

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

In the Matter of the Accusation Against:

**THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, DBA SANTA
MONICA – UCLA MEDICAL CENTER & ORTHOPEDIC HOSPITAL,
Hospital Pharmacy Permit No. HPE 41170;**

**THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, DBA SANTA
MONICA – UCLA MEDICAL CENTER AND ORTHOPEDIC HOSPITAL
IVAS,
Sterile Compounding Permit No. LSE 99994 (now 101545);**

**MATTHEW KAZUNORI SASAKI,
Registered Pharmacist License No. RPH 68915;**

and

**MARINE MARTA ALTUNYAN,
Registered Pharmacist License No. RPH 75760;**

Respondents.

Agency Case No. 6987

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 November 10, 2021.

It is so ORDERED on October 11, 2021.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

A handwritten signature in black ink, appearing to read "Seung W. Oh". The signature is written in a cursive style with a large initial "S" and "O".

Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
2 SHAWN P. COOK
Supervising Deputy Attorney General
3 ELAINE YAN
Deputy Attorney General
4 State Bar No. 277961
300 So. Spring Street, Suite 1702
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7 *Attorneys for Complainant*

8
9 **BEFORE THE**
BOARD OF PHARMACY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12
13 In the Matter of the Accusation Against:

Case No. 6987

14 **THE REGENTS OF THE UNIVERSITY**
OF CALIFORNIA, DBA SANTA MONICA
15 **- UCLA MEDICAL CENTER &**
ORTHOPEDIC HOSPITAL

16 1250 16th Street
Santa Monica, CA 90404

17 Hospital Pharmacy Permit No. HPE 41170

18 **THE REGENTS OF THE UNIVERSITY**
OF CALIFORNIA, DBA SANTA MONICA
19 **- UCLA MEDICAL CENTER AND**
ORTHOPEDIC HOSPITAL IVAS

20 1250 16th Street
Santa Monica, CA 90404

21 Sterile Compounding Permit No. LSE 99994,

22 **MATTHEW KAZUNORI SASAKI**

23 17528 Daphane Ave.
Torrance, CA 90504

24 Registered Pharmacist License No. RPH
25 68915,

26 **and**
27
28

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER AS TO
RESPONDENTS THE REGENTS OF
THE UNIVERSITY OF CALIFORNIA,
DBA SANTA MONICA - UCLA
MEDICAL CENTER & ORTHOPEDIC
HOSPITAL, THE REGENTS OF THE
UNIVERSITY OF CALIFORNIA, DBA
SANTA MONICA - UCLA MEDICAL
CENTER & ORTHOPEDIC HOSPITAL
IVAS, AND THE REGENTS OF THE
UNIVERSITY OF CALIFORNIA, DBA
SANTA MONICA UCLA MEDICAL
CENTER ONLY**

1 **MARINE MARTA ALTUNYAN**

2 1636 Sinaloa Ave.
3 Pasadena, CA 91104

4 Registered Pharmacist License No. RPH 75760

5 Respondents.

6
7 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
8 entitled proceedings that the following matters are true:

9 **PARTIES**

10 1. Anne Sodergren is the Executive Officer of the Board of Pharmacy. She brought this
11 action solely in her official capacity and is represented in this matter by Rob Bonta, Attorney
12 General of the State of California, by Elaine Yan, Deputy Attorney General.

13 2. Respondents The Regents of the University of California, dba Santa Monica - UCLA
14 Medical Center & Orthopedic Hospital, The Regents of the University of California, dba Santa
15 Monica UCLA Medical Center, and The Regents of the University of California, dba Santa
16 Monica - UCLA Medical Center & Orthopedic Hospital IVAS are represented in this proceeding
17 by attorney Natalia Mazina, whose address is: 100 Pine Street, Suite 1250, San Francisco, CA
18 94111-5235.

19 3. On or about December 19, 1995, the board issued Hospital Pharmacy Permit Number
20 HPE 41170 to The Regents of the University of California, dba Santa Monica - UCLA Medical
21 Center & Orthopedic Hospital. The Hospital Pharmacy Permit was in full force and effect at all
22 times relevant to the charges brought herein and will expire on July 1, 2022, unless renewed.

23 4. On or about June 19, 2014, the board issued Sterile Compounding Permit Number
24 LSE 99994 to The Regents of the University of California, dba Santa Monica - UCLA Medical
25 Center & Orthopedic Hospital IVAS. The Sterile Compounding Permit was cancelled on April
26 20, 2020.

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1 **CULPABILITY**

2 12. Respondents understand and agree that the charges and allegations in Accusation No.
3 6987, if proven at a hearing, constitute cause for imposing discipline upon their Hospital
4 Pharmacy Permit and their Sterile Compounding Permits.

5 13. For the purpose of resolving the Accusation without the expense and uncertainty of
6 further proceedings, respondents agree that, at a hearing, complainant could establish a factual
7 basis for the charges in the Accusation, and that respondents hereby give up their right to contest
8 those charges.

9 14. Respondents agree that Hospital Pharmacy Permit No. HPE 41170, Sterile
10 Compounding Permit No. LSE 99994, and Sterile Compounding Permit No. LSE 101545 are
11 subject to discipline and they agree to be bound by the board's terms and conditions as set forth in
12 the Disciplinary Order below.

13 **RESERVATION**

14 15. The admissions made by respondents herein are only for the purposes of this
15 proceeding, or any other proceedings in which the Board of Pharmacy or other professional
16 licensing agency is involved, and shall not be admissible in any other criminal or civil
17 proceeding.

18 **CONTINGENCY**

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

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

4 18. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
5 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
6 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
7 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
8 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
9 writing executed by an authorized representative of each of the parties.

