

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

In the Matter of the Accusation Against:

**LONGS DRUGS STORES CALIFORNIA,
dba
CVS/PHARMACY #9976,**

Pharmacy Permit No. PHY 53721,

Respondent

Agency Case No. 7301

OAH No. 2024040125

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order for Public Reapproval 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 October 4, 2024.

It is so ORDERED on September 4, 2024.

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 fluid and cursive, with the first name "Seung" and last name "Oh" clearly visible.

Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
2 ANDREW M. STEINHEIMER
Supervising Deputy Attorney General
3 KRISTINA T. JARVIS
Deputy Attorney General
4 State Bar No. 258229
1300 I Street, Suite 125
5 P.O. Box 944255
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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 In the Matter of the Accusation Against:

13 **LONGS DRUGS STORES CALIFORNIA**
14 **DBA CVS/PHARMACY #9976**
950 North Lake Blvd., Ste. 100
15 Tahoe City, CA 96145
16 **Pharmacy License No. 53721**

17 Respondent.

Case No. 7301

OAH No. 2024040125

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC
REPROVAL**

[Bus. & Prof. Code § 495]

18
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
23 (Board). She brought this action solely in her official capacity and is represented in this matter by
24 Rob Bonta, Attorney General of the State of California, by Kristina T. Jarvis, Deputy Attorney
25 General.

26 2. Respondent Longs Drugs Stores California dba CVS/Pharmacy #9976 (Respondent)
27 is represented in this proceeding by attorney Jeff J. Astarabadi, whose address is: 660 Newport
28 Center Drive, Suite 900, Newport Beach, CA 92660.

3. On or about October 2, 2015, the Board issued Pharmacy License No. 53721 to Longs Drugs Stores California dba CVS/Pharmacy #9976 (Respondent). The Pharmacy License was in full force and effect at all times relevant to the charges brought in Accusation No. 7301 and will expire on November 1, 2025, unless renewed.

JURISDICTION

4. Accusation No. 7301 was filed before the Board of Pharmacy (Board), Department of Consumer Affairs and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on July 7, 2023. Respondent timely filed its Notice of Defense contesting the Accusation. A copy of Accusation No. 7301 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 7301. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order for Public Reprimand.

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

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

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 7301.

///

9. Respondent agrees that its Pharmacy License is subject to discipline and they agree to be bound by the Disciplinary Order below.

CONTINGENCY

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

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

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

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

///

///

1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Pharmacy License No. 53721 issued to Respondent Longs
3 Drugs Stores California dba CVS/Pharmacy #9976 (Respondent) shall be publicly reprovved by
4 the Board of Pharmacy under Business and Professions Code section 495 in resolution of
5 Accusation No. 7301, attached as exhibit A.

6 **Cost Recovery.** No later than 60 days from the effective date of the Decision, Respondent
7 shall pay \$20,000 to the Board for its costs associated with the investigation and enforcement of
8 this matter pursuant to Business and Professions Code Section 125.3. If Respondent fails to pay
9 the Board costs as ordered, Respondent shall not be allowed to renew their Pharmacy License
10 until Respondent pays costs in full. In addition, the Board may enforce this order for payment of
11 its costs in any appropriate court, in addition to any other rights the Board may have.

12 **Administrative Fine.** No later than 60 days from the effective date of the Decision,
13 Respondent shall pay an administrative fine to the Board in the amount of \$20,000.00.

14 Respondent may be allowed to pay the administrative fine pursuant to a payment plan to be
15 approved by the Board or its designee, in writing. Failure to pay fines by the deadline(s) as
16 directed shall be considered a violation of this agreement and shall result in Respondent being
17 unable to renew its pharmacy license until such fine is paid in full or the payment plan is current.

18 Respondents understand and agree that such administrative fine is not dischargeable in
19 Bankruptcy. Respondents further understand and agree that the filing of bankruptcy by
20 Respondents shall not relieve Respondents of the obligation to pay the balance of the
21 administrative fine to the Board.

22 **Full Compliance.** As a resolution of the charges in Accusation No. 7301, this stipulated
23 settlement is contingent upon Respondent's full compliance with all conditions of this Order. If
24 Respondent fails to satisfy any of these conditions, such failure to comply constitutes cause for
25 discipline, including outright revocation, of Respondent's Pharmacy License No. 53721.

