

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

In the Matter of the Accusation Against:

CALIFORNIA PHARMACY AND COMPOUNDING CENTER INC., dba

CALIFORNIA PHARMACY AND COMPOUNDING CENTER,

Original Permit No. PHY 57141;

ROBERT DALE HALL,

Pharmacist License No. RPH 29479;

and

ANNE ROBERTO CABRERA,

Pharmacist License No. RPH 40776,

Respondents.

Agency Case No. 7187

OAH No. 2024090976

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 June 4, 2025.

It is so ORDERED on May 5, 2025.

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 ERIN M. SUNSERI
Supervising Deputy Attorney General
3 AMIE J. FLYNN
Deputy Attorney General
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8 *Attorneys for Complainant*

9 **BEFORE THE**
10 **BOARD OF PHARMACY**

11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 7187

14 **CALIFORNIA PHARMACY AND**
15 **COMPOUNDING CENTER INC., DBA**
16 **CALIFORNIA PHARMACY AND**
17 **COMPOUNDING CENTER**
18 **4000 Birch Street, Suite 120**
19 **Newport Beach, CA 92660**

OAH No. 2024090976

STIPULATED SURRENDER OF
LICENSE AND ORDER AS TO
CALIFORNIA PHARMACY AND
COMPOUNDING CENTER INC., DBA
CALIFORNIA PHARMACY AND
COMPOUNDING CENTER ONLY

20 **Original Permit No. PHY 57141,**

21 **ROBERT DALE HALL**
22 **2813 Moose Creek Trl**
23 **Suamico, WI 54313**

24 **Pharmacist License No. RPH 29479,**

25 **and**

26 **ANNE ROBERTO CABRERA**
27 **23642 Via Navarra**
28 **Mission Viejo, CA 92691**

Pharmacist License No. RPH 40776

Respondents.

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

1 **PARTIES**

2 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
3 (Board). She brought this action solely in her official capacity and is represented in this matter by
4 Rob Bonta, Attorney General of the State of California, by Amie J. Flynn, Deputy Attorney
5 General.

6 2. California Pharmacy and Compounding Center Inc., dba California Pharmacy and
7 Compounding Center (Respondent California Pharmacy) is represented in this proceeding by
8 attorney Tony J. Park, whose address is: 9090 Irvine Center Drive, Irvine, California 92618-4658.

9 3. On or about March 19, 2019, the Board issued Original Permit No. PHY 57141 to
10 Respondent California Pharmacy. The Original Permit expired on March 1, 2022, and has not
11 been renewed.

12 **JURISDICTION**

13 4. Accusation No. 7187 was filed before the Board and is currently pending against
14 Respondent. The Accusation and all other statutorily required documents were properly served
15 on Respondent on January 23, 2023. Respondent timely filed its Notice of Defense contesting the
16 Accusation. A copy of Accusation No. 7187 is attached as Exhibit A and incorporated by
17 reference.

18 5. Code section 4300.1 states:

19 The expiration, cancellation, forfeiture, or suspension of a board-issued license
20 by operation of law or by order or decision of the board or a court of law, the
21 placement of a license on a retired status, or the voluntary surrender of a license
22 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.

23 **ADVISEMENT AND WAIVERS**

24 6. Respondent has carefully read, fully discussed with counsel, and understands the
25 charges and allegations in Accusation No. 7187. Respondent also has carefully read, fully
26 discussed with counsel, and understands the effects of this Stipulated Surrender of License and
27 Order.

28 7. 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

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

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

7 **CULPABILITY**

8 9. Respondent admits the truth of each and every charge and allegation in Accusation
9 No. 7187, agrees that cause exists for discipline and hereby surrenders its Original Permit No.
10 PHY 57141 for the Board's formal acceptance.

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

13 **CONTINGENCY**

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

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

26 13. This Stipulated Surrender of License and Order is intended by the parties to be an
27 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
28 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,

1 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
2 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
3 executed by an authorized representative of each of the parties.

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

6 **ORDER**

7 IT IS HEREBY ORDERED that Original Permit No. PHY 57141, issued to Respondent
8 California Pharmacy and Compounding Center Inc., dba California Pharmacy and Compounding
9 Center, is surrendered and accepted by the Board.

10 The surrender of respondent's license and the acceptance of the surrendered license by the
11 Board shall constitute the imposition of discipline against respondent. This decision constitutes a
12 record of discipline and shall become a part of respondent's license history with the Board.
13 Respondent understands and agrees that for purposes of Business and Professions Code section
14 4307, this surrender shall be treated as if its license was revoked.

15 Respondent may only seek a new or reinstated license from the Board by way of a new
16 application for licensure. Respondent shall not be eligible to petition for reinstatement of
17 licensure.

18 Respondent may not reapply for any license from the Board for three (3) years from the
19 effective date of this decision. Respondent stipulates that should they apply for any license from
20 the Board on or after the effective date of this decision, all allegations set forth in the Accusation
21 shall be deemed to be true, correct and admitted by respondent when the Board determines
22 whether to grant or deny the application. Respondent shall satisfy all requirements applicable to
23 that license as of the date the application is submitted to the Board. Respondent is required to
24 report this surrender as disciplinary action.

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ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney Tony J. Park. I understand the stipulation and the effect it will have on my Original Permit. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: _____

BY: _____

Printed Name:
Authorized Agent for Respondent
CALIFORNIA PHARMACY AND
COMPOUNDING CENTER INC., DBA
CALIFORNIA PHARMACY AND
COMPOUNDING CENTER
Respondent

I have read and fully discussed with Respondent California Pharmacy and Compounding Center Inc., dba California Pharmacy and Compounding Center the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: _____

TONY J. PARK
Attorney for Respondent

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ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney Tony J. Park. I understand the stipulation and the effect it will have on my Original Permit. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 2/18/2025

DocuSigned by:
Ian Kuemerle
373FE9E4A886438

Printed Name: Ian Kuemerle
Authorized Agent for Respondent
CALIFORNIA PHARMACY AND
COMPOUNDING CENTER INC., DBA
CALIFORNIA PHARMACY AND
COMPOUNDING CENTER
Respondent

I have read and fully discussed with Respondent California Pharmacy and Compounding Center Inc., dba California Pharmacy and Compounding Center the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 2/19/2025

Signed by:
Tony Park
BBF92C7A091B110...

TONY J. PARK
Attorney for Respondent

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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
ERIN M. SUNSERI
Supervising Deputy Attorney General

AMIE J. FLYNN
Deputy Attorney General
Attorneys for Complainant

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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: 2/19/2025

Respectfully submitted,

ROB BONTA
Attorney General of California
ERIN M. SUNSERI
Supervising Deputy Attorney General



AMIE J. FLYNN
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 7187

1 ROB BONTA
Attorney General of California
2 MARICHELLE S. TAHIMIC
Supervising Deputy Attorney General
3 ALVARO MEJIA
Deputy Attorney General
4 State Bar No. 216956
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9130
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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

13 In the Matter of the Accusation Against:

Case Number 7187

14 **CALIFORNIA PHARMACY AND**
15 **COMPOUNDING CENTER INC.,**
16 **DBA CALIFORNIA PHARMACY AND**
17 **COMPOUNDING CENTER**
18 **IAN M. KUEMERLE, CEO, President,**
19 **Director, Secretary and Treasurer / CFO**
20 **4000 Birch Street, Suite 120**
21 **Newport Beach, CA 92660**

ACCUSATION

22 **Original Permit Number PHY 57141,**

23 **ROBERT DALE HALL**
24 **2813 Moose Creek Trl**
25 **Suamico, WI 54313**

26 **Pharmacist License Number RPH 29479,**

27 **and**

28 **ANNE ROBERTO CABRERA**
23642 Via Navarra
Mission Viejo, CA 92691

Pharmacist License Number RPH 40776

Respondents.

