

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

In the Matter of the Accusation Against:

**CARE4U PHARMACY, INC. DBA CARE4U PHARMACY;
HARMINDER BAJAJ, CHIEF EXECUTIVE OFFICER,
Original Pharmacy Permit No. PHY 56024;**

**HARMINDER BAJAJ,
Pharmacist License No. RPH 62181;**

and

**PETER W. CHIU,
Pharmacist License No. RPH 30425,**

Respondents.

Agency Case No. 7367

OAH No. 2024020383

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on January 8, 2025.

It is so ORDERED on December 9, 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 written in a cursive style with a large, sweeping initial "S".

Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 ASPASIA A. PAPAVALASSILOU
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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:

14 **CARE4U PHARMACY, INC. DBA**
15 **CARE4U PHARMACY; HARMINDER**
16 **BAJAJ, CHIEF EXECUTIVE OFFICER**
17 **901 Campus Dr., Ste. 206**
18 **Daly City, CA 94015**

19 **Original Pharmacy Permit No. 56024**

20 **HARMINDER BAJAJ**
21 **1149 Millbrae Ave.**
22 **Millbrae, CA 94030**

23 **Pharmacist License No. RPH 62181**

24 **and**

25 **PETER W. CHIU**
26 **3711 San Bruno Avenue**
27 **San Francisco, CA 94134-2452**

28 **Pharmacist License No. RPH 30425**

Respondents.

Case No. 7367

OAH No. 2024020383

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER REGARDING
RESPONDENT PETER W. CHIU**

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 Aspasia A. Papavassiliou, Deputy
5 Attorney General.

6 2. Respondent Peter W. Chiu (Respondent) is represented in this proceeding by attorney
7 Tony J. Park, whose address is: California Pharmacy Lawyers, 9090 Irvine Center Drive
8 Irvine, CA 92618-4658.

9 3. On or about August 5, 1976, the Board of Pharmacy issued Pharmacist License
10 Number RPH 30425 to Respondent. The Pharmacist License will expire on June 30, 2025, unless
11 renewed.

12 **JURISDICTION**

13 4. Accusation No. 7367 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 September 12, 2023. Respondent timely filed his Notice of Defense contesting
16 the Accusation.

17 5. A copy of Accusation No. 7367 is attached as exhibit A and incorporated here by
18 reference.

19 **ADVISEMENT AND WAIVERS**

20 6. Respondent has carefully read, fully discussed with counsel, and understands the
21 charges and allegations in Accusation No. 7367. Respondent has also carefully read, fully
22 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
23 Order.

24 7. Respondent is fully aware of his legal rights in this matter, including the right to a
25 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
26 the witnesses against him; the right to present evidence and to testify on his own behalf; the right
27 to the issuance of subpoenas to compel the attendance of witnesses and the production of
28

1 documents; the right to reconsideration and court review of an adverse decision; and all other
2 rights accorded by the California Administrative Procedure Act and other applicable laws.

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

5 **CULPABILITY**

6 9. Respondent admits the truth of each and every charge and allegation in Accusation
7 No. 7367.

8 10. Respondent agrees that his Pharmacist License is subject to discipline and he agrees
9 to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

10 **CONTINGENCY**

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

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

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

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

4 **DISCIPLINARY ORDER**

5 IT IS HEREBY ORDERED that Pharmacist License No RPH 30425, issued to Respondent
6 Peter W. Chiu (Respondent) is revoked. However, the revocation is stayed and Respondent is
7 placed on probation for one (1) year on the following terms and conditions.

8 **1. Obey All Laws**

9 Respondent shall obey all state and federal laws and regulations.

10 Respondent shall report any of the following occurrences to the board, in writing, within
11 seventy- two (72) hours of such occurrence:

- 12 • an arrest or issuance of a criminal complaint for violation of any provision of the
13 Pharmacy Law, state and federal food and drug laws, or state and federal
14 controlled substances laws
- 15 • a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal
16 criminal proceeding to any criminal complaint, information or indictment
- 17 • a conviction of any crime
- 18 • the filing of a disciplinary pleading, issuance of a citation, or initiation of another
19 administrative action filed by any state or federal agency which involves
20 respondent's license or which is related to the practice of pharmacy or the
21 manufacturing, obtaining, handling, distributing, billing, or charging for any drug,
22 device or controlled substance.

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

24 **2. Report to the Board**

25 Respondent shall report to the board quarterly, on a schedule as directed by the board or its
26 designee. The report shall be made either in person or in writing, as directed. Among other
27 requirements, respondent shall state in each report under penalty of perjury whether there has
28 been compliance with all the terms and conditions of probation.

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

6 **3. Interview with the Board**

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

12 **4. Cooperate with Board Staff**

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

19 **5. Continuing Education**

20 Respondent shall provide evidence of efforts to maintain skill and knowledge as a
21 pharmacist as directed by the board or its designee.