26 **ACCEPTANCE**

27 I have carefully read the above Stipulated Settlement and Disciplinary Order for Public
28 Reproval and have fully discussed it with my attorney, Jeff J. Astarabadi. I understand the

1 stipulation and the effect it will have on my Pharmacy License. I enter into this Stipulated
2 Settlement and Disciplinary Order for Public Repeval voluntarily, knowingly, and intelligently,
3 and agree to be bound by the Decision and Order of the Board of Pharmacy.

4
5 DATED: _____

LONGS DRUGS STORES CALIFORNIA
DBA CVS/PHARMACY #9976

Print name and title of signatory
Respondent

9 I have read and fully discussed with Respondent Longs Drugs Stores California dba
10 CVS/Pharmacy #9976 the terms and conditions and other matters contained in the above
11 Stipulated Settlement and Disciplinary Order for Public Repeval. I approve its form and content.

12
13 DATED: _____

JEFF J. ASTARABADI
Attorney for Respondent

16 **ENDORSEMENT**

17 The foregoing Stipulated Settlement and Disciplinary Order for Public Repeval is hereby
18 respectfully submitted for consideration by the Board of Pharmacy of the Department of
19 Consumer Affairs.

20
21 DATED: _____

Respectfully submitted,

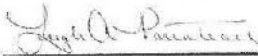
ROB BONTA
Attorney General of California
ANDREW M. STEINHEIMER
Supervising Deputy Attorney General

KRISTINA T. JARVIS
Deputy Attorney General
Attorneys for Complainant

28 SA2022302274
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1 stipulation and the effect it will have on my Pharmacy License. I enter into this Stipulated
2 Settlement and Disciplinary Order for Public Reapproval voluntarily, knowingly, and intelligently,
3 and agree to be bound by the Decision and Order of the Board of Pharmacy.

4
5 DATED: Jul 16, 2024



LONGS DRUGS STORES CALIFORNIA
DBA CVS/PHARMACY #9976

Leigh Parenteau

Sr. Mgr, Pharmacy Regulatory Affairs

Print name and title of signatory
Respondent

9 I have read and fully discussed with Respondent Longs Drugs Stores California dba
10 CVS/Pharmacy #9976 the terms and conditions and other matters contained in the above
11 Stipulated Settlement and Disciplinary Order for Public Reapproval. I approve its form and content.

12
13 DATED: July 17, 2024



JEFF J. ASTARABADI
Attorney for Respondent

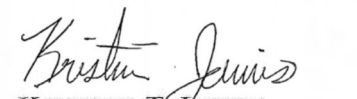
16 **ENDORSEMENT**

17 The foregoing Stipulated Settlement and Disciplinary Order for Public Reapproval is hereby
18 respectfully submitted for consideration by the Board of Pharmacy of the Department of
19 Consumer Affairs.

20
21 DATED: July 17, 2024

Respectfully submitted,

22 ROB BONTA
23 Attorney General of California
24 ANDREW M. STEINHEIMER
Supervising Deputy Attorney General

25 
26 KRISTINA T. JARVIS
27 Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 7301

1 ROB BONTA
Attorney General of California
2 ANDREW M. STEINHEIMER
Supervising Deputy Attorney General
3 KRISTINA T. JARVIS
Deputy Attorney General
4 State Bar No. 258229
1300 I Street, Suite 125
5 P.O. Box 944255
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6 Telephone: (916) 210-6088
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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BOARD OF PHARMACY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 7301

13 **LONGS DRUGS STORES CALIFORNIA**
14 **DBA CVS/PHARMACY #9976**
950 North Lake Blvd., Ste. 100
15 Tahoe City, CA 96145

ACCUSATION

16 **Pharmacy Permit No. PHY 53721**

17 Respondent.

18
19 **PARTIES**

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

22 2. On or about October 2, 2015, the Board issued Pharmacy Permit Number PHY 53721
23 to Longs Drugs Stores California doing business as CVS/Pharmacy #9976 (Respondent). The
24 Pharmacy Permit was in full force and effect at all times relevant to the charges brought herein
25 and will expire on November 1, 2023, unless renewed.

26 ///

27 ///

28 ///

JURISDICTION

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

4. Code section 4011 provides that the Board shall administer and enforce the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.].