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

13 **DISCIPLINARY ORDER**

14 IT IS HEREBY ORDERED that Hospital Pharmacy Permit No. HPE 41170 issued to
15 respondent The Regents of the University of California, dba Santa Monica - UCLA Medical
16 Center & Orthopedic Hospital and Sterile Compounding Permit No. LSE 101545 issued to
17 respondent The Regents of the University of California, dba Santa Monica UCLA Medical Center
18 are each and all revoked. However, the revocations are stayed and respondents are placed on
19 probation for five (5) years on the following terms and conditions:

20 **1. Definition: Respondents**

21 For the purposes of these terms and conditions, “respondents” shall refer to The Regents of
22 the University of California, dba Santa Monica - UCLA Medical Center & Orthopedic Hospital
23 and The Regents of the University of California, dba Santa Monica UCLA Medical Center. All
24 terms and conditions stated herein shall bind and be applicable to the licensed premises and to all
25 owners, managers, officers, administrators, members, directors, trustees, associates, or partners
26 thereof. For purposes of compliance with any term or condition, any report, submission, filing,
27 payment, or appearance required to be made by respondents to or before the board or its designee
28 shall be made by an owner or executive officer with authority to act on behalf of and legally bind

1 the licensed entity.

2 **2. Obey All Laws**

3 Respondents shall obey all state and federal laws and regulations.

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

- 6 • an arrest or issuance of a criminal complaint for violation of any provision of the
7 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
8 substances laws;
- 9 • a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal
10 criminal proceeding to any criminal complaint, information or indictment;
- 11 • a conviction of any crime; or
- 12 • the filing of a disciplinary pleading, issuance of a citation, or initiation of another
13 administrative action filed by any state or federal agency which involves
14 respondents' Hospital Pharmacy Permit No. HPE 41170 or Sterile Compounding
15 Permit No. LSE 101545 or which is related to the practice of pharmacy or the
16 manufacturing, obtaining, handling, distributing, billing, or charging for any drug,
17 device or controlled substance.

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

19 **3. Report to the Board**

20 Respondents shall report to the board quarterly, on a schedule as directed by the board or its
21 designee. The report shall be made either in person or in writing, as directed. Among other
22 requirements, respondents shall state in each report under penalty of perjury whether there has
23 been compliance with all the terms and conditions of probation.

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

6 **4. Interview with the Board**

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

12 **5. Cooperate with Board Staff**

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

19 **6. Reimbursement of Board Costs**

20 As a condition precedent to successful completion of probation, respondents shall pay to the
21 board its costs of investigation and prosecution in the amount of \$22,875.75. Respondents shall
22 make said payment as follows: within thirty (30) days of the effective date of the Decision and
23 Order. There shall be no deviation from this schedule absent prior written approval by the board
24 or its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation
25 of probation.

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

1 **7. Probation Monitoring Costs**

2 Respondents shall pay any costs associated with probation monitoring as determined by the
3 board each and every year of probation. Such costs shall be payable to the board on a schedule as
4 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall
5 be considered a violation of probation.

6 **8. Status of License**

7 Respondents shall, at all times while on probation, maintain an active, current Hospital
8 Pharmacy Permit and an active, current Sterile Compounding Permit with the board, including
9 any period during which suspension or probation is tolled. Failure to maintain an active, current
10 Hospital Pharmacy Permit and an active, current Sterile Compounding permit shall be considered
11 a violation of probation.

12 If respondents' Hospital Pharmacy Permit and/or Sterile Compounding Permit expire or are
13 cancelled by operation of law or otherwise at any time during the period of probation, including
14 any extensions thereof due to tolling or otherwise, upon renewal or reapplication respondents'
15 license permit shall be subject to all terms and conditions of this probation not previously
16 satisfied.

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

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

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

26 Respondents further stipulates that they shall reimburse the board for its costs of
27 investigation and prosecution prior to the acceptance of the surrender.

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

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

10 **11. Notice to Employees**

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

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

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

26 Respondents shall provide, within thirty (30) days after the effective date of this decision,
27 signed and dated statements from its owners, including any owner or holder of ten percent (10%)
28 or more of the interest in respondents or respondents' stock, and all of their officer, stating under

1 penalty of perjury that said individuals have read and are familiar with state and federal laws and
2 regulations governing the practice of pharmacy. The failure to timely provide said statements
3 under penalty of perjury shall be considered a violation of probation.

4 **13. Premises Open for Business**

5 Respondents shall remain open and engaged in their ordinary business as a pharmacy in
6 California for a minimum of 120 hours per calendar month. Any month during which this
7 minimum is not met shall toll the period of probation, i.e., the period of probation shall be
8 extended by one month for each month during with this minimum is not met. During any such
9 period of tolling of probation, respondents must nonetheless comply with all terms and conditions
10 of probation, unless respondents are informed otherwise in writing by the board or its designee. If
11 respondents are not open and engaged in their ordinary business as a pharmacy for a minimum of
12 120 hours in any calendar month, for any reason (including vacation), respondents shall notify the
13 board in writing within ten (10) days of the conclusion of that calendar month. This notification
14 shall include at minimum all of the following: the date(s) and hours respondents were open; the
15 reason(s) for the interruption or why business was not conducted; and the anticipated date(s) on
16 which respondents will resume business as required. Respondents shall further notify the board
17 in writing with ten (10) days following the next calendar month during which respondents are
18 open and engaged in its ordinary business as a pharmacy in California for a minimum of 120
19 hours. Any failure to timely provide such notification(s) shall be considered a violation of
20 probation.

21 **14. Posted Notice of Probation**

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

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

1 licensed entity.