1 **PARTIES**

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

4 2. On March 19, 2019, the Board issued Original Permit Number PHY 57141 to
5 California Pharmacy and Compounding Center Inc., dba California Pharmacy and Compounding
6 Center, with Ian M. Kuemerle as 100% shareholder and the Chief Executive Officer, President,
7 Director, Secretary and Treasurer / Chief Financial Officer (Respondent Pharmacy). The Original
8 Permit was set to expire on March 1, 2022, however, it was canceled on November 29, 2021 due
9 to discontinuance of business effective July 20, 2021.

10 3. On May 27, 1975, the Board issued Pharmacist License Number RPH 29479 to
11 Robert Dale Hall (Respondent Hall). The Pharmacist License was in full force and effect at all
12 times relevant to the charges brought herein and will expire on January 31, 2024, unless renewed.

13 4. On March 17, 1986, the Board issued Pharmacist License Number RPH 40776 to
14 Anne Roberto Cabrera (Respondent Cabrera). The Pharmacist License was in full force and
15 effect at all times relevant to the charges brought herein and will expire on July 31, 2024, unless
16 renewed.

17 **JURISDICTION**

18 5. This Accusation is brought before the Board under the authority of the following
19 laws. All section references are to the Business and Professions Code (Code) unless otherwise
20 indicated.

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

24 7. Section 4300, subdivision (a) of the Code provides that every license issued by the
25 Board may be suspended or revoked.

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1 8. Section 4300.1 of the Code states:

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

8 **STATUTORY PROVISIONS**

9 9. Section 4022 of the Code states:

10 Dangerous drug or dangerous device means any drug or device unsafe for
11 self-use in humans or animals, and includes the following:

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

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

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

20 10. Section 4036.5 of the Code states:

21 "Pharmacist-in-charge" means a pharmacist proposed by a pharmacy and
22 approved by the board as the supervisor or manager responsible for ensuring the
23 pharmacy's compliance with all state and federal laws and regulations pertaining to
24 the practice of pharmacy.

25 11. Section 4040 of the Code states, in pertinent part:

26 (a) "Prescription" means an oral, written, or electronic transmission order that is
27 both of the following:

28 (1) Given individually for the person or persons for whom ordered that includes
all of the following:

(A) The name or names and address of the patient or patients.

(B) The name and quantity of the drug or device prescribed and the directions
for use.

(C) The date of issue.

(D) Either rubber stamped, typed, or printed by hand or typeset, the name,
address, and telephone number of the prescriber, the prescriber's license
classification, and the prescriber's federal registry number, if a controlled substance is
prescribed.

1 (E) A legible, clear notice of the condition or purpose for which the drug is
2 being prescribed, if requested by the patient or patients.

3 (F) If in writing, signed by the prescriber issuing the order, or the certified
4 nurse-midwife, nurse practitioner, physician assistant, or naturopathic doctor who
5 issues a drug order pursuant to Section 2746.51, 2836.1, 3502.1, or 3640.5,
6 respectively, or the pharmacist who issues a drug order pursuant to Section 4052.1,
7 4052.2, or 4052.6.

8 (2) Issued by a physician, dentist, optometrist, doctor of podiatric medicine,
9 veterinarian, or naturopathic doctor pursuant to Section 3640.7 or, if a drug order is
10 issued pursuant to Section 2746.51, 2836.1, 3502.1, or 3460.5, by a certified nurse-
11 midwife, nurse practitioner, physician assistant, or naturopathic doctor licensed in this
12 state, or pursuant to Section 4052.1, 4052.2, or 4052.6 by a pharmacist licensed in
13 this state.

14 ...

15 (c) "Electronic transmission prescription" includes both image and data
16 prescriptions. "Electronic image transmission prescription" means any prescription
17 order for which a facsimile of the order is received by a pharmacy from a licensed
18 prescriber. "Electronic data transmission prescription" means any prescription order,
19 other than an electronic image transmission prescription, that is electronically
20 transmitted from a licensed prescriber to a pharmacy.

21 ...

22 12. Section 4059, subdivision (a) of the Code states:

23 A person may not furnish any dangerous drug, except upon the prescription of a
24 physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
25 pursuant to Section 3640.7. A person may not furnish any dangerous device, except
26 upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or
27 naturopathic doctor pursuant to Section 3640.7.

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

A dangerous drug or dangerous device shall not be transferred, sold, or
delivered to a person outside this state, whether foreign or domestic, unless the
transferor, seller, or deliverer does so in compliance with the laws of this state and of
the United States and of the state or country to which the dangerous drugs or
dangerous devices are to be transferred, sold, or delivered. Compliance with the laws
of this state and the United States and of the state or country to which the dangerous
drugs or dangerous devices are to be delivered shall include, but not be limited to,
determining that the recipient of the dangerous drugs or dangerous devices is
authorized by law to receive the dangerous drugs or dangerous devices.

14. Section 4081 of the Code states, in pertinent part:

(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,

1 dentist, podiatrist, veterinarian, laboratory, clinic, hospital, institution, or
2 establishment holding a currently valid and unrevoked certificate, license, permit,
3 registration, or exemption under Division 2 (commencing with Section 1200) of the
4 Health and Safety Code or under Part 4 (commencing with Section 16000) of
5 Division 9 of the Welfare and Institutions Code who maintains a stock of dangerous
6 drugs or dangerous devices.

7 (b) The owner, officer, and partner of any pharmacy, wholesaler, or veterinary
8 food-animal drug retailer shall be jointly responsible, with the pharmacist-in-charge
9 or representative-in-charge, for maintaining the records and inventory described in
10 this section.

11 ...

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

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

16 ...

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

19 ...

20 (f) When requested by an authorized officer of the law or by an authorized
21 representative of the board, the owner, corporate officer, or manager of an entity
22 licensed by the board shall provide the board with the requested records within three
23 business days of the time the request was made. The entity may request in writing an
24 extension of this timeframe for a period not to exceed 14 calendar days from the date
25 the records were requested. A request for an extension of time is subject to the
26 approval of the board. An extension shall be deemed approved if the board fails to
27 deny the extension request within two business days of the time the extension request
28 was made directly to the board.

16. Section 4113 of the Code states:

(a) Every pharmacy shall designate a pharmacist-in-charge and, within 30 days
thereof, shall notify the board in writing of the identity and license number of that
pharmacist and the date he or she was designated.

(b) The proposed pharmacist-in-charge shall be subject to approval by the
board. The board shall not issue or renew a pharmacy license without identification of
an approved pharmacist-in-charge for the pharmacy.

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

(d) Every pharmacy shall notify the board in writing, on a form designed by the
board, within 30 days of the date when a pharmacist-in-charge ceases to act as the
pharmacist-in-charge, and shall on the same form propose another pharmacist to take
over as the pharmacist-in-charge. The proposed replacement pharmacist-in-charge

1 shall be subject to approval by the board. If disapproved, the pharmacy shall propose
2 another replacement within 15 days of the date of disapproval and shall continue to
name proposed replacements until a pharmacist-in-charge is approved by the board.

3 (e) If a pharmacy is unable, in the exercise of reasonable diligence, to identify
4 within 30 days a permanent replacement pharmacist-in-charge to propose to the board
on the notification form, the pharmacy may instead provide on that form the name of
5 any pharmacist who is an employee, officer, or administrator of the pharmacy or the
entity that owns the pharmacy and who is actively involved in the management of the
6 pharmacy on a daily basis, to act as the interim pharmacist-in-charge for a period not
to exceed 120 days. The pharmacy, or the entity that owns the pharmacy, shall be
7 prepared during normal business hours to provide a representative of the board with
the name of the interim pharmacist-in-charge with documentation of the active
8 involvement of the interim pharmacist-in-charge in the daily management of the
pharmacy, and with documentation of the pharmacy's good faith efforts prior to
9 naming the interim pharmacist-in-charge to obtain a permanent pharmacist-in-charge.
By no later than 120 days following the identification of the interim pharmacist-in-
10 charge, the pharmacy shall propose to the board the name of a pharmacist to serve as
the permanent pharmacist-in-charge. The proposed permanent pharmacist-in-charge
11 shall be subject to approval by the board. If disapproved, the pharmacy shall propose
another replacement within 15 days of the date of disapproval, and shall continue to
12 name proposed replacements until a pharmacist-in-charge is approved by the board.