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

23 During the period of probation, respondent shall notify all present and prospective
24 employers of the decision in case number 7367 and the terms, conditions and restrictions imposed
25 on respondent by the decision, as follows:

26 Within thirty (30) days of the effective date of this decision, and within ten (10) days of
27 undertaking any new employment, respondent shall report to the board in writing the name,
28 physical address, and mailing address of each of his employer(s), and the name(s) and telephone

1 number(s) of all of his direct supervisor(s), as well as any pharmacist(s)-in- charge, designated
2 representative(s)-in-charge, responsible manager, or other compliance supervisor(s) and the work
3 schedule, if known. Respondent shall also include the reason(s) for leaving the prior
4 employment. Respondent shall sign and return to the board a written consent authorizing the
5 board or its designee to communicate with all of respondent's employer(s) and supervisor(s), and
6 authorizing those employer(s) or supervisor(s) to communicate with the board or its designee,
7 concerning respondent's work status, performance, and monitoring. Failure to comply with the
8 requirements or deadlines of this condition shall be considered a violation of probation.

9 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
10 respondent undertaking any new employment, respondent shall cause (a) his direct supervisor, (b)
11 his pharmacist-in-charge, designated representative-in-charge, responsible manager, or other
12 compliance supervisor, and (c) the owner or owner representative of his employer, to report to the
13 board in writing acknowledging that the listed individual(s) has/have read the decision in case
14 number 7367, and terms and conditions imposed thereby. If one person serves in more than one
15 role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the respondent's
16 responsibility to ensure that these acknowledgment(s) are timely submitted to the board. In the
17 event of a change in the person(s) serving the role(s) described in (a), (b), or (c) during the term
18 of probation, respondent shall cause the person(s) taking over the role(s) to report to the board in
19 writing within fifteen (15) days of the change acknowledging that he or she has read the decision
20 in case number 7367, and the terms and conditions imposed thereby.

21 If respondent works for or is employed by or through an employment service, respondent
22 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the board
23 of the decision in case number 7367, and the terms and conditions imposed thereby in advance of
24 respondent commencing work at such licensed entity. A record of this notification must be
25 provided to the board upon request.

26 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
27 (15) days of respondent undertaking any new employment by or through an employment service,
28 respondent shall cause the person(s) described in (a), (b), and (c) above at the employment service

1 to report to the board in writing acknowledging that he or she has read the decision in case
2 number, and the terms and conditions imposed thereby. It shall be respondent's responsibility to
3 ensure that these acknowledgment(s) are timely submitted to the board.

4 Failure to timely notify present or prospective employer(s) or failure to cause the identified
5 person(s) with that/those employer(s) to submit timely written acknowledgments to the board
6 shall be considered a violation of probation.

7 "Employment" within the meaning of this provision includes any full-time, part-time,
8 temporary, relief, or employment/management service position as a pharmacist, or any position
9 for which a pharmacist is a requirement or criterion for employment, whether the respondent is an
10 employee, independent contractor or volunteer.

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

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

14 Failure to timely notify the board of any change in employer, name, address, or phone
15 number shall be considered a violation of probation.

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

17 Respondent shall not supervise any intern pharmacist, be the pharmacist-in-charge,
18 designated representative-in-charge, responsible manager or other compliance supervisor of any
19 entity licensed by the board, nor serve as a consultant, for five years following the effective date
20 of the Decision and Order. Assumption of any such unauthorized supervision responsibilities
21 shall be considered a violation of probation and/or cause for disciplinary action.

22 **9. Probation Monitoring Costs**

23 Respondent shall pay any costs associated with probation monitoring as determined by the
24 board each and every year of probation. Such costs shall be payable to the board on a schedule as
25 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall
26 be considered a violation of probation.

27 **10. Status of License**

28 Respondent shall, at all times while on probation, maintain an active, current Pharmacist

1 License with the board, including any period during which suspension or probation is tolled.
2 Failure to maintain an active, current Pharmacist License shall be considered a violation of
3 probation.

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

8 **11. License Surrender While on Probation/Suspension**

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

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

24 **12. Practice Requirement – Extension of Probation**

25 Except during periods of suspension, respondent shall, at all times while on probation, be
26 employed as a pharmacist in California for a minimum of 100 hours per calendar month. Any
27 month during which this minimum is not met shall extend the period of probation by one month.
28 During any such period of insufficient employment, respondent must nonetheless comply with all

1 terms and conditions of probation, unless respondent receives a waiver in writing from the board
2 or its designee.

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

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

16 13. **Violation of Probation**

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

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

1 heard and decided.

2 **14. Completion of Probation**

3 Upon written notice by the board or its designee indicating successful completion of
4 probation, respondent's license will be fully restored.

5 **15. No Ownership or Management of Licensed Premises**

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

14 **ACCEPTANCE**

15 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
16 discussed it with my attorney, Tony J. Park. I understand the stipulation and the effect it will
17 have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary Order
18 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
19 Board of Pharmacy.

20
21 DATED: _____
22 PETER W. CHIU
23 Respondent

24 I have read and fully discussed with Respondent Peter W. Chiu the terms and conditions
25 and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve
26 its form and content.

27 DATED: _____
28 TONY J. PARK
Attorney for Respondent

1 heard and decided.

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4 probation, respondent's license will be fully restored.