2 **15. Violation of Probation**

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

9 If respondent violates probation in any respect, the board, after giving respondents notice
10 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
11 was stayed. If a petition to revoke probation or an accusation is filed against respondents during
12 probation, or the preparation of an accusation or petition to revoke probation is requested from
13 the Office of the Attorney General, the board shall have continuing jurisdiction and the period of
14 probation shall be automatically extended until the petition to revoke probation or accusation is
15 heard and decided, and the charges and allegations in Accusation No. 6987 shall be deemed true
16 and correct.

17 **16. Completion of Probation**

18 Upon written notice by the board or its designee indicating successful completion of
19 probation, respondents' licenses will be fully restored.

20 **17. Consultant Review of Pharmacy Operations**

21 During the period of probation, respondents shall retain an independent consultant
22 (Independent Consultant) at their own expense who shall be responsible for conducting an
23 inspection to review the operations of respondents' pharmacies on a quarterly basis for
24 compliance by respondents with state and federal laws and regulations governing the practice of
25 pharmacy and compounding. During the period of probation, the Board or its designee retains the
26 discretion to modify the frequency of the inspection of the Independent Consultant's review.

27 The consultant shall be a pharmacist licensed by and not on probation with the board and
28 whose name shall be submitted to the board or its designee, for prior approval, within thirty (30)

1 days of the effective date of this decision.

2 Failure to timely retain, seek approval for, or ensure timely reporting by the Independent
3 Consultant shall be considered a violation of probation.

4 This provision shall apply throughout the entire period of probation.

5 **18. Response Plan to High Dose Medication Alerts**

6 Within sixty (60) days of the effective date of the decision, respondents shall submit their
7 response plan to alerts triggered by respondents' High Alert Medication Policy (Response Plan)
8 to the Independent Consultant for written assessment. Within thirty (30) days of the Independent
9 Consultant's completion of the written assessment, respondents shall submit the Response Plan
10 and the written assessment to the board for approval. Respondents' Response Plan shall be
11 subject to approval by the board or its designee. The period of probation will be automatically
12 extended until respondents' Response Plan is approved by the board. Failure to timely submit the
13 Response Plan to the Independent Consultant or to the board shall be considered a violation of
14 probation.

15 **19. Remedial Education - Compounding**

16 Within thirty (30) days of the effective of this decision, respondents shall submit to the
17 board or its designee, for prior approval, an appropriate program of remedial education related to
18 compounding for each and every pharmacist and pharmacy technician employed by respondents
19 whose job duties relate to compounding. The program of remedial education shall require
20 respondents' pharmacists and pharmacy technicians to complete at least 10 hours of remedial
21 education per year at respondents' own expense during the entire period of probation. All
22 remedial education shall be in addition to, and shall not be credited toward, continuing education
23 courses used for license renewal purposes for pharmacists and pharmacy technicians.

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

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1 **20. Remedial Education – Corrective Action**

2 Within thirty (30) days of the effective of this decision, respondents shall submit to the
3 board or its designee, for prior approval, an appropriate program of remedial education related to
4 any and all corrective action respondents have taken in response to the incident that gave rise to
5 the charges and allegations in Accusation No. 6987 for each and every pharmacist, pharmacy
6 technician, and employee employed by respondents whose job duties relate to compounding. All
7 remedial education shall be in addition to, and shall not be credited toward, continuing education
8 courses used for license renewal purposes for pharmacists and pharmacy technicians.

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

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

16 IT IS ALSO HEREBY ORDERED that Sterile Compounding Permit No. LSE 99994
17 issued to respondent The Regents of the University of California, dba Santa Monica - UCLA
18 Medical Center & Orthopedic Hospital IVAS (UCLA IVAS) is surrendered and accepted by the
19 board.

20 1. Respondent UCLA IVAS surrenders Sterile Compounding Permit No. LSE 99994 as
21 of the effective date of this decision. Respondent UCLA IVAS shall relinquish the premises wall
22 license and renewal license to the board within ten (10) days of the effective date of this decision.

23 2. The surrender of respondent UCLA IVAS' license and the acceptance of the
24 surrendered license by the board shall constitute the imposition of discipline against respondent
25 UCLA IVAS. This decision constitutes a record of discipline and shall become a part of
26 respondent UCLA IVAS' license history with the board.

27 3. Respondent UCLA IVAS shall, within ten (10) days of the effective date, arrange for
28 the destruction of, the transfer to, sale of or storage in a facility licensed and approved by the

1 board of all controlled substances and dangerous drugs and/or dangerous devices. Respondent
2 UCLA IVAS shall further arrange for the transfer of all records of acquisition and disposition of
3 dangerous drugs to premises licensed and approved by the board. Respondent UCLA IVAS shall
4 further provide written proof of such disposition and submit a completed Discontinuance of
5 Business form according to board guidelines.

6 4. Respondent UCLA IVAS may only seek a new or reinstated license from the board
7 by way of a new application for licensure. Respondent UCLA IVAS shall not be eligible to
8 petition for reinstatement of licensure.