13 17. Section 4301 of the Code states:

14 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
15 conduct shall include, but is not limited to, any of the following:

16 ...

17 (b) Incompetence.

18 ...

19 (f) The commission of any act involving moral turpitude, dishonesty, fraud,
deceit, or corruption, whether the act is committed in the course of relations as a
20 licensee or otherwise, and whether the act is a felony or misdemeanor or not.

21 ...

22 (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.

23 ...

24 (o) Violating or attempting to violate, directly or indirectly, or assisting in or
25 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,
26 including regulations established by the board or by any other state or federal
regulatory agency.

27 ...
28

1 18. Section 4306.5, subdivision (a), of the Code includes as unprofessional conduct:

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

5 19. Section 4307 of the Code states, in pertinent part:

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

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

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

23 ...

24 20. Section 810, subdivision (b) of the Code states:

25 It shall constitute cause for revocation or suspension of a license or certificate
26 for a health care professional to engage in any conduct prohibited under Section
27 1871.4 of the Insurance Code or Section 549 or 550 of the Penal Code.

28 21. Section 550 of the Penal Code states, in pertinent part:

(a) It is unlawful to do any of the following, or to aid, abet, solicit, or conspire
with any person to do any of the following:

...

(6) Knowingly make or cause to be made any false or fraudulent claim for
payment of a health care benefit.

(7) Knowingly submit a claim for a health care benefit that was not used by, or
on behalf of, the claimant.

...

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REGULATORY PROVISIONS

22. California Code of Regulations, title 16, section 1709.1 (Regulation 1709.1), states in pertinent part:

(a) The pharmacist-in-charge of a pharmacy shall be employed at that location and shall have responsibility for the daily operation of the pharmacy.

(b) The pharmacy owner shall vest the pharmacist-in-charge with adequate authority to assure compliance with the laws governing the operation of a pharmacy.

23. California Code of Regulations, title 16, section 1715.65 (Regulation 1715.65), states in pertinent part:

(a) Every pharmacy, and every clinic licensed under sections 4180 or 4190 of the Business and Professions Code, shall perform periodic inventory and inventory reconciliation functions to detect and prevent the loss of controlled substances.

(b) The pharmacist-in-charge of a pharmacy or consultant pharmacist for a clinic shall review all inventory and inventory reconciliation reports taken, and establish and maintain secure methods to prevent losses of controlled drugs. Written policies and procedures shall be developed for performing the inventory reconciliation reports required by this section.

(c) A pharmacy or clinic shall compile an inventory reconciliation report of all federal Schedule II controlled substances at least every three months. This compilation shall require:

(1) A physical count, not an estimate, of all quantities of federal Schedule II controlled substances. The biennial inventory of controlled substances required by federal law may serve as one of the mandated inventories under this section in the year where the federal biennial inventory is performed, provided the biennial inventory was taken no more than three months from the last inventory required by this section;

(2) A review of all acquisitions and dispositions of federal Schedule II controlled substances since the last inventory reconciliation report;

(3) A comparison of (1) and (2) to determine if there are any variances;

(4) All records used to compile each inventory reconciliation report shall be maintained in the pharmacy or clinic for at least three years in a readily retrievable form; and

(5) Possible causes of overages shall be identified in writing and incorporated into the inventory reconciliation report.

24. California Code of Regulations, title 16, section 1718 (Regulation 1718), states:

“Current Inventory” as used in Sections 4081 and 4332 of the Business and Professions Code shall be considered to include complete accountability for all dangerous drugs handled by every licensee enumerated in Sections 4081 and 4332.

1 The controlled substances inventories required by Title 21, CFR, Section 1304
2 shall be available for inspection upon request for at least 3 years after the date of the
inventory.

3 25. California Code of Regulations, title 16, section 1761 (Regulation 1761), states:

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

7 (b) Even after conferring with the prescriber, a pharmacist shall not compound
8 or dispense a controlled substance prescription where the pharmacist knows or has
objective reason to know that said prescription was not issued for a legitimate
medical purpose.

9 **COST RECOVERY**

10 26. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
11 administrative law judge to direct a licensee found to have committed a violation or violations of
12 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
13 enforcement of the case, with failure of the licensee to comply subjecting the license to not being
14 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
15 included in a stipulated settlement.

16 **DRUG CLASSIFICATIONS(S)**

17 BRAND NAME	18 GENERIC NAME	19 DANGEROUS DRUG PER Bus. & Prof. Code § 4022	20 CONTROLLED SUBSTANCE PER Health & Saf. Code	21 INDICATIONS FOR USE
	Fenoprofen 200 mg Capsule	Yes	No	Osteoarthritis, rheumatoid arthritis, anti-inflammatory
22 Orphengesic Forte	Orphenadrine-Aspirin-Caffeine 50mg-770mg-60mg	Yes	No	Musculoskeletal pain
24	Calcipotriene-Betamethasone Dipropionate 0.05%-0.064% Ointment	Yes	No	Plaque psoriasis, scalp psoriasis
27	Chlorzoxazone 250 mg Tablet	Yes	No	Musculoskeletal pain
28	Doxepin 5% Cream	Yes	No	Pruritis

1	Migranal	Dihydroergotamine 4 mg/ml Spray	Yes	No	Acute migraine headache, acute cluster headache
2					
3	Atopaderm Cream		Yes	No	Cream for atopic dermatitis
4	Bensal HP 3% Ointment	Benzoic Acid and Salicylic Acid	Yes	No	Skin irritation caused by burns, insect bites, fungal infections or eczema
5					
6					
7		Butalbital-Acetaminophen 50mg/300mg	Yes	No	Tension headache
8	Cafegot	Ergotamine-Caffeine 1mg-100mg Tablets	Yes	No	Migraine headaches, cluster headaches
9					
10	Halucort Gel	Emollient No 56-Hyaluronic Acid	Yes	No	Dermatitis, wound gel
11					
12		Ketoprofen 25mg Capsule	Yes	No	Nonsteroidal anti-inflammatory use for multiple conditions including mild-moderate pain, osteoarthritis, rheumatoid arthritis
13					
14					
15					
16		Naproxen 125mg/5ml Suspension	Yes	No	Anti-inflammatory for mild-moderate pain
17					
18	Ortho Df 3,775 Unit-1mg cap	Vitamin D3-Folic Acid	No	No	Vitamin / dietary supplement
19					
20	Pliaglis 7%-7% Cream	Lidocaine / Tetracaine Cream	Yes	No	Topical pain relief
21	Scarcin Gel	Silicone based Gel	Yes	No	Gel for scars
22		Triamcinolone 0.147mg/g Topical Spray	Yes	No	Relief of the inflammatory and pruritic manifestations of corticosteroid responsive dermatoses
23					
24					
25	Loprox Gel	Ciclopirox 0.77% Gel	Yes	No	Fungal skin infections

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FIRST CAUSE FOR DISCIPLINE

**(Erroneous or Uncertain Prescriptions As Against
Respondent Pharmacy and Respondent Hall)**

27. Respondent Pharmacy and Respondent Hall are subject to disciplinary action for unprofessional conduct within the meaning of Code section 4301, subdivisions (b), (j), and (o), in conjunction with Code sections 4040 and Regulation 1761, subdivisions (a) and (b), in that during the course of a Board investigation, it was determined that on and between August 16, 2020 and March 16, 2021, Respondents Pharmacy and Hall dispensed erroneous or uncertain prescriptions from prescriber N.R. for the medications listed in the following Table 1:

Table 1

Medication Name	Total dispensed
Atopaderm Cream 100g Tube	1200 grams; 12 tubes
Bensal HP 3% Ointment 30g Tube	1320 grams; 44 tubes
Butalbital-Acetaminophen 50mg-300mg Tablets	900 tablets
Calcipotriene-Betamethasone Dipropionate Ointment 60g	19440 grams; 32 tubes
Chlorzoxazone 250mg Tablets	11340 tablets
Dihydroergotamine 4mg/ml Spray 3.5ml Vials	192 ml; 54 vials
Doxepin 5% Cream 30mg	11745 grams; 390 tubes
Ergotamine-Caffeine 1-100mg Tablet	800 tablets
Fenoprofen 200mg Capsule	10240 capsules
Halucort Gel 30g	1680 grams; 56 tubes
Ketoprofen 25mg Capsule	4300 capsules
Naproxen 125mg/5ml Suspension 473ml	473 ml
Orphenadrine-Aspirin-Caffeine 50mg-770mg-60mg	10140 capsules
Ortho DF 3,775 Unit-1mg Capsules	2520 capsules
Pliaglis 7%-7% Cream 30g	2520 grams; 84 tubes
Scarcin Gel 30mg	240 grams; 8 tubes
Triamcinolone 0.147 mg/g Spray 100g Bottles	800 grams; 8 bottles

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Erroneous or Uncertain Prescriptions As Against Respondent Cabrera)**

3 28. Respondent Cabrera is subject to disciplinary action for unprofessional conduct
4 within the meaning of Code section 4301, subdivisions (b), (j), and (o), in conjunction with Code
5 sections 4040 and Regulation 1761, subdivisions (a) and (b), in that during the course of a Board
6 investigation, it was determined that on or about October 7, 2021, Respondent Cabrera dispensed
7 RX665992 Calcipotriene-Betamethasone Dipropionate 0.05%-0.064% Ointment, RX665987
8 Fenoprofen 200mg Capsules, RX665992 Chlorzoxazone 250mg Tablets, Orphenadrine-Aspirin-
9 Caffeine 50mg-770mg-50mg Tablets, and RX665989 Doxepin 5% Cream for Patient G.P., which
10 were uncertain prescriptions and did not have a medical necessity. Respondent Cabrera failed to
11 verify the facsimile uncertain prescriptions for Patient G.P. and, instead, dispensed them.

12 **THIRD CAUSE FOR DISCIPLINE**

13 **(Records and Inventory: Records Relating to Dangerous Drugs and Devices**

14 **As Against Respondent Pharmacy and Respondent Hall)**

15 29. Respondent Pharmacy and Respondent Hall are subject to disciplinary action for
16 unprofessional conduct within the meaning of Code section 4301, subdivisions (j), and (o), in
17 conjunction with Code sections 4081, subdivision (a), 4105, subdivisions (a) and (f), in that on or
18 about June 21, 2021 Respondents Pharmacy and Hall, were unable to provide records of
19 shipments and disposition for the following prescriptions: RX653626, RX653627, RX655292,
20 RX655293, RX655295, RX64756, RX649757, RX648953, RX658144, RX658145, RX658146,
21 and RX658147.

22 **FOURTH CAUSE FOR DISCIPLINE**

23 **(Inventory Reconciliation Report of Controlled Substances**

24 **As Against Respondent Pharmacy and Respondent Hall)**

25 30. Respondent Pharmacy and Respondent Hall are subject to disciplinary action for
26 unprofessional conduct within the meaning of Code section 4301, subdivisions (j), and (o), in
27 conjunction with Regulation 1715.65, subdivisions (a), (b), and/or (c), in that during the course of
28 a Board investigation, it was determined that Respondent Pharmacy and Respondent Hall failed

1 to conduct an Inventory Reconciliation Report every quarter, to wit, missed a quarterly report due
2 on or about July 2, 2020. In addition, the following Inventory Reconciliation Reports were not
3 countersigned by Respondent Hall, Respondent Pharmacy's Pharmacist-In-Charge: January 2,
4 2020, April 2, 2020, September 1, 2020, and March 31, 2021.

5 **FIFTH CAUSE FOR DISCIPLINE**

6 **(Unprofessional Conduct: Moral Turpitude, Dishonesty, Fraud, or Corruption**
7 **As Against Respondent Pharmacy and Respondent Hall)**

8 31. Respondent Pharmacy and Respondent Hall, as Pharmacist-In-Charge, are subject to
9 disciplinary action for unprofessional conduct under Code sections 4301, subdivision (f), and/or
10 4306.5, subdivision (a), in conjunction with Code section 810, subdivision (b) and Penal Code
11 section 550, subdivisions (a)(6) and (7), in that Respondent Pharmacy and Respondent Hall
12 processed (billed) fifty (50) prescriptions which the patient did not receive, identified in the
13 following Table 2:

14 **Table 2**

15 Prescription Number	Medication Name	Quantity
16 702893	Ergotamine-Caffeine 1-100mg Tablet	100
17 702894	Calcipotriene 0.005% Ointment	240
18 702909	Ergotamine-Caffeine 1-100mg Tablet	100
19 702910	Fluorouracil 5% Cream	80
20 702911	Calcipotriene 0.005% Ointment	240
21 703066	Orphenad-Aspirin-Caffeine 50-770-60 mg	120
22 659948	Diclofenac Sodium 1% Gel	200
23 659949	Betamethasone Dipropionate AUG 0.05% Cream	100
24 659950	Dihydroergotamine 4 mg/ml Spray	8
25 659951	Ciclopirox 0.77% Gel	100
26 659952	Celecoxib 200 mg Capsule	30
27 678480	Diclofenac Sodium 1% Gel	200
28 678481	Betamethasone Dipropionate AUG 0.05% Cream	100
668324	Lidocaine-Prilocaine Cream	60
668325	Ergotamine-Caffeine 1-100mg Tablet	100
668326	Ciclopirox 0.77% Gel	100
662241	Diclofenac Sodium 1% Gel	200

1	662242	Desoximetasone 0.25% Ointment	120
	662243	Dihydroergotamine 4 mg/ml Spray	8
2	662244	Ciclopirox 0.77% Gel	100
3	655696	Diclofenac Sodium 1% Gel	200
	655697	Betamethasone Dipropionate AUG 0.05% Cream	100
4	655698	Dihydroergotamine 4 mg/ml Spray	8
5	655699	Ciclopirox 0.77% Gel	100
	655700	Celecoxib 200 mg Capsule	30
6	663920	Diclofenac Sodium 1% Gel	200
7	663922	Dihydroergotamine 4 mg/ml Spray	8
8	663924	Ciclopirox 0.77% Gel	100
	678609	Diclofenac Sodium 1% Gel	200
9	678610	Clotrimazole-Betamethasone Lot	30
10	678611	Dihydroergotamine 4 mg/ml Spray	8
	655794	Betamethasone Dipropionate AUG 0.05% Cream	100
11	655795	Dihydroergotamine 4 mg/ml Spray	8
12	655796	Ciclopirox 0.77% Gel	100
13	655797	Celecoxib 200 mg Capsule	30
	664353	Diclofenac Sodium 1% Gel	200
14	664354	Desoximetasone 0.25% Ointment	120
15	664355	Dihydroergotamine 4 mg/ml Spray	8
16	664356	Ciclopirox 0.77% Gel	100
	641038	Diclofenac Sodium 1% Gel	200
17	641039	Betamethasone Dipropionate 0.05% Cream	90
18	641040	Diclofenac SOD DR 50 mg Tablet	60
	641041	Ketoconazole 2% Cream	120
19	648591	Betamethasone Dipropionate AUG 0.05% Cream	100
20	648594	Dihydroergotamine 4 mg/ml Spray	8
21	651608	Diclofenac Sodium 1% Gel	200
	651609	Betamethasone Dipropionate AUG 0.05% Cream	100
22	651610	Diclofenac SOD DR 50 mg Tablet	60
23	651611	Dihydroergotamine 4 mg/ml Spray	8
24	643448	Ergotamine-Caffeine 1-100mg Tablet	100
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1 **SIXTH CAUSE FOR DISCIPLINE**

2 **(Furnishing Dangerous Drugs without a Prescription As Against All Respondents)**

3 32. Respondent Pharmacy, Respondent Cabrera, and Respondent Hall are subject to
4 disciplinary action for unprofessional conduct within the meaning of Code section 4301,
5 subdivisions (j) and (o), in conjunction with Code sections 4059, subdivision (a), in that during
6 the course of a Board investigation, it was determined that Respondents furnished dangerous
7 drugs without a prescription from a physician. Specifically, as to Respondent Pharmacy and
8 Respondent Hall, the Board's investigation determined that they dispensed 70,582 dangerous
9 drugs (corresponding to 693 prescriptions) without the authorization of prescribers G.P.J., B.J.G.,
10 or V.N.J. In addition, as to Respondent Cabrebra, the Board's investigation determined that she
11 dispensed 24,904 dangerous drugs (corresponding to 225 prescriptions) without the authorizations
12 of prescribers B.J.G or V.N.J.