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9 the effective date of the Decision and Order. Respondent shall sell or transfer any legal or
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11 effective date of this decision and shall immediately thereafter provide written proof thereof to
12 the board. Failure to timely divest any legal or beneficial interest(s) or provide documentation
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17 have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary Order
18 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
19 Board of Pharmacy.

20
21 DATED: 9/12/2024 
22 PETER W. CHIU
Respondent

23 I have read and fully discussed with Respondent Peter W. Chiu the terms and conditions
24 and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve
25 its form and content.

26
27 DATED: _____
28 TONY J. PARK
Attorney for Respondent

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ENDORSEMENT

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

DATED: _____

Respectfully submitted,
ROB BONTA
Attorney General of California
DIANN SOKOLOFF
Supervising Deputy Attorney General

ASPASIA A. PAPA VASSILIOU
Deputy Attorney General
Attorneys for Complainant

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ENDORSEMENT

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

DATED: September 13, 2024

Respectfully submitted,

ROB BONTA
Attorney General of California
DIANN SOKOLOFF
Supervising Deputy Attorney General



ASPASIA A. PAPAVALASSILIOU
Deputy Attorney General
Attorneys for Complainant

OK2022900299

Exhibit A

Accusation No. 7367

1 ROB BONTA
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 ASPASIA A. PAPAVALASSILOU
Deputy Attorney General
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Attorneys for Complainant

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17 **901 Campus Dr., Ste. 206**
18 **Daly City, CA 94015**

ACCUSATION

19 **Original Pharmacy Permit No. 56024**

20 **HARMINDER BAJAJ**
21 **1149 Millbrae Ave.**
22 **Millbrae, CA 94030**

23 **Pharmacist License No. RPH 62181**

24 **and**

25 **PETER W. CHIU**
26 **3711 San Bruno Avenue**
27 **San Francisco, CA 94134-2452**

28 **Pharmacist License No. RPH 30425**

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, Department of Consumer Affairs.

4 2. On or about February 24, 2018, the Board of Pharmacy issued Original Pharmacy
5 Permit Number PHY 56024 to Care4U Pharmacy, Inc. doing business as Care4U Pharmacy, with
6 Harminder Bajaj as the Chief Executive Officer (Respondent Care4U). The Original Pharmacy
7 Permit will expire on February 1, 2024, unless renewed.

8 3. On or about February 4, 2009, the Board of Pharmacy issued Pharmacist License
9 Number RPH 62181 to Harminder Bajaj (Respondent Bajaj). The Pharmacist License will expire
10 on August 31, 2024, unless renewed. At all times relevant to the allegations in this pleading,
11 Respondent Bajaj served as the Pharmacist in Charge (PIC) of Respondent Care4U.

12 4. Effective April 21, 2022, Respondents Care4U and Harminder Bajaj were each
13 placed on probation for two years in resolution of the *Accusation against Care4UPharmacy, Inc.*
14 *and Harminder Bajaj*, Board Case No. 7024.¹

15 5. On or about August 5, 1976, the Board of Pharmacy issued Pharmacist License
16 Number RPH 30425 to Peter W. Chiu (Respondent Chiu). The Pharmacist License will expire on
17 June 30, 2024, unless renewed.

18 **JURISDICTION**

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

22 7. Code section 4011 provides that the Board shall administer and enforce the Pharmacy
23 Law [Bus. & Prof. Code, § 4000 et seq.]. Further pursuant to Code section 4011, the Board also
24 administers and enforces the Uniform Controlled Substances Act.

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

27 _____
28 ¹ As the misconduct alleged in the instant case predates the probationary order, the instant case is brought as an Accusation only, instead of an Accusation/Petition to Revoke Probation.

1 9. Code section 4300.1 provides that the expiration, cancellation, forfeiture, suspension,
2 or voluntary surrender of a license “shall not deprive the board of jurisdiction to commence or
3 proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to
4 render a decision suspending or revoking the license.”

5 10. Code section 4307, subdivision (a), states:

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 11. Code section 4342 states, in pertinent part:

24 (a) The board may institute any action or actions as may be provided by law and that,
25 in its discretion, are necessary, to prevent the sale of pharmaceutical preparations and
26 drugs that do not conform to the standard and tests as to quality and strength,
27 provided in the latest edition of the United States Pharmacopoeia or the National
28 Formulary, or that violate any provision of the Sherman Food, Drug, and Cosmetic
Law (Part 5 (commencing with Section 109875) of Division 104 of the Health and
Safety Code).

STATUTORY PROVISIONS

12 12. Code section 4113, subdivision (c), states that the “pharmacist-in-charge shall be
13 responsible for a pharmacy’s compliance with all state and federal laws and regulations pertaining
14 to the practice of pharmacy.”

15 13. Code section 4301 states, in pertinent part:

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

1 ...

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

4 ...

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

10 14. Code section 4306.5 states, in pertinent part:

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

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

17 15. Health and Safety Code section 11165, subdivision (d), provides that for each
18 controlled substance prescription, the dispensing pharmacy, clinic, or other dispenser shall report
19 the following information to the Department of Justice or contracted prescription data processing
20 vendor as soon as reasonably possible, but not more than one working day after the date a
21 controlled substance is released to the patient or patient’s representative, in a format specified by
22 the department.