9 5. Respondent UCLA IVAS may not reapply for any license from the board for three (3)
10 years from the effective date of this decision. Respondent UCLA IVAS stipulates that should it
11 apply for any license from the board on or after the effective date of this decision, all allegations
12 set forth in the Accusation No. 6987 shall be deemed to be true, correct and admitted by
13 respondent UCLA IVAS when the board determines whether to grant or deny the application.
14 Respondent UCLA IVAS shall satisfy all requirements applicable to that license as of the date the
15 application is submitted to the board. Respondent UCLA IVAS is required to report this
16 surrender as disciplinary action.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Natalia Mazina. I understand the stipulation and the effect it will have on Hospital Pharmacy Permit Number HPE 41170, Sterile Compounding Permit Number LSE 101545, and Sterile Compounding Permit Number LSE 99994. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: _____

JOHNESE SPISSO
President, UCLA Health
Chief Executive Officer, UCLA Hospital System
Associate Vice Chancellor, UCLA Health Sciences
The Regents of the University of California, dba Santa
Monica – UCLA Medical Center & Orthopedic
Hospital
The Regents of the University of California, dba Santa
Monica – UCLA Medical Center & Orthopedic
Hospital IVAS
The Regents of the University of California, dba Santa
Monica UCLA Medical Center
Respondents

I have read and fully discussed with The Regents of the University of California, dba Santa Monica - UCLA Medical Center & Orthopedic Hospital, The Regents of the University of California, dba Santa Monica UCLA Medical Center, and The Regents of the University of California, dba Santa Monica - UCLA Medical Center & Orthopedic Hospital IVAS the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: _____

NATALIA MAZINA
Attorney for Respondent

///

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Natalia Mazina. I understand the stipulation and the effect it will have on Hospital Pharmacy Permit Number HPE 41170, Sterile Compounding Permit Number LSE 101545, and Sterile Compounding Permit Number LSE 99994. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 8/11/2021



JOANE SPISSE
President, UCLA Health
Chief Executive Officer, UCLA Hospital System
Associate Vice Chancellor, UCLA Health Sciences
The Regents of the University of California, dba Santa
Monica – UCLA Medical Center & Orthopedic
Hospital
The Regents of the University of California, dba Santa
Monica – UCLA Medical Center & Orthopedic
Hospital IVAS
The Regents of the University of California, dba Santa
Monica UCLA Medical Center
Respondents

I have read and fully discussed with The Regents of the University of California, dba Santa Monica - UCLA Medical Center & Orthopedic Hospital, The Regents of the University of California, dba Santa Monica UCLA Medical Center, and The Regents of the University of California, dba Santa Monica - UCLA Medical Center & Orthopedic Hospital IVAS the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: Aug. 11, 2021



NATALIA MAZINA
Attorney for Respondent

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ENDORSEMENT

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

DATED: _____

Respectfully submitted,

ROB BONTA
Attorney General of California
SHAWN P. COOK
Supervising Deputy Attorney General

ELAINE YAN
Deputy Attorney General
Attorneys for Complainant

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ENDORSEMENT

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

DATED: 08/13/2021

Respectfully submitted,

ROB BONTA
Attorney General of California
SHAWN P. COOK
Supervising Deputy Attorney General



ELAINE YAN
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 6987

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Attorney General of California
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Supervising Deputy Attorney General
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7 *Attorneys for Complainant*

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15 **UCLA MEDICAL CENTER &**
16 **ORTHOPEDIC HOSPITAL**
1250 16th Street
Santa Monica, CA 90404

ACCUSATION

17 Hospital Pharmacy Permit No. HPE 41170

18 **THE REGENTS OF THE UNIVERSITY OF**
19 **CALIFORNIA, DBA SANTA MONICA -**
20 **UCLA MEDICAL CENTER AND**
21 **ORTHOPEDIC HOSPITAL IVAS**
1250 16th Street
Santa Monica, CA 90404

22 Sterile Compounding Permit No. LSE 99994,

23 **MATTHEW KAZUNORI SASAKI**
17528 Daphane Ave.
Torrance, CA 90504

24 Registered Pharmacist License No. RPH 68915,

25 **and**
26
27
28

1 **MARINE MARTA ALTUNYAN**

2 1636 Sinaloa Ave.
3 Pasadena, CA 91104

4 Registered Pharmacist License No. RPH 75760

Respondents.

5 **PARTIES**

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

8 2. On or about December 19, 1995, the Board of Pharmacy (Board) issued Hospital
9 Pharmacy Permit Number HPE 41170 to The Regents of the University of California, dba Santa
10 Monica - UCLA Medical Center & Orthopedic Hospital (Respondent Hospital Pharmacy). The
11 Hospital Pharmacy Permit was in full force and effect at all times relevant to the charges brought
12 herein and will expire on July 1, 2021, unless renewed.

13 3. On or about June 19, 2014, the Board issued Sterile Compounding Permit Number
14 LSE 99994 to The Regents of the University of California, dba Santa Monica - UCLA Medical
15 Center & Orthopedic Hospital IVAS (Respondent Main Pharmacy). The Sterile Compounding
16 Permit was cancelled on April 20, 2020.

17 4. On or about July 11, 2013, the Board issued Registered Pharmacist License Number
18 RPH 68915 to Matthew Kazunori Sasaki (Respondent Sasaki). The Registered Pharmacist
19 License was in full force and effect at all times relevant to the charges brought herein and will
20 expire on April 30, 2021, unless renewed.

21 5. On or about October 26, 2016, the Board issued Registered Pharmacist License
22 Number RPH 75760 to Marine Marta Altunyan (Respondent Altunyan). The Registered
23 Pharmacist License was in full force and effect at all times relevant to the charges brought herein
24 and will expire on August 31, 2022, unless renewed.

25 **JURISDICTION**

26 6. This Accusation is brought before the Board of Pharmacy (Board), Department of
27 Consumer Affairs, under the authority of the following laws. All section references are to the
28 Business and Professions Code (Code) unless otherwise indicated.

1 7. Section 118, subdivision (b), of the Code provides that the suspension expiration,
2 surrender, or cancellation of a license shall not deprive the Board/Registrar/Director of
3 jurisdiction to proceed with a disciplinary action during the period within which the license may
4 be renewed, restored, reissued or reinstated.

5 8. Section 4300 of the Code states:

6 (a) Every license issued may be suspended or revoked.

7 (b) The board shall discipline the holder of any license issued by the board, whose default
8 has been entered or whose case has been heard by the board and found guilty, by any of the
9 following methods:

10 (1) Suspending judgment.