13 **SEVENTH CAUSE FOR DISCIPLINE**

14 **(Failure to Take Ensure Compliance with Pharmacy Law As Against**
15 **Respondents Pharmacy and Hall)**

16 33. Respondent Pharmacy and Respondent Hall are subject to disciplinary action for
17 unprofessional conduct within the meaning of Code section 4301, subdivisions (j) and (o), in
18 conjunction with Code sections 4036.5 and/or 4113, subdivisions (a) and (c), and Regulation
19 1709.1, subdivisions (a) and (b), in that Respondent Hall was designated the pharmacy's
20 Pharmacist-In-Charge, but Respondents Pharmacy and Hall failed to take responsibility for the
21 pharmacy's compliance with pharmacy law: Respondent Hall was not present at the pharmacy to
22 oversee its daily operation.

23 **EIGHTH CAUSE FOR DISCIPLINE**

24 **(Dispensing Dangerous Drugs Out of State without a License As Against**
25 **Respondents Pharmacy and Hall)**

26 34. Respondent Pharmacy and Respondent Hall are subject to disciplinary action for
27 unprofessional conduct within the meaning of Code section 4301, subdivisions (j) and (o), in
28 conjunction with Code sections 4059.5, subdivision (e), in that during the course of a Board

1 investigation, it was determined that Respondent Pharmacy and Respondent Hall, as the
2 Pharmacist-In-Charge, dispensed dangerous drugs to patients residing outside of California,
3 including Texas, in which Respondent Pharmacy failed to maintain a license in accordance with
4 applicable state law (e.g., Texas Occupations Code section 560.001).

5 **NINTH CAUSE FOR DISCIPLINE**

6 **(Erroneous or Uncertain Prescriptions As Against All Respondents)**

7 35. Respondent Pharmacy, Respondent Cabrera, and Respondent Hall, as Pharmacist-In-
8 Charge, are subject to disciplinary action for unprofessional conduct within the meaning of Code
9 section 4301, subdivisions (b), (j), and (o), in conjunction with Code sections 4040 and/or 4113,
10 subdivision (c), and California Code of Regulations, title 16, section 1761, subdivision (a) and
11 (b), in that during the course of a Board investigation, it was determined that Respondent
12 Pharmacy and Respondent Hall, during the time period from March 19, 2019 through April 18,
13 2021, dispensed one hundred forty-eight (148) erroneous or uncertain prescriptions for the
14 medications listed in the following Table 3:

15 **Table 3**

16 Prescription Number	Medication Name	Quantity
17 659948	Diclofenac Sodium 1% Gel	200
18 659949	Betamethasone Dipropionate AUG 0.05% Cream	100
19 659950	Dihydroergotamine 4 mg/ml Spray	8
20 659951	Ciclopirox 0.77% Gel	100
21 659952	Celecoxib 200 mg Capsule	30
22 678480	Diclofenac Sodium 1% Gel	200
23 678481	Betamethasone Dipropionate AUG 0.05% Cream	100
24 668324	Lidocaine-Prilocaine Cream	60
25 668325	Ergotamine-Caffeine 1-100mg Tablet	100
26 668326	Ciclopirox 0.77% Gel	100
27 662241	Diclofenac Sodium 1% Gel	200
28 662242	Desoximetasone 0.25% Ointment	120
662243	Dihydroergotamine 4 mg/ml Spray	8
662244	Ciclopirox 0.77% Gel	100
655696	Diclofenac Sodium 1% Gel	200
655697	Betamethasone Dipropionate AUG 0.05% Cream	100

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655698	Dihydroergotamine 4 mg/ml Spray	8
655699	Ciclopirox 0.77% Gel	100
655700	Celecoxib 200 mg Capsule	30
663920	Diclofenac Sodium 1% Gel	200
663922	Dihydroergotamine 4 mg/ml Spray	8
663924	Ciclopirox 0.77% Gel	100
678609	Diclofenac Sodium 1% Gel	200
678610	Clotrimazole-Betamethasone Lot	30
678611	Dihydroergotamine 4 mg/ml Spray	8
655794	Betamethasone Dipropionate AUG 0.05% Cream	100
655795	Dihydroergotamine 4 mg/ml Spray	8
655796	Ciclopirox 0.77% Gel	100
655797	Celecoxib 200 mg Capsule	30
664353	Diclofenac Sodium 1% Gel	200
664354	Desoximetasone 0.25% Ointment	120
664355	Dihydroergotamine 4 mg/ml Spray	8
664356	Ciclopirox 0.77% Gel	100
641038	Diclofenac Sodium 1% Gel	200
641039	Betamethasone Dipropionate 0.05% Cream	90
641040	Diclofenac SOD DR 50 mg Tablet	60
641041	Ketoconazole 2% Cream	120
648591	Betamethasone Dipropionate AUG 0.05% Cream	100
648594	Dihydroergotamine 4 mg/ml Spray	8
651608	Diclofenac Sodium 1% Gel	200
651609	Betamethasone Dipropionate AUG 0.05% Cream	100
651610	Diclofenac SOD DR 50 mg Tablet	60
651611	Dihydroergotamine 4 mg/ml Spray	8
643448	Ergotamine-Caffeine 1-100mg Tablet	100
608901	Atopaderm Cream	300
608886	Atopaderm Cream	300
608888	Atopaderm Cream	300
606192	Kamdoy Skin Emulsion Spray	180
608272	Sil-K 2"X5.5" Pad	4
608274	Sil-K 2"X5.5" Pad	4
608273	Kamdoy Skin Emulsion Spray	180
608889	Atopaderm Cream	300
608890	Atopaderm Cream	300
608891	Atopaderm Cream	300

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608892	Atopaderm Cream	300
608893	Atopaderm Cream	300
608894	Atopaderm Cream	300
608895	Atopaderm Cream	300
608896	Atopaderm Cream	300
608897	Atopaderm Cream	300
608904	Atopaderm Cream	300
608911	Atopaderm Cream	300
608913	Atopaderm Cream	300
611080	Sil-K 2"X5.5" Pad	4
611082	Fenoprofen 200 mg Capsule	180
611084	Prodigen Capsule	30
611077	Kamdoy Skin Emulsion Spray	180
611087	Atopaderm Cream	300
611274	Lidocaine-Tetracaine 7%-7% Cream	120
611586	Fenoprofen 200 mg Capsule	90
611582	Atopaderm Cream	300
612128	Taliva Softgel	120
623267	Pregenna Tablet	30
623940	Ketoprofen 25 mg Capsule	100
624335	Taliva Softgel	120
623946	Ketoprofen 25 mg Capsule	100
625488	Sil-K 2"X5.5" Pad	4
625487	Lidocaine-Tetracaine 7%-7% Cream	120
625486	Fenoprofen 200 mg Capsule	180
608901	Atopaderm Cream	300
611586	Fenoprofen 200 mg Capsule	90
627060	Lidocaine-Tetracaine 7%-7% Cream	240
627061	Kamdoy Skin Emulsion Spray	120
627062	Atopaderm Cream	300
621748	Halucort Gel	240
618956	Halucort Gel	240
611077	Kamdoy Skin Emulsion Spray	180
611077	Kamdoy Skin Emulsion Spray	180
611080	Sil-K 2"X5.5" Pad	4
611082	Fenoprofen 200 mg Capsule	180
611084	Prodigen Capsule	30
607778	Atopaderm Cream	300