23 16. Health and Safety Code section 111255 states that any drug or device is adulterated if
24 it has been produced, prepared, packed, or held under conditions whereby it may have been
25 contaminated with filth, or whereby it may have been rendered injurious to health.

26 17. Health and Safety Code section 111295 states that it is unlawful for any person to
27 manufacture, sell, deliver, hold or offer for sale any drug or device that is adulterated.

28 18. Health and Safety Code section 111335 provides that any drug or device is
misbranded if its labeling or packaging does not conform with the various requirements of Health
and Safety Code sections 110290 through 110423.101.

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REGULATORY PROVISIONS

19. California Code of Regulations, title 16, section 1707.2, states, in pertinent part:

...

(b)(1) When the patient or patient's agent is not present (including, but not limited to, a prescription drug that was shipped by mail or delivery), a pharmacy shall ensure that:

(A) the patient receives written notice of his or her right to request consultation....

20. California Code of Regulations, title 16, section 1714, states in pertinent part:

...

(d) Each pharmacist while on duty shall be responsible for the security of the prescription department, including provisions for effective control against theft or diversion of dangerous drugs and devices, and records for such drugs and devices. Possession of a key to the pharmacy where dangerous drugs and controlled substances are stored shall be restricted to a pharmacist.

21. California Code of Regulations, title 16, section 1715.6, states:

(a) The owner shall submit to the Board a report containing the information in subdivision (b) no later than thirty (30) days after the date of discovery of the following:

(1) Any loss of a controlled substance in one of the following categories that causes the aggregate amount of unreported losses discovered in that category, on or after the same day of the previous year, to equal or exceed:

(A) For tablets, capsules, or other oral medication, 99 dosage units.

(B) For single-dose injectable medications, lozenges, film, such as oral, buccal and sublingual, suppositories, or patches, 10 dosage units.

(C) For injectable multi-dose medications, medications administered by continuous infusion, or any other multi-dose unit not described in subparagraph (A), two or more multi-dose vials, infusion bags, or other containers.

(2) Any loss of a controlled substance, regardless of the amount, attributed to employee theft, in addition to the reporting requirements and time frames mandated by Business and Professions Code section 4104.

(3) Any other significant loss as determined by the pharmacist-in-charge, including but not limited to losses deemed significant relative to the dispensing volume of the pharmacy.

(b) All reports under this section shall specify the identity, amount and strength of each controlled substance lost, and date of discovery of the loss, for all losses that have made the report necessary.

1 22. California Code of Regulations, title 16, section 1716, states:

2 Pharmacists shall not deviate from the requirements of a prescription except
3 upon the prior consent of the prescriber or to select the drug product in accordance
4 with Section 4073 of the Business and Professions Code.

5 Nothing in this regulation is intended to prohibit a pharmacist from exercising
6 commonly-accepted pharmaceutical practice in the compounding or dispensing of a
7 prescription.

8 23. California Code of Regulations, title 16, section 1735.2, states, in pertinent part:

9 (c) A “reasonable quantity” that may be furnished to a prescriber for office use
10 by the prescriber as authorized by Business and Professions Code section 4052,
11 subdivision (a)(1), means that amount of compounded drug preparation that:

12 (1) Is ordered by the prescriber or the prescriber's agent using a purchase order
13 or other documentation received by the pharmacy prior to furnishing that lists the
14 number of patients seen or to be seen in the prescriber's office for whom the drug is
15 needed or anticipated, and the quantity for each patient that is sufficient for office
16 administration....

17 ...

18 (e) A drug preparation shall not be compounded until the pharmacy has first
19 prepared a written master formula document that includes at least the following
20 elements:

21 ...

22 (3) The maximum allowable beyond use date for the preparation, and the
23 rationale or reference source justifying its determination.

24 ...

25 (5) Specific and essential compounding steps used to prepare the drug.

26 (6) Quality reviews required at each step in preparation of the drug.

27 24. California Code of Regulations, title 16, section 1735.3 states, in pertinent part:

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

...

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

...

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

1 25. California Code of Regulations, title 16, section 1735.4 states, in pertinent part:

2 (a) Each compounded drug preparation shall be affixed with a container label prior to
3 dispensing that contains at least:

4 ...

5 (4) The beyond use date for the drug preparation;

6 ...

7 (6) The lot number or pharmacy reference number.

8 26. California Code of Regulations, title 16, section 1735.5, states in pertinent part:

9 (a) Any pharmacy engaged in compounding shall maintain written policies and
10 procedures for compounding that establishes procurement procedures, methodologies
11 for the formulation and compounding of drugs, facilities and equipment cleaning,
12 maintenance, operation, and other standard operating procedures related to
13 compounding. Any material failure to follow the pharmacy's written policies and
14 procedures shall constitute a basis for disciplinary action.

15 (b) The policies and procedures shall be reviewed and such review shall be
16 documented on an annual basis by the pharmacist-in-charge. The policies and
17 procedures shall be updated whenever changes in policies and procedures are
18 implemented.