11 (2) Placing him or her upon probation.

12 (3) Suspending his or her right to practice for a period not exceeding one year.

13 (4) Revoking his or her license.

14 (5) Taking any other action in relation to disciplining him or her as the board in its
15 discretion may deem proper.

16 (c) The board may refuse a license to any applicant guilty of unprofessional conduct. The
17 board may, in its sole discretion, issue a probationary license to any applicant for a license who is
18 guilty of unprofessional conduct and who has met all other requirements for licensure. The board
19 may issue the license subject to any terms or conditions not contrary to public policy, including,
20 but not limited to, the following:

21 (1) Medical or psychiatric evaluation.

22 (2) Continuing medical or psychiatric treatment.

23 (3) Restriction of type or circumstances of practice.

24 (4) Continuing participation in a board-approved rehabilitation program.

25 (5) Abstention from the use of alcohol or drugs.

26 (6) Random fluid testing for alcohol or drugs.

27 (7) Compliance with laws and regulations governing the practice of pharmacy.

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1 (d) The board may initiate disciplinary proceedings to revoke or suspend any probationary
2 certificate of licensure for any violation of the terms and conditions of probation. Upon
3 satisfactory completion of probation, the board shall convert the probationary certificate to a
4 regular certificate, free of conditions.

5 (e) The proceedings under this article shall be conducted in accordance with Chapter 5
6 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board
7 shall have all the powers granted therein. The action shall be final, except that the propriety of the
8 action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil
9 Procedure.

10 9. Section 4300.1 of the Code states:

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

16 10. Section 4402, subsection (a), of the Code provides that any license that is not renewed
17 within three years following its expiration may not be renewed, restored, or reinstated and shall
18 be cancelled by operation of law at the end of the three-year period.

19 **STATUTORY PROVISIONS**

20 11. Section 4301 of the Code states:

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

24 (c) Gross negligence.

25 ...

26 (o) Violating or attempting to violate, directly or indirectly, or assisting in or
27 abetting the violation of or conspiring to violate any provision or term of this chapter
28 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.

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1 12. Section 4306.5, subsection (a), of the Code states:

2 Unprofessional conduct for a pharmacist may include any of the following:

3 (a) Acts or omissions that involve, in whole or in part, the inappropriate exercise of his or
4 her education, training, or experience as a pharmacist, whether or not the act or omission arises in
5 the course of the practice of pharmacy or the ownership, management, administration, or
6 operation of a pharmacy or other entity licensed by the board.

7 13. Section 4127.1, subsection (f), of the Code states:

8 (f) Adverse effects reported or potentially attributable to a pharmacy's sterile drug product
9 shall be reported to the board within 12 hours and immediately reported to the MedWatch
10 program of the federal Food and Drug Administration.

11 14. Section 4081, subsection (a), of the Code states:

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

23 15. Section 4307 of the Code states:

24 (a) Any person who has been denied a license or whose license has been revoked or is
25 under suspension, or who has failed to renew his or her license while it was under suspension, or
26 who has been a manager, administrator, owner, member, officer, director, associate, partner, or
27 any other person with management or control of any partnership, corporation, trust, firm, or
28 association whose application for a license has been denied or revoked, is under suspension or has

1 been placed on probation, and while acting as the manager, administrator, owner, member,
2 officer, director, associate, partner, or any other person with management or control had
3 knowledge of or knowingly participated in any conduct for which the license was denied,
4 revoked, suspended, or placed on probation, shall be prohibited from serving as a manager,
5 administrator, owner, member, officer, director, associate, partner, or in any other position with
6 management or control of a licensee as follows:

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

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

11 (b) "Manager, administrator, owner, member, officer, director, associate, partner, or any
12 other person with management or control of a license" as used in this section and Section 4308,
13 may refer to a pharmacist or to any other person who serves in such capacity in or for a licensee.

14 (c) The provisions of subdivision (a) may be alleged in any pleading filed pursuant to
15 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code.
16 However, no order may be issued in that case except as to a person who is named in the caption,
17 as to whom the pleading alleges the applicability of this section, and where the person has been
18 given notice of the proceeding as required by Chapter 5 (commencing with Section 11500) of Part
19 1 of Division 3 of the Government Code. The authority to proceed as provided by this subdivision
20 shall be in addition to the board's authority to proceed under Section 4339 or any other provision
21 of law.

22 **REGULATORY PROVISIONS**

23 16. California Code of Regulations, title 16, section 1707.3, states:

24 Prior to consultation as set forth in section 1707.2, a pharmacist shall review a patient's
25 drug therapy and medication record before each prescription drug is delivered. The review shall
26 include screening for severe potential drug therapy problems.

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1 17. California Code of Regulations, title 16, section 1714, subsection (b), states:
2 Each pharmacy licensed by the board shall maintain its facilities, space, fixtures, and
3 equipment so that drugs are safely and properly prepared, maintained, secured and distributed.
4 The pharmacy shall be of sufficient size and unobstructed area to accommodate the safe practice
5 of pharmacy.

6 18. California Code of Regulations, title 16, section 1735.3, states:

7 (a) For each compounded drug preparation, pharmacy records shall include:

8 (1) The master formula document.

9 (2) A compounding log consisting of a single document containing all of the following:

10 (A) Name and Strength of the compounded drug preparation.

11 (B) The date the drug preparation was compounded.

12 (C) The identity of any pharmacy personnel engaged in compounding the drug preparation.

13 (D) The identity of the pharmacist reviewing the final drug preparation.

14 (E) The quantity of each ingredient used in compounding the drug preparation.