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607777	Kamdoy Skin Emulsion Spray	120
623940	Ketoprofen 25 mg Capsule	100
623267	Pregenna Tablet	30
621748	Halucort Gel	240
676062	Ergotamine-Caffeine 1-100mg Tablet	100
676067	Ergotamine-Caffeine 1-100mg Tablet	100
676082	Ergotamine-Caffeine 1-100mg Tablet	100
676104	Ergotamine-Caffeine 1-100mg Tablet	100
676145	Ergotamine-Caffeine 1-100mg Tablet	100
676151	Ergotamine-Caffeine 1-100mg Tablet	100
676163	Ergotamine-Caffeine 1-100mg Tablet	100
676178	Ergotamine-Caffeine 1-100mg Tablet	100
676233	Ergotamine-Caffeine 1-100mg Tablet	100
676446	Ergotamine-Caffeine 1-100mg Tablet	100
676456	Ergotamine-Caffeine 1-100mg Tablet	100
676466	Ergotamine-Caffeine 1-100mg Tablet	100
676477	Ergotamine-Caffeine 1-100mg Tablet	100
676487	Ergotamine-Caffeine 1-100mg Tablet	100
685672	Ergotamine-Caffeine 1-100mg Tablet	100
685685	Ergotamine-Caffeine 1-100mg Tablet	100
685696	Ergotamine-Caffeine 1-100mg Tablet	100
685731	Ergotamine-Caffeine 1-100mg Tablet	100
685737	Ergotamine-Caffeine 1-100mg Tablet	100
685778	Ergotamine-Caffeine 1-100mg Tablet	100
702896	Fluorouracil 5% Cream	80
702958	Fluorouracil 5% Cream	80
702883	Calcipotriene 0.005% Ointment	240
702885	Fluorouracil 5% Cream	80
702886	Econazole Nitrate 1% Cream	170
702943	Fluorouracil 5% Cream	80
702944	Econazole Nitrate 1% Cream	170
703045	Ergotamine-Caffeine 1-100mg Tablet	100
703046	Calcipotriene 0.005% Ointment	120
703047	Econazole Nitrate 1% Cream	85
703048	Fluorouracil 5% Cream	40
702893	Ergotamine-Caffeine 1-100mg Tablet	100
702894	Calcipotriene 0.005% Ointment	240
702906	Ergotamine-Caffeine 1-100mg Tablet	100

702907	Fluorouracil 5% Cream	80
702908	Calcipotriene 0.005% Ointment	240
702960	Ergotamine-Caffeine 1-100mg Tablet	100
702961	Fluorouracil 5% Cream	80
702962	Calcipotriene 0.005% Ointment	240
702963	Econazole Nitrate 1% Cream	170
702966	Ergotamine-Caffeine 1-100mg Tablet	100
702968	Econazole Nitrate 1% Cream	170
702967	Fluorouracil 5% Cream	80
702909	Ergotamine-Caffeine 1-100mg Tablet	100
702910	Fluorouracil 5% Cream	80
702911	Calcipotriene 0.005% Ointment	240
703066	Orphenad-Aspirin-Caffeine 50-770-60 mg	120
702890	Calcipotriene 0.005% Ointment	240
702892	Ciclopirox 0.77% Gel	100
702887	Fluorouracil 5% Cream	80
702888	Ergotamine-Caffeine 1-100mg Tablet	100
702889	Naproxen 125 mg/5 ml Suspension	473

36. In addition, Respondent Cabrera, during the time period from March 19, 2019 through April 18, 2021, dispensed seventy-three (73) erroneous or uncertain prescriptions for the medications listed in the following Table 4:

Table 4

Prescription Number	Medication Name	Quantity
608901	Atopaderm Cream	300
608886	Atopaderm Cream	300
608888	Atopaderm Cream	300
606192	Kamdoy Skin Emulsion Spray	180
608272	Sil-K 2"X5.5" Pad	4
608274	Sil-K 2"X5.5" Pad	4
608273	Kamdoy Skin Emulsion Spray	180
608889	Atopaderm Cream	300
608890	Atopaderm Cream	300
608891	Atopaderm Cream	300
608892	Atopaderm Cream	300
608893	Atopaderm Cream	300
608894	Atopaderm Cream	300

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608895	Atopaderm Cream	300
608896	Atopaderm Cream	300
608904	Atopaderm Cream	300
608911	Atopaderm Cream	300
608913	Atopaderm Cream	300
611080	Sil-K 2"X5.5" Pad	4
611082	Fenoprofen 200 mg Capsule	180
611084	Prodigen Capsule	30
611077	Kamdoy Skin Emulsion Spray	180
611087	Atopaderm Cream	300
611274	Lidocaine-Tetracaine 7%-7% Cream	120
611586	Fenoprofen 200 mg Capsule	90
611582	Atopaderm Cream	300
608901	Atopaderm Cream	300
611586	Fenoprofen 200 mg Capsule	90
611077	Kamdoy Skin Emulsion Spray	180
611077	Kamdoy Skin Emulsion Spray	180
611080	Sil-K 2"X5.5" Pad	4
611082	Fenoprofen 200 mg Capsule	180
611084	Prodigen Capsule	30
607778	Atopaderm Cream	300
607777	Kamdoy Skin Emulsion Spray	120
685672	Ergotamine-Caffeine 1-100mg Tablet	100
685685	Ergotamine-Caffeine 1-100mg Tablet	100
685696	Ergotamine-Caffeine 1-100mg Tablet	100
685731	Ergotamine-Caffeine 1-100mg Tablet	100
685737	Ergotamine-Caffeine 1-100mg Tablet	100
685778	Ergotamine-Caffeine 1-100mg Tablet	100
702896	Fluorouracil 5% Cream	80
702958	Fluorouracil 5% Cream	80
702883	Calcipotriene 0.005% Ointment	240
702885	Fluorouracil 5% Cream	80
702886	Econazole Nitrate 1% Cream	170
702943	Fluorouracil 5% Cream	80
702944	Econazole Nitrate 1% Cream	170
703045	Ergotamine-Caffeine 1-100mg Tablet	100
703046	Calcipotriene 0.005% Ointment	120
703047	Econazole Nitrate 1% Cream	85

1	703048	Fluorouracil 5% Cream	40
2	702893	Ergotamine-Caffeine 1-100mg Tablet	100
3	702894	Calcipotriene 0.005% Ointment	240
4	702906	Ergotamine-Caffeine 1-100mg Tablet	100
5	702907	Fluorouracil 5% Cream	80
6	702908	Calcipotriene 0.005% Ointment	240
7	702960	Ergotamine-Caffeine 1-100mg Tablet	100
8	702961	Fluorouracil 5% Cream	80
9	702962	Calcipotriene 0.005% Ointment	240
10	702963	Econazole Nitrate 1% Cream	170
11	702966	Ergotamine-Caffeine 1-100mg Tablet	100
12	702968	Econazole Nitrate 1% Cream	170
13	702967	Fluorouracil 5% Cream	80
14	702909	Ergotamine-Caffeine 1-100mg Tablet	100
15	702910	Fluorouracil 5% Cream	80
16	702911	Calcipotriene 0.005% Ointment	240
17	703066	Orphenad-Aspirin-Caffeine 50-770-60 Mg	120
18	702890	Calcipotriene 0.005% Ointment	240
19	702892	Ciclopirox 0.77% Gel	100
20	702887	Fluorouracil 5% Cream	80
21	702888	Ergotamine-Caffeine 1-100mg Tablet	100
22	702889	Naproxen 125 mg/5 ml Suspension	473

TENTH CAUSE FOR DISCIPLINE

(Records of Acquisition and Disposition of Dangerous Drugs and Devices As Against Respondents Pharmacy and Hall)

37. Respondent Pharmacy and Respondent Hall are subject to disciplinary action for unprofessional conduct within the meaning of Code section 4301, subdivisions (j), and (o), in conjunction with Code sections 4081, subdivision (a), 4105, subdivisions (a) and (c), and Regulation 1718, in that following an audit conducted by Board investigators of Respondent Pharmacy for the period between March 19, 2019 through April 18, 2021, an overage (dispensing more than purchased) of the following medications was discovered: Ciclopirox 0.77% Gel; Dihydroergotamine 4 mg/ml Spray; Ergotamine-Caffeine 1-100mg Tablet; Halucort Gel; Orphenad-Aspirin-Caffeine 50-770-60 mg; Pliaglis 7%-7% Cream. Respondent Pharmacy and Respondent Hall failed to maintain accurate records of the dispensed medications, as evidenced

1 by the overages found during the audit, and failed to maintain all records or other documentation
2 of the acquisition and disposition of the dangerous drugs noted above.