19 27. California Code of Regulations, title 16, section 1735.6, states, in pertinent part:

20 (a) Any pharmacy engaged in compounding shall maintain written
21 documentation regarding the facilities and equipment necessary for safe and accurate
22 compounding of compounded drug preparations. This shall include records of
23 maintenance and cleaning of the facilities and equipment. Where applicable, this shall
24 also include records of certification(s) of facilities or equipment.

25 28. California Code of Regulations, title 16, section 1735.8, states, in pertinent part:

26 (a) Any pharmacy engaged in compounding shall maintain, as part of its written
27 policies and procedures, a written quality assurance plan designed to monitor and
28 ensure the integrity, potency, quality, and labeled strength of compounded drug
preparations.

...
29

30 (c) The quality assurance plan shall include written standards for qualitative
31 and quantitative analysis of compounded drug preparations to ensure integrity,
32 potency, quality, and labeled strength, including the frequency of testing. All
33 qualitative and quantitative analysis reports for compounded drug preparations shall
34 be retained by the pharmacy and maintained along with the compounding log and
35 master formula document. The quality assurance plan shall include a schedule for
36 routine testing and analysis of specified compounded drug preparations to ensure
37 integrity, potency, quality, and labeled strength, on at least an annual basis.

38 ///

1 29. California Code of Regulations, title 16, section 1761, states, in pertinent part:

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

6 30. California Code of Regulations, title 16, section 1764, states:

7 No pharmacist shall exhibit, discuss, or reveal the contents of any prescription,
8 the therapeutic effect thereof, the nature, extent, or degree of illness suffered by any
9 patient or any medical information furnished by the prescriber with any person other
10 than the patient or his or her authorized representative, the prescriber or other licensed
11 practitioner then caring for the patient, another licensed pharmacist serving the
12 patient, or a person duly authorized by law to receive such information.

13 31. 21 C.F.R. § 1301.75, states, in pertinent part:

14 (b) Controlled substances listed in Schedules II, III, IV, and V shall be stored in
15 a securely locked, substantially constructed cabinet. However, pharmacies and
16 institutional practitioners may disperse such substances throughout the stock of
17 noncontrolled substances in such a manner as to obstruct the theft or diversion of the
18 controlled substances.

19 32. 21 C.F.R. § 1304.11, states, in pertinent part:

20 (a) **General requirements.** Each inventory shall contain a complete and
21 accurate record of all controlled substances on hand on the date the inventory is
22 taken, and shall be maintained in written, typewritten, or printed form at the
23 registered location. An inventory taken by use of an oral recording device must be
24 promptly transcribed. Controlled substances shall be deemed to be “on hand” if they
25 are in the possession of or under the control of the registrant, including substances
26 returned by a customer, ordered by a customer but not yet invoiced, stored in a
27 warehouse on behalf of the registrant, and substances in the possession of employees
28 of the registrant and intended for distribution as complimentary samples. A separate
inventory shall be made for each registered location and each independent activity
registered, except as provided in paragraph (e)(4) of this section. In the event
controlled substances in the possession or under the control of the registrant are
stored at a location for which he/she is not registered, the substances shall be included
in the inventory of the registered location to which they are subject to control or to
which the person possessing the substance is responsible. The inventory may be taken
either as of opening of business or as of the close of business on the inventory date
and it shall be indicated on the inventory.

COST RECOVERY

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

1 **FACTUAL BACKGROUND**

2 34. On or about March 9, 2022, an investigative inspection of Respondent Care4U
3 revealed that Respondent Care4U was failing to follow COVID-19 precautions, had security
4 issues, and was violating laws and regulations regarding compounding and controlled substances.

5 35. On or about June 22, 2022, an investigative inspection of Respondent Care4U found a
6 different violation regarding administration of COVID-19 vaccines, in that medical assistants
7 were administering the vaccinations without adequate supervision or training.

8 **CAUSES FOR DISCIPLINE**

9 **AS TO ALL RESPONDENTS – CARE4U, BAJAJ, and CHIU**

10 **FIRST CAUSE FOR DISCIPLINE**

11 (Failure to Clarify Uncertain or Erroneous Prescriptions)

12 36. Respondents Care4U, Bajaj, and Chiu are subject to disciplinary action for
13 unprofessional conduct under Code section 4301, subdivisions (j) and/or (o), in that Respondents
14 failed to clarify uncertain or erroneous prescriptions, in violation of California Code of
15 Regulations, title 16, section 1761, subdivision (a). During the Board inspection on March 9,
16 2022, there was no documentation that the following prescriptions were clarified:

17 • Prescription number (Rx) 167446, for compounded drug diclofenac 3%/gabapentin 10%
18 cream, was lacking directions. The preparation was compounded and sold March 4, 2022, with
19 Respondent Bajaj as the pharmacist of record.