15 (F) The manufacturer, expiration date and lot number of each component. If the
16 manufacturer name is demonstrably unavailable, the name of the supplier may be substituted. If
17 the manufacturer does not supply an expiration date for any component, the records shall include
18 the date of receipt of the component in the pharmacy, and the limitations of section 1735.2,
19 subdivision (l) shall apply.

20 (i) Exempt from the requirements in this paragraph (1735.3(a)(2)(F)) are sterile
21 preparations compounded in a single lot for administration within seventy-two (72) hours to a
22 patient in a health care facility licensed under section 1250 of the Health and Safety Code and
23 stored in accordance with standards for “Redispensed CSPs” found in Chapter 797 of the United
24 States Pharmacopeia - National Formulary (USP37-NF32) Through 2nd Supplement (37th
25 Revision, Effective December 1, 2014), hereby incorporated by reference.

26 (G) A pharmacy-assigned unique reference or lot number for the compounded drug
27 preparation.

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1 (H) The beyond use date or beyond use date and time of the final compounded drug
2 preparation, expressed in the compounding document in a standard date and time format.

3 (I) The final quantity or amount of drug preparation compounded for dispensing.

4 (J) Documentation of quality reviews and required post-compounding process and
5 procedures.

6 (b) Pharmacies shall maintain records of the proper acquisition, storage, and destruction of
7 chemicals, bulk drug substances, drug products, and components used in compounding.

8 (c) Active ingredients shall be obtained from a supplier registered with the Food and Drug
9 Administration (FDA). All other chemicals, bulk drug substances, and drug products used to
10 compound drug preparations shall be obtained, whenever possible, from FDA- registered
11 suppliers. The pharmacy shall acquire and retain certificates of purity or analysis, either written in
12 English or translated into English, for chemicals, bulk drug substances, and drug products used in
13 compounding. Certificates of purity or analysis are not required for drug products that are
14 approved by the FDA. Any certificates of purity or analysis acquired by the pharmacy shall be
15 matched to the corresponding chemical, bulk drug substance, or drug products received.

16 (d) Pharmacies shall maintain and retain all records required by this article in the pharmacy
17 in a readily retrievable form for at least three years from the date the record was last in effect. If
18 only recorded and stored electronically, on magnetic media, or in any other computerized form,
19 the records shall be maintained as specified by Business and Professions Code section 4070
20 subsection (c).

21 19. California Code of Regulations, title 16, section 1761, subsection (a), states:

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

26 **COST RECOVERY**

27 20. Section 125.3 of the Code states, in pertinent part, that the Board may request the
28 administrative law judge to direct a licentiate found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 **DEFINITIONS**

4 21. Sodium Chloride (NaCl) injectable is classified as a dangerous drug under California
5 Business and Professions Code section 4022. It is for use as injectable electrolyte.

6 22. mEq means milliequivalent. An equivalent is the amount of a substance that will
7 react with a certain number of hydrogen ions. A milliequivalent is one-thousandth of an
8 equivalent. mEq/L means milliequivalents per liter. mEq/kg means milliequivalents per
9 kilogram.

10 **FACTUAL ALLEGATIONS**

11 23. At all times relevant herein, Respondent Hospital Pharmacy had two separate
12 locations and possessed two Sterile Compounding Permits.

13 24. Respondent Hospital Pharmacy had a main hospital pharmacy in the basement with
14 Sterile Compounding Permit No. LSE 99994 (Respondent Main Pharmacy). Respondent Main
15 Pharmacy did the hospital's sterile compounding from 23:00 to 06:00.

16 25. Respondent Hospital Pharmacy had a satellite pharmacy on the second floor with
17 Sterile Compounding Permit No. LSE 99995 (Satellite Pharmacy). The Satellite Pharmacy did
18 the hospital's sterile compounding from 06:00 to 23:00.

19 26. On or about November 13, 2018, NC was a 6-year-old male patient at Santa Monica –
20 UCLA Medical Center and Orthopedic Hospital (UCLA Hospital). Patient NC's weight was 17.7
21 kg.

22 27. On November 13, 2018, at approximately 20:10, Patient NC's physician placed an
23 order for 500 ml of IV fluids to be compounded at Respondent Hospital Pharmacy through UCLA
24 Hospital's electronic health record program, CareConnect. The physician entered the order as
25 Dextrose 12.5% with sodium chloride 26 mEq/kg and sodium acetate 111 mEq/L.

26 28. The physician mistakenly selected mEq/kg as the dosage unit for sodium chloride
27 using the dropdown menu in CareConnect. The intended dosage unit was mEq/L.

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1 29. Respondent Altunyan received the order at Respondent Hospital Pharmacy’s Satellite
2 Pharmacy.

3 30. On November 13, 2018, at 23:06, Respondent Altunyan spoke with the physician but
4 never discussed the dosage of the sodium chloride. Respondent Altunyan then verified and
5 approved the order and generated two IV labels for the order.

6 31. On November 13, 2018, at 23:11, pharmacy technician RL regenerated the order label
7 at Respondent Main Pharmacy. RL subsequently compounded the IV fluids as ordered (Bag 1).

8 32. On November 13, 2018, at 23:16, Respondent Sasaki approved the order label and
9 Bag 1.

10 33. On November 14, 2018, at 00:29, Bag 1 was administered to Patient NC. Patient NC
11 received the entire 500 ml dose of Bag 1.

12 34. On November 14, 2018, at approximately 04:30, Respondent Hospital Pharmacy
13 received another request for a 500 ml bag of IV fluids (Bag 2) that was identical to the earlier
14 order received for Patient NC.

15 35. On November 14, 2018, at approximately 04:39, pharmacy technician RL prepared
16 and compounded Bag 2, and Respondent Sasaki approved it.