3 **ELEVENTH CAUSE FOR DISCIPLINE**

4 **(Furnishing Dangerous Drugs without a Prescription As Against**
5 **Respondents Pharmacy and Hall)**

6 38. Respondent Pharmacy and Respondent Hall, as Pharmacist-In-Charge, are subject to
7 disciplinary action for unprofessional conduct within the meaning of Code section 4301,
8 subdivisions (j) and (o), in conjunction with Code sections 4059, subdivision (a), in that during
9 the course of a Board investigation, it was determined that Respondents furnished dangerous
10 drugs without a prescription from a physician. Specifically, as to Respondent Pharmacy and
11 Respondent Hall, the Board's investigation determined that they dispensed 15,346 dangerous
12 drugs (corresponding to 383 prescriptions) without the authorization of prescribers J.B or J.D.S.

13 **TWELFTH CAUSE FOR DISCIPLINE**

14 **(Unprofessional Conduct: Moral Turpitude, Dishonesty, Fraud, or Corruption**
15 **As Against Respondents Pharmacy and Hall)**

16 39. Respondent Pharmacy and Respondent Hall are subject to disciplinary action for
17 unprofessional conduct under Code sections 4301, subdivision (f), and/or 4306.5, subdivision (a),
18 in conjunction with Code section 810, subdivision (b) and Penal Code section 550, subdivisions
19 (a)(6) and (7), in that Respondent Pharmacy and Respondent Hall processed (billed) sixty-seven
20 (67) prescriptions, which the patients did not receive, as identified in Table 5:

21 **Table 5**

22 Prescription Number	Medication Name	Quantity	
23 647233	Betamethasone Dipropionate AUG 0.05% Cream	100	
24 657233	Betamethasone Dipropionate AUG 0.05% Cream	100	
25 681472	Betamethasone Dipropionate AUG 0.05% Cream	100	
26 655556	Betamethasone Dipropionate AUG 0.05% Cream	100	
27 678713	Betamethasone Dipropionate AUG 0.05% Cream	100	
28 655242	Betamethasone Dipropionate AUG 0.05% Cream	100	
	655794	Betamethasone Dipropionate AUG 0.05% Cream	100

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657238	Celecoxib 200 mg Capsule	30
655559	Celecoxib 200 mg Capsule	30
655245	Celecoxib 200 mg Capsule	30
655797	Celecoxib 200 mg Capsule	30
657235	Ciclopirox 0.77% Gel	100
655558	Ciclopirox 0.77% Gel	100
664287	Ciclopirox 0.77% Gel	100
655244	Ciclopirox 0.77% Gel	100
664088	Ciclopirox 0.77% Gel	100
655796	Ciclopirox 0.77% Gel	100
664356	Ciclopirox 0.77% Gel	100
678562	Clotrimazole-Betamethasone Lot	30
678788	Clotrimazole-Betamethasone Lot	30
664285	Desoximetasone 0.25% Ointment	120
664354	Desoximetasone 0.25% Ointment	120
657232	Diclofenac Sodium 1% Gel	200
681470	Diclofenac Sodium 1% Gel	200
655555	Diclofenac Sodium 1% Gel	200
664284	Diclofenac Sodium 1% Gel	200
678711	Diclofenac Sodium 1% Gel	200
655241	Diclofenac Sodium 1% Gel	200
664085	Diclofenac Sodium 1% Gel	200
678561	Diclofenac Sodium 1% Gel	200
664353	Diclofenac Sodium 1% Gel	200
678787	Diclofenac Sodium 1% Gel	200
647236	Dihydroergotamine 4 mg/ml Spray	8
657234	Dihydroergotamine 4 mg/ml Spray	8
655557	Dihydroergotamine 4 mg/ml Spray	8
664286	Dihydroergotamine 4 mg/ml Spray	8
678712	Dihydroergotamine 4 mg/ml Spray	8
655243	Dihydroergotamine 4 mg/ml Spray	8
664087	Dihydroergotamine 4 mg/ml Spray	8
678563	Dihydroergotamine 4 mg/ml Spray	8
655795	Dihydroergotamine 4 mg/ml Spray	8
664355	Dihydroergotamine 4 mg/ml Spray	8
678789	Dihydroergotamine 4 mg/ml Spray	8
681473	Meloxicam 15 mg Tablet	30
678714	Meloxicam 15 mg Tablet	30

1	678564	Meloxicam 15 mg Tablet	30
2	678790	Meloxicam 15 mg Tablet	30
3	681471	Vitamin C 500 mg Tablet	30
4	655906	Betamethasone Dipropionate AUG 0.05% Cream	100
5	655909	Diclofenac SOD DR 50 mg Tablet	60
6	655905	Diclofenac Sodium 1% Gel	200
7	655907	Dihydroergotamine 4 mg/ml Spray	8
8	655908	Ketoconazole 2% Cream	90
9	655217	Betamethasone Dipropionate AUG 0.05% Cream	100
10	655192	Betamethasone Dipropionate AUG 0.05% Cream	100
11	678747	Betamethasone Dipropionate AUG 0.05% Cream	100
12	655195	Celecoxib 200 mg Capsule	30
13	655194	Ciclopirox 0.77% Gel	100
14	664315	Ciclopirox 0.77% Gel	100
15	664313	Desoximetasone 0.25% Ointment	120
16	655191	Diclofenac Sodium 1% Gel	200
17	664312	Diclofenac Sodium 1% Gel	200
18	678745	Diclofenac Sodium 1% Gel	200
19	655193	Dihydroergotamine 4 mg/ml Spray	8
20	664314	Dihydroergotamine 4 mg/ml Spray	8
21	678746	Dihydroergotamine 4 mg/ml Spray	8
22	678748	Meloxicam 15 mg Tablet	30

THIRTEENTH CAUSE FOR DISCIPLINE

**(Unprofessional Conduct: Moral Turpitude, Dishonesty, Fraud, or Corruption
As Against Respondents Pharmacy and Hall)**

40. Respondent Pharmacy and Respondent Hall are subject to disciplinary action for unprofessional conduct under Code sections 4301, subdivision (f), and/or 4306.5, subdivision (a), in conjunction with Code section 810, subdivision (b) and Penal Code section 550, subdivisions (a)(6) and (7), in that Respondent Pharmacy and Respondent Hall processed (billed) thirty-five (35) prescriptions, which the patients did not receive, identified in Table 6:

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Table 6

Prescription Number	Medication Name	Quantity
661688	Calcipotriene- Betamethasone Dipropionate Ointment	240
667103	Calcipotriene- Betamethasone Dipropionate Ointment	240
667911	Calcipotriene- Betamethasone Dipropionate Ointment	200
667911	Calcipotriene- Betamethasone Dipropionate Ointment	200
667911	Calcipotriene- Betamethasone Dipropionate Ointment	200
667911	Calcipotriene- Betamethasone Dipropionate Ointment	200
661686	Chlorzoxazone 250 mg Tablet	120
661686	Chlorzoxazone 250 mg Tablet	120
666842	Chlorzoxazone 250 mg Tablet	120
666842	Chlorzoxazone 250 mg Tablet	120
667102	Chlorzoxazone 250 mg Tablet	120
667102	Chlorzoxazone 250 mg Tablet	120
667910	Dihydroergotamine 4 mg/ml Spray	8
667910	Dihydroergotamine 4 mg/ml Spray	8
667910	Dihydroergotamine 4 mg/ml Spray	8
667910	Dihydroergotamine 4 mg/ml Spray	8
667910	Dihydroergotamine 4 mg/ml Spray	8
661684	Doxepin 5% Cream	180
661684	Doxepin 5% Cream	180
643201	Ergotamine-Caffeine 1-100mg Tablet	100
666840	Ergotamine-Caffeine 1-100mg Tablet	100
666840	Ergotamine-Caffeine 1-100mg Tablet	100
661681	Fenoprofen 200 mg Capsule	180
661681	Fenoprofen 200 mg Capsule	180
643203	Ketoprofen 25 mg Capsule	100
653367	Ketoprofen 25 mg Capsule	100
653367	Ketoprofen 25 mg Capsule	100
661682	Orphenad-Aspirin-Caffeine 50-770-60 mg	120
661682	Orphenad- Aspirin-Caffeine 50-770-60 mg	120
666838	Orphenad- Aspirin-Caffeine 50-770-60 mg	120
666838	Orphenad- Aspirin-Caffeine 50-770-60 mg	120
667909	Orphenad- Aspirin-Caffeine 50-770-60 mg	120
667909	Orphenad- Aspirin-Caffeine 50-770-60 mg	120
661683	Pliaglis 7%-7% Cream	120
661683	Pliaglis 7%-7% Cream	120

1 **DISCIPLINE CONSIDERATIONS**

2 41. To determine the degree of discipline, if any, to be imposed on Respondent Cabrera,
3 Complainant alleges that in a disciplinary action entitled, “*In the Matter of the Accusation*
4 *Against Anne R. Cabrera, Pharmacist-in-Charge at Home Care Pharmacy,*” Case Number 2959,
5 the Board issued a Decision and Order dated January 22, 2017, in which Respondent Cabrera’s
6 Pharmacist License was revoked effective February 21, 2017. However, the revocation was
7 stayed and Respondent Cabrera’s Pharmacist License was placed on probation for a period of
8 three (3) years with certain terms and conditions. Decision and Order Number 2959 is
9 incorporated by reference as if set forth in full herein.

10 42. To determine the degree of discipline, if any, to be imposed on Respondent Hall,
11 Complainant alleges that on or about April 26, 2018, in a prior action, the Board of Pharmacy
12 issued Citation Number CI 201779230 to Respondent Hall, for violating Code section 4116,
13 subdivision (a) [allowing pharmacy technician to be present in pharmacy while a pharmacist was
14 not present]; California Code of Regulations, title 16, section 1714, subdivision (e) [allowing
15 pharmacy technician to possess keys to the pharmacy and allowed to open the pharmacy]; and
16 California Code of Regulations, title 16, section 1793.7, subdivision (b) [allowing pharmacy
17 technician to work without direct supervision of a pharmacist]. The Citation is now final and is
18 incorporated by reference as if set forth.

19 **OTHER MATTERS**

20 43. Pursuant to Code section 4307, if Pharmacy Permit Number PHY 57141 is
21 disciplined as part of the Board’s Decision, then California Pharmacy and Compounding Center
22 Inc. and Respondent Hall shall be prohibited from serving as a manager, administrator, owner,
23 member, officer, director, associate, partner, or in any other position with management or control
24 of a licensee for a period (1) not to exceed five years if either Pharmacy Permit Number PHY
25 57141 is placed on probation as part of the Board’s decision, or (2) until said license is reinstated
26 if revoked as part of the Board’s decision.

27 44. Pursuant to Code section 4307, if Pharmacy Permit Number PHY 57141 or
28 Pharmacist License Number RPH 29479 are disciplined as part of the Board’s Decision, then

1 Robert Dale Hall shall be prohibited from serving as a manager, administrator, owner, member,
2 officer, director, associate, partner, or in any other position with management or control of a
3 licensee for a period (1) not to exceed five years if Pharmacy Permit Number PHY 57141 and/or
4 Pharmacist License Number RPH 29479 are placed on probation as part of the Board's decision,
5 or (2) until said licenses are reinstated if revoked as part of the Board's decision.

6 45. Pursuant to Code section 4307, if Pharmacist License Number RPH 40776 is
7 disciplined as part of the Board's Decision, then Anne Roberto Cabrera shall be prohibited from
8 serving as a manager, administrator, owner, member, officer, director, associate, partner, or in any
9 other position with management or control of a licensee for a period (1) not to exceed five years if
10 Pharmacist License Number RPH 40776 is placed on probation as part of the Board's decision, or
11 (2) until said licenses are reinstated if they are revoked as part of the Board's decision.

12 46. Pursuant to Code section 4307, if Pharmacy Permit Number PHY 57141 is
13 disciplined as part of the Board's Decision, then Ian M. Kuemerle shall be prohibited from
14 serving as a manager, administrator, owner, member, officer, director, associate, partner, or in any
15 other position with management or control of a licensee for a period (1) not to exceed five years if
16 Pharmacy Permit Number PHY 57141 is placed on probation as part of the Board's decision, or
17 (2) until said licenses are reinstated if they are revoked as part of the Board's decision.

18 **PRAYER**

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

- 21 1. Revoking or suspending Original Permit Number PHY 57141, issued to California
22 Pharmacy and Compounding Center Inc., dba California Pharmacy and Compounding Center;
- 23 2. Revoking or suspending Pharmacist License Number RPH 29479, issued to Robert
24 Dale Hall;
- 25 3. Revoking or suspending Pharmacist License Number RPH 40776, issued to Anne
26 Roberto Cabrera;
- 27 4. Prohibiting California Pharmacy and Compounding Center Inc. from serving as a
28 manager, administrator, owner, member, officer, director, associate, partner, or in any other

1 position with management or control of a licensee for five years if Pharmacy Permit Number
2 PHY 57141 is placed on probation or until Permit Number PHY 57141 is reinstated if Permit
3 Number PHY 57141 is revoked.

4 5. Prohibiting Robert Dale Hall from serving as a manager, administrator, owner,
5 member, officer, director, associate, partner, or in any other position with management or control
6 of a licensee for five years if Pharmacy Permit Number PHY 57141 or Pharmacist License
7 Number RPH 29479 is placed on probation or until Permit Number PHY 57141 or Pharmacist
8 License Number RPH 29479 is reinstated if Permit Number PHY 57141 or Pharmacist License
9 Number RPH 29479 are revoked.

10 6. Prohibiting Anne Roberto Cabrera from serving as a manager, administrator, owner,
11 member, officer, director, associate, partner, or in any other position with management or control
12 of a licensee for five years if Pharmacist License Number RPH 40776 is placed on probation or
13 until Pharmacist License Number RPH 40776 is reinstated if Pharmacist License Number
14 RPH 40776 is revoked;

15 7. Prohibiting Ian M. Kuemerle from serving as a manager, administrator, owner,
16 member, officer, director, associate, partner, or in any other position with management or control
17 of a licensee for five years if Pharmacy Permit Number PHY 57141 is placed on probation or
18 until Permit Number PHY 57141 is reinstated if Permit Number PHY 57141 is revoked;

19 8. Ordering California Pharmacy and Compounding Center Inc., Robert Dale Hall, and
20 Anne Roberto Cabrera to pay the Board of Pharmacy the reasonable costs of the investigation and
21 enforcement of this case, pursuant to Code section 125.3; and,

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

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24 DATED: 12/27/2022

Sodergren,
Anne@DCA

Digitally signed by Sodergren,
Anne@DCA
Date: 2022.12.27 08:17:12 -08'00'

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

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