5. Code section 4032 defines “license” to include any license, permit, registration, certificate or exemption issued by the Board.

6. Code section 4300, subdivision (a) provides that every license issued by the Board may be suspended or revoked.

7. Code section 4300.1 states:

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

STATUTORY PROVISIONS

8. Code section 4113 states, in pertinent part:

(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.

...

(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 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 name proposed replacements until a pharmacist-in-charge is approved by the board.

...

(e) If a pharmacy is unable, in the exercise of reasonable diligence, to identify 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 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

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 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 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 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-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 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 name proposed replacements until a pharmacist-in-charge is approved by the board.

9. Code section 4301 states, in pertinent part:

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

...

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

...

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

...

10. Code section 4305, subdivision (b), states:

Any person who has obtained a license to conduct a pharmacy, who willfully fails to notify the board of the termination of employment of any pharmacist who takes charge of, or acts as manager of the pharmacy, and who continues to permit the compounding or dispensing of prescriptions, or the furnishing of drugs or poisons, in his or her pharmacy, except by a pharmacist, shall be subject to summary suspension or revocation of his or her license to conduct a pharmacy.

11. Code section 4307 states, in pertinent part:

(a) Any person who has been denied a license or whose license has been revoked or is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control of any partnership, corporation, trust, firm, or association whose application for a license has been denied or revoked, is under suspension or has been placed on probation, and while acting as the manager, administrator, owner, member, officer,

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

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

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

8 . . .

9 12. Code section 4330, subdivision (b), states:

10 Any pharmacy owner who commits any act that would subvert or tend to
11 subvert the efforts of the pharmacist-in-charge to comply with the laws governing the
operation of the pharmacy is guilty of a misdemeanor.

12 **REGULATORY PROVISIONS**

13 13. California Code of Regulations, title 16, (CCR) section 1714.3 states, in pertinent
14 part:

15 (a) When a pharmacy is open to the public and a pharmacist is working without
16 another pharmacy employee currently working, the pharmacy shall make another
17 person who is an employee of the establishment within which the pharmacy is located
available to assist the pharmacist. The pharmacy shall:

18 (1) Designate the name(s) of one or more persons who will be available to
assist the pharmacist;

19 (2) Ensure that each designated person is able, at a minimum, to perform the
20 duties of non-licensed pharmacy personnel as specified in section 1793.3;

21 (3) Ensure that each designated person qualifies to have access to controlled
22 substances by conducting a background check on each person that is consistent with
federal requirements for pharmacy employees with such access;

23 (4) Ensure that a designated person responds and is able to assist the pharmacist
within five minutes after the pharmacist's request.

24 . . .

25 (c) All impacted pharmacy employees and designated persons must read and
26 sign a copy of the policies and procedures required by this section. For purposes of
27 this section, "impacted pharmacy employees" means any employee of the pharmacy,
whether the person works within or for the pharmacy owner, who has any duties to
28 prepare for or to execute how or when a pharmacist may seek or obtain assistance
pursuant to Business and Professions Code section 4113.5, including any pharmacist,
any person who creates or approves pharmacy employees' work schedules, or who
designates persons who may assist the pharmacist pursuant to this section.

...

COST RECOVERY

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

BACKGROUND INFORMATION

Investigation CI 2020 92082

15. On or about June 6, 2021, the Board received a complaint against Respondent that alleged that a provider was unable to get a prescription filled by CVS/Pharmacy #9976 for a patient and that the provider had an issue reaching the pharmacist by telephone. The Board conducted an investigation and it revealed that the evidence was insufficient to substantiate any violations of the Pharmacy Law regarding the complaint. However, the investigation revealed that Respondent had violated other provisions of the Pharmacy Law.

16. On or about March 29, 2021, Respondent's pharmacist-in-charge (PIC), Daniel Link (Link) went on family leave and returned to work on June 26, 2021. Due to the state of the pharmacy, Link quit on his first day back. Specifically, Link stated in an interview with the Board investigator that Respondent was supposed to appoint an interim PIC during his absence, but did not. As a result, Respondent operated without a PIC (or interim PIC) for almost three (3) months. During that time, Respondent did not provide adequate staffing in the pharmacy. Link stated that Respondent did not replace any technicians, or hire and train other people to work in the pharmacy during his absence.