17 36. On November 14, 2018, at 05:10, Bag 2 was administered to Patient NC. During the
18 administration of Bag 2, Patient NC began having seizures and was intubated. A Code Blue was
19 called, and Patient NC’s blood was drawn for testing.

20 37. Respondent Sasaki responded to the Code Blue and observed that the dosage of
21 sodium chloride on Bag 2 appeared abnormally high. The lab results showed that Patient NC’s
22 sodium level was elevated. Bag 2 was removed. At that time, 100 ml of the 500 ml Bag 2 had
23 been administered to Patient NC.

24 38. Bag 1 and Bag 2 each contained 554.7 mEq of sodium. The incorrect dosage unit
25 resulted in almost 20 times the intended amount of sodium chloride in Bag 1 and Bag 2.

26 39. American Society for Parenteral and Enteral Nutrition (ASPEN) is considered the
27 leading expert in the science and practice of clinical nutrition. In 2019, ASPEN published a
28 document titled “Appropriate Dosing for Parenteral Nutrition: ASPEN Recommendations.” The

1 document stated that the daily dose of sodium for a child should be between 2 to 5 mEq/kg. For
2 Patient NC, whose weight was reported as 17.7 kg, the daily dose of sodium should have been
3 between 35.4 to 88.5 mEq.

4 40. Patient NC was given 665.64 mEq of sodium (554.7 mEq from Bag 1 + 110.94 mEq
5 from Bag 2) in a 5-hour time period.

6 41. Patient NC died as a result of the dosage error.

7 **FIRST CAUSE FOR DISCIPLINE**

8 (Failure to Comply with Pharmacy Law – All Respondents)

9 42. Respondents are subject to disciplinary action under Section 4301, subsection (o), in
10 that Respondents committed unprofessional conduct by failing to comply with Pharmacy Law
11 and regulations, as follows:

12 a. California Code of Regulations, title 16, section 1761, subsection (a):
13 Respondents verified, approved for dispensing, compounded, or dispensed at least one erroneous
14 prescription with dangerously high intravenous sodium chloride content, which led to Patient
15 NC's death.

16 b. California Code of Regulations, title 16, section 1707.3: Respondents failed to
17 appropriately review and analyze patient NC's drug therapy. Respondents' failure led to the
18 dispensing and administration of compounded intravenous fluid with dangerously high sodium
19 chloride content, which led to Patient NC's death.

20 Paragraphs 23 to 41 are re-alleged as if fully set forth herein.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 (Failure to Report)

3 (Respondent Hospital Pharmacy HPE 41170 and Respondent Main Pharmacy LSE 99994)

4 43. Respondents Hospital Pharmacy and Main Pharmacy are subject to disciplinary
5 action under Section 4301, subsection (o), in that they committed unprofessional conduct by
6 failing to comply with California Business and Professions Code section 4127.1. Specifically, on
7 November 14, 2018, patient NC had an adverse effect (death) attributable to Respondents' sterile
8 drug product. Respondent Hospital Pharmacy and Respondent Main Pharmacy failed to report
9 this adverse effect to the Board.

10 Paragraphs 23 to 41 are re-alleged as if fully set forth herein.

11 **THIRD CAUSE FOR DISCIPLINE**

12 (Gross Negligence – Respondent Altunyan)

13 44. Respondent Altunyan is subject to disciplinary action under Section 4301, subsection
14 (c), in that Respondent Altunyan committed unprofessional conduct and gross negligence.
15 Specifically, on or about November 13, 2018, Respondent Altunyan verified and approved for
16 dispensing an erroneous prescription with dangerously high intravenous sodium chloride content,
17 which led to Patient NC's death.

18 Paragraphs 23 to 41 are re-alleged as if fully set forth herein.

19 **FOURTH CAUSE FOR DISCIPLINE**

20 (Unprofessional Conduct – Inappropriate Exercise of Education/Training/Experience)

21 (Respondent Altunyan)

22 45. Respondent Altunyan is subject to disciplinary action under Section 4301 and Section
23 4306.5 in that Respondent Altunyan committed unprofessional conduct involving inappropriate
24 exercise of her education, training, and experience as a pharmacist. Specifically, Respondent
25 Altunyan verified and approved for dispensing an erroneous prescription with dangerously high
26 intravenous sodium chloride content, which led to Patient NC's death.

27 Paragraphs 23 to 41 are re-alleged as if fully set forth herein.

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1 **FIFTH CAUSE FOR DISCIPLINE**

2 (Gross Negligence – Respondent Sasaki)

3 46. Respondent Sasaki is subject to disciplinary action under Section 4301, subsection
4 (c), in that Respondent Sasaki committed unprofessional conduct and gross negligence.
5 Specifically, on or about November 14, 2018, Respondent Sasaki dispensed at least one erroneous
6 prescription with dangerously high intravenous sodium chloride content, which led to Patient
7 NC’s death.

8 Paragraphs 23 to 41 are re-alleged as if fully set forth herein.

9 **SIXTH CAUSE FOR DISCIPLINE**

10 (Unprofessional Conduct – Inappropriate Exercise of Education/Training/Experience)

11 (Respondent Sasaki)

12 47. Respondent Sasaki is subject to disciplinary action under Section 4301 and Section
13 4306.5 in that Respondent Sasaki committed unprofessional conduct involving inappropriate
14 exercise of his education, training, and experience as a pharmacist. Specifically, Respondent
15 Sasaki dispensed at least one erroneous prescription with dangerously high intravenous sodium
16 chloride content, which led to Patient NC’s death.