20 • For the compounded drug sodium alginate formulation, the prescription directions lacked
21 both what constituted dose and frequency of administration for the following twelve prescription
22 numbers, with Respondent Bajaj or Respondent Chiu as the pharmacist of record:

23 Rx: 165488, compounded on 2/8/22, and sold on 2/8/2022 (Respondent Chiu);

24 Rx: 160981, compounded on 2/8/22, and sold on 2/8/2022 (Respondent Chiu);

25 Rx: 157924, compounded on 2/14/22, and sold on 2/16/2022 (Respondent Bajaj);

26 Rx: 161995, compounded on 2/14/22, and sold on 2/17/2022 (Respondent Bajaj);

27 Rx: 160013, compounded on 2/14/22, and sold on 2/17/2022 (Respondent Chiu);

1 Rx: 158319, compounded on 3/2/22, and sold on 3/4/2022 (Respondent Bajaj);
2 Rx: 160280, compounded on 3/2/22, and sold on 3/3/2022 (Respondent Bajaj);
3 Rx: 167420, compounded on 3/2/22, and sold on date 3/4/2022 (Respondent Bajaj);
4 Rx: 160631, compounded on 3/4/22, and sold on 3/4/2022 (Respondent Chiu);
5 Rx: 167431, compounded on 3/4/22, and sold on 3/4/2022 (Respondent Chiu);
6 Rx: 167432, compounded on 3/4/22, and sold on 3/4/2022 (Respondent Chiu);
7 Rx: 167573, compounded on 3/8/22, and sold on 3/11/2022 (Respondent Chiu).

8 **SECOND CAUSE FOR DISCIPLINE**

9 (Failure to Follow Specific and Essential Compounding Steps)

10 37. Respondents Care4U, Bajaj, and Chiu are subject to disciplinary action for
11 unprofessional conduct under Code section 4301, subdivisions (j) and/or (o), in that they failed to
12 follow specific and essential compounding steps on the master formula/compounding record
13 hybrid document, in violation of California Code of Regulations, title 16, section 1735.2,
14 subdivision (e)(5). From February 17, 2022, to March 8, 2022, they failed to follow the specific
15 and essential compounding step of wiping down all equipment, supplies, and counter with 70%
16 isopropyl alcohol, which the pharmacy did not stock, for a total of seven lots of compounded
17 drugs, with Respondent Bajaj being the pharmacist of record for two of the lots, and Respondent
18 Chiu being the pharmacist of record for five of the lots.

19 **THIRD CAUSE FOR DISCIPLINE**

20 (Failure to Follow Quality Reviews at Each Step on the Master Formula/Compounding Record)

21 38. Respondents Care4U, Bajaj, and Chiu are subject to disciplinary action for
22 unprofessional conduct under Code section 4301, subdivisions (j) and/or (o), in that they failed to
23 follow the quality reviews required at each step in the preparation of the drug on the master
24 formula/compounding record hybrid document, in violation of California Code of Regulations,
25 title 16, section 1735.2, subdivision (e)(6), and/or it did not perform potency testing, in violation
26 of California Code of Regulations, title 16, section 1735.8, subdivision (c). From January 25,
27 2022, to March 8, 2022, Respondents failed to perform potency testing on eight lots of
28 compounded drugs, with Respondent Bajaj being the pharmacist of record on one lot and

1 Respondent Chiu being the pharmacist of record for seven lots. In addition, from February 17,
2 2022, to March 4, 2022, Respondent Care4U and Respondent Chiu compounded four lots of
3 compounded drugs where the quality reviews listed on the master formula/compounding hybrid
4 records were not initialed/signed as having been checked/performed.

5 **FOURTH CAUSE FOR DISCIPLINE**

6 (Failure to Document Correct Ingredient Expiration Date)

7 39. Respondents Care4U, Bajaj, and Chiu are subject to disciplinary action for
8 unprofessional conduct under Code section 4301, subdivisions (j) and/or (o), in that they failed to
9 document the correct ingredient expiration date on the master formula/compounding record
10 hybrid document, in violation of California Code of Regulations, title 16, section 1735.3,
11 subdivision (a)(2)(F). From on or about January 25, 2022, to on or about March 8, 2022,
12 Respondents documented expiration dates that did not match those listed on the certificate of
13 analysis (in which the manufacturer states the ingredient lot number and corresponding expiration
14 dates), as listed below.

15 A. Respondent Bajaj was the pharmacist of record for the below listed lots of
16 compounded drugs where the correct ingredient expiration date was not listed on the master
17 formula/compounding record hybrid document.

18 • Lot numbers 03072022@1 and 03082022@2, of ethoxy diglycol. The expiration date
19 documented on the compounding record was 9/1/2022. Per the certificate of analysis it was
20 actually 9/30/2022.

21 • Lot number 03082022@1, of citric acid. The expiration date documented on the
22 compounding record was 5/15/2022. Per the certificate of analysis it was actually 5/31/2022.

23 • Lot numbers 03072022@1 and 03082022@2, of diclofenac sodium. The expiration date
24 on the compounding record was 9/1/2024. Per the certificate of analysis it was actually
25 9/30/2024.

26 B. Respondent Chiu was the pharmacist of record for the below listed lots of
27 compounded drugs where the correct ingredient expiration date was not listed on the master
28 formula/compounding record hybrid document.