17. During the Board investigation, the investigator interviewed other pharmacists employed by Respondent who also stated that the pharmacy and store had staffing issues for quite some time. Respondent failed to provide the pharmacy with adequate help, such as a technician or cashier assistance, on several occasions. As a result, the pharmacists were left alone to work in the pharmacy.

///

18. On or about August 9, 2021, the Board investigator conducted an inspection of Respondent's pharmacy for compliance with staffing requirements and to collect documents. The inspection revealed that Nueformie Kollie Toe (Toe) became the Interim PIC on or about July 26, 2021. Toe was told by Respondent that there would be help in the pharmacy, but there were no technicians employed by Respondent. Toe had to find his own help by calling around to other stores to ask for help with technicians.

19. The Board investigator received records from CVS Regulatory which revealed that on and between May 1, 2021 and August 7, 2021, there were 40 days out of 93 days that the pharmacy was open and a pharmacist worked alone during various times of the day and no additional employees were made available to assist the pharmacist. When a designated person was available to assist the pharmacy, the pharmacists were told the pharmacy only had budgeted hours for a technician/cashier for weekdays and not on weekends. The records also revealed that Respondent did not have, from all impacted pharmacy employees and designated persons, a signed copy of the policy and procedures that showed the employees read the policy that identified the person(s) designated as available to assist a pharmacist, the process to request assistance and to document the response time between the request and the arrival of the designated person at the pharmacy.

FIRST CAUSE FOR DISCIPLINE

(Acts that Subvert the PIC's Ability to Comply with the Pharmacy Law)

20. Respondent is subject to disciplinary action for unprofessional conduct pursuant to Code section 4301, subdivision (o), for violating laws and regulations governing pharmacy, in that Respondent failed to comply with Code section 4330, subdivision (b) in conjunction with CCR section 1714.3, subdivision (a), in that Respondent committed acts that would subvert or tend to subvert the efforts of the PIC to comply with the laws governing the operation of the pharmacy. Specifically, Respondent failed to provide adequate staffing in the pharmacy leaving the pharmacist to work alone, as more particularly set forth above in paragraphs 15 through 19, and incorporated herein by reference.

///

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with Requirements Regarding Signed Policies and Procedures)**

3 21. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
4 Code section 4301, subdivision (o), for violating laws and regulations governing pharmacy, in
5 that Respondent failed to comply with CCR section 1714.3, subdivision (c), in that Respondent
6 did not have, from all impacted pharmacy employees and designated persons, a signed copy of
7 the policy and procedures that showed each employee read the policy that identified the person(s)
8 designated as available to assist a pharmacist, the process to request assistance and to document
9 the response time between the request and the arrival of the designated person at the pharmacy.

10 **Investigation CI 2021 96255**

11 22. On or about April 28, 2022, the Board received an Application for Change of
12 Pharmacist-in-Charge signed under penalty of perjury from Respondent. The form indicated that
13 Respondent's prior PIC, Toe disassociated on September 22, 2021, and that Catherine Anne
14 Edcarez Ayran took over as Respondent's new PIC on December 1, 2021.

15 23. Based on the information above, the Board investigator found that Respondent took
16 218 days to notify the Board that Toe disassociated as the PIC, it took Respondent 148 days to
17 notify the Board after it designated Ayran as its' new PIC, and Respondent operated for 68 days
18 without a PIC from September 23, 2021 through November 30, 2021.

19 **Investigation CI 2021 95939**

20 24. On or about May 20, 2022, the Board a received a complaint against Respondent that
21 alleged it increased the dosage of what was prescribed for prazosin¹ for a patient. The Board
22 conducted an investigation and it revealed that the evidence was insufficient to substantiate that
23 Respondent violated the Pharmacy Law regarding the prescription that was dispensed. However,
24 the investigation revealed that Respondent had violated provisions of the Pharmacy Law
25 regarding notifying the Board of a change in its' PIC. Specifically, the Board investigator
26 received Respondent's PIC change information, which stated that Toe disassociated as the PIC on

27 _____
28 ¹ Prazosin is used to treat hypertension; benign prostate hyperplasia; and, post-traumatic stress disorder nightmares, and a dangerous drug per Code section 4022.

September 22, 2021, Ayran was designated as the PIC effective December 1, 2021, and that the Board did not receive the notification of the change until April 28, 2022.