17 Paragraphs 23 to 41 are re-alleged as if fully set forth herein.

18 **DISCIPLINARY CONSIDERATIONS**

19 48. To determine the degree of discipline, if any, to be imposed on Respondent Hospital
20 Pharmacy, HPE 41170, Complainant alleges that on April 6, 2016, the Board issued Citation No.
21 CI 2015 69847 and ordered Respondent Hospital Pharmacy to pay a fine of \$1,500.00 for
22 violating 1) California Code of Regulations, title 16, section 1714, subsection (b); 2) California
23 Business and Professions Code section 4301, subsection (c); and 3) California Business and
24 Professions Code section 4081, subsection (a).

25 49. To determine the degree of discipline, if any, to be imposed on Respondent Main
26 Pharmacy, LSE 99994, Complainant alleges that on April 6, 2016, the Board issued Citation No.
27 CI 2015 69848 and ordered Respondent Main Pharmacy to pay a fine of \$1,000 for violating 1)
28 California Code of Regulations, title 16, section 1714, subsection (b); 2) California Business and

1 Professions Code section 4301, subsection (c); 3) California Business and Professions Code
2 section 4081, subsection (a); and 4) California Code of Regulations, title 16, section 1735.3.

3 **OTHER MATTERS**

4 50. Pursuant to Code section 4307, if discipline is imposed on Hospital Pharmacy Permit
5 Number HPE 41170 issued to The Regents of the University of California, dba Santa Monica –
6 UCLA Medical Center & Orthopedic Hospital, The Regents of the University of California, dba
7 Santa Monica – UCLA Medical Center & Orthopedic Hospital shall be prohibited from serving as
8 a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for
9 five years if Hospital Pharmacy Permit Number HPE 41170 is placed on probation or until
10 Hospital Pharmacy Permit Number HPE 41170 is reinstated if it is revoked.

11 51. Pursuant to Code section 4307, if discipline is imposed on Hospital Pharmacy Permit
12 Number HPE 41170 issued to The Regents of the University of California, dba Santa Monica –
13 UCLA Medical Center & Orthopedic Hospital while Johnese Spisso has been an officer and had
14 knowledge of or knowingly participated in any conduct for which the licensee was disciplined,
15 Johnese Spisso shall be prohibited from serving as a manager, administrator, owner, member,
16 officer, director, associate, or partner of a licensee for five years if Hospital Pharmacy Permit
17 Number HPE 41170 is placed on probation or until Hospital Pharmacy Permit Number HPE
18 41170 is reinstated if it is revoked.

19 52. Pursuant to Code section 4307, if discipline is imposed on Sterile Compounding
20 Permit Number LSE 99994 issued to The Regents of the University of California, dba Santa
21 Monica – UCLA Medical Center & Orthopedic Hospital IVAS, The Regents of the University of
22 California, dba Santa Monica – UCLA Medical Center & Orthopedic Hospital IVAS shall be
23 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,
24 or partner of a licensee for five years if Sterile Compounding Permit Number LSE 99994 is
25 placed on probation or until Sterile Compounding Permit Number LSE 99994 is reinstated if it is
26 revoked.

27 53. Pursuant to Code section 4307, if discipline is imposed on Sterile Compounding
28 Permit Number LSE 99994 issued to The Regents of the University of California, dba Santa

1 Monica – UCLA Medical Center & Orthopedic Hospital IVAS while Johnese Spisso has been an
2 officer and had knowledge of or knowingly participated in any conduct for which the licensee
3 was disciplined, Johnese Spisso shall be prohibited from serving as a manager, administrator,
4 owner, member, officer, director, associate, or partner of a licensee for five years if Sterile
5 Compounding Permit Number LSE 99994 is placed on probation or until Sterile Compounding
6 Permit Number LSE 99994 is reinstated if it is revoked.

7 **PRAYER**

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

- 10 1. Revoking or suspending Hospital Pharmacy Permit Number HPE 41170, issued to
11 The Regents of the University of California, dba Santa Monica - UCLA Medical Center &
12 Orthopedic Hospital;
- 13 2. Revoking or suspending Sterile Compounding Permit Number LSE 99994, issued to
14 The Regents of the University of California, dba Santa Monica - UCLA Medical Center &
15 Orthopedic Hospital IVAS;
- 16 3. Prohibiting Johnese Spisso from serving as a manager, administrator, owner, member,
17 officer, director, associate, or partner of a licensee for five years if Hospital Pharmacy Permit
18 Number HPE 41170 is placed on probation or until Hospital Pharmacy Permit Number HPE
19 41170 is reinstated if Hospital Pharmacy Permit Number HPE 41170 issued to The Regents of the
20 University of California, dba Santa Monica - UCLA Medical Center & Orthopedic Hospital is
21 revoked;
- 22 4. Prohibiting Johnese Spisso from serving as a manager, administrator, owner, member,
23 officer, director, associate, or partner of a licensee for five years if Sterile Compounding Permit
24 Number LSE 99994 is placed on probation or until Sterile Compounding Permit Number LSE
25 99994 is reinstated if Sterile Compounding Permit Number LSE 99994 issued to The Regents of
26 the University of California, dba Santa Monica - UCLA Medical Center & Orthopedic Hospital
27 IVAS is revoked;

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1 5. Revoking or suspending Registered Pharmacist License Number RPH 68915, issued
2 to Matthew Kazunori Sasaki;

3 6. Revoking or suspending Registered Pharmacist License Number RPH 75760, issued
4 to Marine Marta Altunyan;

5 7. Ordering The Regents of the University of California, dba Santa Monica - UCLA
6 Medical Center & Orthopedic Hospital, The Regents of the University of California, dba Santa
7 Monica - UCLA Medical Center & Orthopedic Hospital IVAS, Matthew Kazunori Sasaki, and
8 Marine Marta Altunyan to pay the Board of Pharmacy the reasonable costs of the investigation
9 and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

10 8. Taking such other and further action as deemed necessary and proper.

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DATED: 9/23/2020

Signature on File

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

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