1 • Lot numbers 01252022@1, 02162022@2, 02172022@2, 02222022@4, 02222022@5,
2 02242022@1, 03042022@2, 03072022@1, 03072022@4, and 03082022@2, of ethoxy diglycol.
3 The expiration date documented on the compounding record was 9/1/2022. Per the certificate of
4 analysis it was actually 9/30/2022.

5 • Lot numbers 02082022@3, 02142022@7, 03022022@2, 03042022@3, 03082022@1, and
6 03082022@4, of citric acid. The expiration date documented on the compounding record was
7 5/15/2022. Per the certificate of analysis it was actually 5/31/2022.

8 • Lot numbers 02162022@2, 02172022@2, 02222022@2, 02222022@4, 02222022@5,
9 02242022@1, 03042022@2, 03072022@1, 03072022@4, and 03082022@2, of diclofenac
10 sodium. The expiration date on the compounding record was 9/1/2024. Per the certificate of
11 analysis it was actually 9/30/2024.

12 • Lot number 02172022@3, of tetracaine. The expiration date on the compounding record
13 was 10/1/2023. Per the certificate of analysis it was actually 10/31/2023.

14 **FIFTH CAUSE FOR DISCIPLINE**

15 (Failure to Label Compounded Drug Preparations Correctly and Completely)

16 40. Respondents Care4U, Bajaj, and Chiu are subject to disciplinary action for
17 unprofessional conduct under Code section 4301, subdivisions (j) and/or (o), in that they failed to
18 label compounded drug preparations with the correct beyond use date/expiration date, or the lot
19 number or pharmacy reference number, in violation of California Code of Regulations, title 16,
20 section 1735.4, subdivision (a)(4)(6), as listed below.

21 • Respondent Bajaj was the pharmacist of record for Rx 163490, which lists two expiration
22 dates: 12/23/2021 and 3/2023. The actual beyond use date/expiration date of the compounded
23 product was 4/6/2022. It does not list the lot number or pharmacy reference number of the
24 compounded product.

25 • Respondent Chiu was the pharmacist of record for Rx 164790, which lists an incorrect
26 expiration date next to the lot number. The expiration date is listed as 2/2023 when lot number:
27 02032022@1, used to fill the prescription, had a beyond use date/expiration date of: 3/5/2022.

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1 **AS TO RESPONDENTS CARE4U and BAJAJ**

2 **SIXTH CAUSE FOR DISCIPLINE**

3 (Failure to Keep Protected Information Secure)

4 41. Respondents Care4U and Bajaj are subject to disciplinary action for unprofessional
5 conduct under Code section 4301, subdivisions (j) and/or (o), in that they failed to keep protected
6 information secure, in violation of California Code of Regulations, title 16, section 1764. On or
7 about March 9, 2022, a Board inspector observed that the pharmacy had patients waiting for
8 immunizations lined up next to clear plastic will-call bags, which contained finished prescriptions
9 waiting to be picked up, thus disclosing the waiting prescription patient's name and drug name.

10 **SEVENTH CAUSE FOR DISCIPLINE**

11 (Failure to Keep Dangerous Drugs Secure in the Pharmacy)

12 42. Respondents Care4U and Bajaj are subject to disciplinary action for unprofessional
13 conduct under Code section 4301, subdivisions (j) and/or (o), in that they failed to keep
14 dangerous drugs secure in the pharmacy, in violation of California Code of Regulations, title 16,
15 section 1714, subdivision (d). On March 9, 2022, as observed by a Board inspector, the pharmacy
16 had patients who were waiting for immunizations line up next to the clear plastic will-call bags.
17 It would have been easy for a person waiting in line to pocket one of the finished prescriptions.

18 **EIGHTH CAUSE FOR DISCIPLINE**

19 (Failure to Store Controlled Substances Securely)

20 43. Respondents Care4U and Bajaj are subject to disciplinary action for unprofessional
21 conduct under Code section 4301, subdivisions (j) and/or (o), in that they failed to store Schedule
22 III, IV, and V controlled substances securely, in violation of 21 C.F.R. § 1301.75, subdivision (b).
23 During the Board inspection on March 9, 2022, Schedule III, IV, and V controlled substances
24 were stored in a non-locking drawer in a room where a clerk was working and away from the line
25 of sight of the Pharmacist in Charge (Respondent Bajaj).

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NINTH CAUSE FOR DISCIPLINE

(Failure to Include Required Information on Controlled Substances Biennial Inventories)

44. Respondents Care4U and Bajaj are subject to disciplinary action for unprofessional conduct under Code section 4301, subdivisions (j) and/or (o), in that they failed to include required information on its biennial inventories for controlled substances, in violation of 21 C.F.R. § 1304.11, subdivision (a). During the Board inspection on March 9, 2022, biennial controlled substances inventories for Schedule II and Schedules III-V drugs were missing documentation as to when they were completed (*i.e.*, “open or close of business”); and signatures of the person(s) responsible for taking inventory. In addition, the Schedules III-V inventories were incomplete as they failed to list ketamine and tramadol powder, even though those drugs were found in the pharmacy.

