.L.

64. Ultimately, Respondent Pharmacy determined that T.L. was not actually associated with Greenhill and that it had been purchasing the HIV medications from an unlicensed wholesaler. Respondent Pharmacy also determined that the pedigree/chain of custody documents for the purchased medications, which indicated that the medications had been shipped from the manufacturers to a wholesaler named CaribeRx before being shipped to Greenhill and then to Respondent Pharmacy, had been falsified. By this point, however, Respondent Pharmacy had already filled numerous prescriptions with the adulterated medications. Specifically, it was determined that between August 19, 2020 and September 14, 2020, Respondent Pharmacy had

obtained/purchased 2,870 adulterated medication packages from TL and had dispensed 1,414 adulterated prescriptions (totaling 43,470 tablets). Respondent Pharmacy sent out recall notifications to the patients who had received the adulterated medications and provided replacements with genuine product. The rest of the adulterated medications were embargoed and taken out of circulation.

65. During its investigation, the Board obtained specific details regarding Respondent Pharmacy's procedures for ordering and receiving dangerous drugs for its inventory. Among other things, the Board learned that Respondent Pharmacy routinely permitted non-pharmacists to sign for and receive shipments of dangerous drugs in violation of state law.

ELEVENTH CAUSE FOR DISCIPLINE

(Adulterated Drugs)

66. Respondent Pharmacy and Respondent Cortez are subject to disciplinary action under section 4301, subdivision (j), in conjunction with Health and Safety Code sections 111295 and 111305 in that Respondents received in commerce and sold, offered for sale, held and/or delivered adulterated drugs. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 60 through 65, inclusive, as though set forth fully herein.

TWELFTH CAUSE FOR DISCIPLINE

(Prohibited Acts: Use of Unlicensed Wholesaler)

67. Respondent Pharmacy and Respondent Cortez are subject to disciplinary action under section 4301, subdivision (o), in conjunction with Business and Professions Code section 4169, subdivision (a), and section 4160, subdivision (a), in that Respondents purchased dangerous drugs at wholesale from a person or entity that was not licensed by the Board as a wholesaler, third-party logistics provider or pharmacy. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 60 through 65, inclusive, as though set forth fully herein.

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THIRTEENTH CAUSE FOR DISCIPLINE

(Drug Delivery Received by Non-Pharmacist)

68. Respondent Pharmacy and Respondent Cortez are subject to disciplinary action under section 4301, subdivisions (j), in conjunction with Business and Professions Code section 4059.5, subdivision (a), in that Respondents knowingly allowed a non-pharmacist to receive and/or sign for dangerous drug deliveries to Respondent Pharmacy. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 60 through 65, inclusive, as though set forth fully herein.

FOURTEENTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

69. Respondent Pharmacy and Respondent Cortez are subject to disciplinary action under section 4301 in that Respondents engaged in unprofessional conduct. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 38 through 65, inclusive, as though set forth fully herein.

OTHER MATTERS

70. Pursuant to Code section 4307, if discipline is imposed on Permit Number PHY 53274 issued to Good Health, Inc. dba Premier Pharmacy Services, Good Health, Inc. shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 53274 is placed on probation or until Pharmacy Permit Number PHY 53274 is reinstated if it is revoked.

71. Pursuant to Code section 4307, if discipline is imposed on Permit Number PHY 53274 issued to Good Health, Inc. dba Premier Pharmacy Services, Stephen E. Samuel shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Permit Number PHY 53274 is placed on probation or until Permit Number PHY 53274 is reinstated if it is revoked if, while acting as an owner, officer and/or director of Good Health, Inc. dba Premier Pharmacy Services, Stephen E. Samuel had knowledge or knowingly participated in any conduct for which Permit Number PHY 19454 is disciplined.

72. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License Number RPH 46795 issued to Myrna B. Cortez, Myrna B. Cortez shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacist License Number RPH 46795 is placed on probation or until Pharmacist License Number RPH 46795 is reinstated if it is revoked.

DISCIPLINE CONSIDERATIONS

73. To determine the degree of discipline, if any, to be imposed on Respondents, Complainant alleges as follow:

a. On or about November 29, 2017, in a prior action, the Board of Pharmacy issued Citation Number CI 2015 70531 to Respondent Pharmacy for violating California Code of Regulations, title 16, section 1716. That citation is now final.

b. On or about August 29, 2016, in a prior action, the Board of Pharmacy issued Modified Citation Number CI 2015 68185 to Respondent Pharmacy for violating BPC section 4301, subdivision (j), and California Code of Regulations, title 22, section 72371, subdivision (c). The citation imposed a $1,500.00 fine and is now final.

c. On or about May 22, 2017, in a prior action, the Board of Pharmacy issued Citation Number CI 2016 75190 to Respondent Cortez for violating BPC section 4342, BPC section 4077 and California Code of Regulations, title 16, section 1793.7, subdivision (b). The citation imposed a $5,000.00 fine and is now final.

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 53274 issued to Good Health, Inc. dba Premier Pharmacy Services; Stephen E. Samuel, owner and chief executive officer;

2. Revoking or suspending Pharmacist License Number RPH 46795 issued to Myrna B. Cortez;

3. Pursuant to Business and Professions Code section 4307, prohibiting Good Health, Inc. from serving as a manager, administrator, owner, member, officer, director, associate, or

partner of any other licensee for five years if Pharmacy Permit Number PHY 53274 is placed on probation or until Pharmacy Permit Number PHY 53274 is reinstated if Pharmacy Permit Number PHY 53274 is revoked;

4. Pursuant to Business and Professions Code section 4307, prohibiting Stephen E. Samuel from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 53274 is placed on probation or until Pharmacy Permit Number PHY 53274 is reinstated if Pharmacy Permit Number PHY 53274 is revoked;

5. Pursuant to Business and Professions Code section 4307, prohibiting Myrna B. Cortez from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacist License Number RPH 46795 is placed on probation or until Pharmacist License Number RPH 46795 is reinstated if Pharmacist License Number RPH 46795 is revoked;

6. Ordering Good Health, Inc. and Myrna B. Cortez to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

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

DATED: 6/6/2021

Signature on File

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

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