THIRD CAUSE FOR DISCIPLINE

(Pharmacy Operation without a Pharmacist-in-Charge)

25. Respondent is subject to disciplinary action for unprofessional conduct pursuant to Code section 4301, subdivision (o), for violating laws and regulations governing pharmacy, in that Respondent violated Code section 4305, subdivision (b), when Respondent operated a pharmacy for more than 30 days without the supervision or management of a PIC, as more particularly set forth above in paragraphs 22, 23, and 24, and incorporated here by reference.

FOURTH CAUSE FOR DISCIPLINE

(Failure to Timely Notify the Board of Change of Status of Pharmacist-In-Charge)

26. Respondent is subject to disciplinary action for unprofessional conduct pursuant to Code section 4301, subdivision (o), for violating laws and regulations governing pharmacy, in that Respondent violated Code section 4113, subdivision (d), by failing to notify the Board, in writing on a form designated by the Board, within 30 days of the date when its PIC ceased to act as the PIC, and on the same form, propose another pharmacist as PIC, as more particularly set forth above in paragraphs 22, 23, and 24, and incorporated here by reference.

FIFTH CAUSE FOR DISCIPLINE

(Failure to Timely Notify Proposed Permanent Pharmacist-In-Charge)

27. Respondent is subject to disciplinary action for unprofessional conduct pursuant to Code section 4301, subdivision (o), for violating laws and regulations governing pharmacy, in that Respondent violated Code section 4113, subdivision (a), when it failed to designate a PIC, and within 30 days notify the Board in writing of the identity and license number of the PIC and the date they were designated, as more particularly set forth above in paragraphs 22, 23, and 24, and incorporated here by reference.

DISCIPLINARY CONSIDERATIONS

28. To determine the degree of discipline, if any, to be imposed on Respondent, Complainant alleges as follows:

1 a. On or about May 12, 2021, in a prior administrative action, the Board issued
2 Citation Number CI 201988660 against Respondent for violating CCR section 1761, subdivision
3 (a) (no pharmacist shall compound or dispense any prescription which contains any significant
4 error or omission). That Citation is now final and is paid in full by Respondent;

5 b. On or about September 8, 2021, the Board issued a notice of non-compliance to
6 Respondent regarding its violation of CCR section 1714.3, subdivisions (a) (community
7 pharmacy staffing – pharmacist working alone) and (c) (community pharmacy staffing –
8 pharmacy and designated employees read and sign pharmacy policies and procedures); and,

9 c. On or about July 18, 2022, the Board issued a notice of non-compliance to
10 Respondent regarding its violation of Business and Professions Code section 4113, subdivisions
11 (a) (notify the Board within 30 days of designation of a pharmacist-in-charge) and (d) (notify the
12 Board within 30 days of a PIC ceases to act as PIC and propose a new PIC).

13 **OTHER MATTERS**

14 29. Pursuant to Code section 4307, subdivision (a), if discipline is imposed on Pharmacy
15 Permit Number PHY 53721, issued to Longs Drugs Stores California doing business as
16 CVS/Pharmacy #9976, it shall be prohibited from serving as a manager, administrator, owner,
17 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit
18 Number PHY 53721 is placed on probation or until Pharmacy Permit Number PHY 53721 is
19 reinstated if it is revoked.

20 **PRAYER**

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

23 1. Revoking or suspending Pharmacy License Permit Number 53721, issued to Longs
24 Drugs Stores California doing business as CVS/Pharmacy #9976;


25 2. Prohibiting Longs Drugs Stores California doing business as CVS/Pharmacy #9976,
26 from serving as a manager, administrator, owner, member, officer, officer, director, associate, or
27 partner of a license for five years if Pharmacy Permit Number 53721 is placed on probation or
28 until Pharmacy Permit Number 53721 is reinstated if Pharmacy Permit Number 53721 is revoked.

1 3. Ordering Respondent to pay the Board the reasonable costs of the investigation and
2 enforcement of this case, pursuant to Code section 125.3; and,

3 4. Taking such other and further action as deemed necessary and proper.

4
5 DATED: 6/22/2023

Sodergren,
Anne@DCA

 Digitally signed by Sodergren,
Anne@DCA
Date: 2023.06.22 21:00:33 -07'00'

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

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