TENTH CAUSE FOR DISCIPLINE

(Failure to Appropriately Label Dangerous Drugs Held for Sale in Pharmacy)

45. Respondents Care4U and Bajaj are subject to disciplinary action for unprofessional conduct under Code section 4301 subdivisions (j) and/or (o), in that they failed to appropriately label dangerous drugs held for sale in the pharmacy, in violation of Code section 4342, subdivision (a), and Health and Safety Code section 111335. On March 9, 2022, a Board inspector observed an unlabeled, filled amber dropper in the compounding room; several unlabeled, filled syringes in the refrigerator, and a partially labeled compounded drug product in the refrigerator in the immunization room.

ELEVENTH CAUSE FOR DISCIPLINE

(Failure of PIC to Document Annual Review of Compounding Policies & Procedures)

46. Respondents Care4U and Bajaj are subject to disciplinary action for unprofessional conduct under Code section 4301, subdivisions (j) and/or (o), in that they failed to have the Pharmacist in Charge (PIC) document the annual review of compounding policies and procedures, in violation of California Code of Regulations, title 16, section 1735.5, subdivision (b). During the Board inspection on March 9, 2022, there was no documentation that the PIC had reviewed the compounding policies and procedures in the past year.

1 **TWELFTH CAUSE FOR DISCIPLINE**

2 (Adulterated/Expired Drugs in Active Stock)

3 47. Respondents Care4U and Bajaj are subject to disciplinary action for unprofessional
4 conduct under Code section 4301, subdivisions (j) and/or (o), in that they had expired, and
5 therefore adulterated, drugs for sale, in violation of Code section 4342, subdivision (a), and/or
6 Health and Safety Code sections 111255 and/or 111295. During a Board inspection on March 9,
7 2022, the pharmacy had fourteen tubes of expired permethrin cream 5% in the active inventory,
8 for sale in the pharmacy. The medication had expired the prior month, in February 2022.

9 **THIRTEENTH CAUSE FOR DISCIPLINE**

10 (Failure to Notify the Board of a Loss in Controlled Substances)

11 48. Respondents Care4U and Bajaj are subject to disciplinary action for unprofessional
12 conduct under Code section 4301, subdivisions (j) and/or (o), in that they failed to notify the
13 Board of a loss in controlled substances within 30 days of discovery, in violation of California
14 Code of Regulations, title 16, section 1715.6. During the Board inspection on March 9, 2022, the
15 inspector found a Drug Enforcement Agency (DEA) Form 106 for reporting the loss of controlled
16 drugs dated June 8, 2021, for 140 oxycodone HCI 10 mg/acetaminophen 300 mg tablets, but this
17 loss was never reported to the Board.

18 **FOURTEENTH CAUSE FOR DISCIPLINE**

19 (Failure to Notify Drug Delivery Patients of Right to Consultation)

20 49. Respondents Care4U and Bajaj are subject to disciplinary action for unprofessional
21 conduct under Code section 4301, subdivisions (j) and/or (o), in that they failed to notify patients
22 whose drugs were delivered of their right to a consultation, in violation of California Code of
23 Regulations, title 16, section 1707.2, subdivision (b)(1)(A). During an inspection on March 9,
24 2022, the inspector found that the pharmacy did not have a document included with deliveries to
25 notify patients of their right to a consultation.

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1 **FIFTEENTH CAUSE FOR DISCIPLINE**

2 (Furnishing Compounded Drug Preparation to Physician Office with Insufficient Documentation)

3 50. Respondents Care4U and Bajaj are subject to disciplinary action for unprofessional
4 conduct under Code section 4301, subdivisions (j) and/or (o), in that they furnished a
5 compounded preparation for physician’s office use, without obtaining prior documentation listing
6 the patients to be seen for whom the drug is anticipated, and the quantity needed for each patient,
7 in violation of California Code of Regulations, title 16, section 1735.2, subdivision (c)(1). On or
8 about February 17, 2022, Respondent Care4U sold prescription number 159148, for compounded
9 drug benzocaine 20%, lidocaine 8%, tetracaine 4%, DMSO 10% topical lipoderm, with the
10 patient name “Beauty Medical Endless,” with date of birth 1/1/2000, with prescriber name Dr.
11 Leena Bahwar, and with the directions: “To be applied at doctor office for external.” No patient
12 information was provided, nor was the quantity to be applied specified.

13 **SIXTEENTH CAUSE FOR DISCIPLINE**

14 (Failure to Maintain Documentation re Cleaning of Compounding Facilities and Equipment)

15 51. Respondents Care4U and Bajaj are subject to disciplinary action for unprofessional
16 conduct under Code section 4301, subdivisions (j) and/or (o), in that they failed to maintain
17 documentation regarding cleaning of the compounding facilities and equipment, in violation of
18 California Code of Regulations, title 16, section 1735.6, as discovered during the Board
19 inspection on March 9, 2022.

20 **SEVENTEENTH CAUSE FOR DISCIPLINE**

21 (Failure to Report Sales of Compounded Controlled Substances to CURES)

22 52. Respondents Care4U and Bajaj are subject to disciplinary action for unprofessional
23 conduct under Code section 4301, subdivisions (j) and/or (o), in that they failed to report sales of
24 compounded controlled substances to the Controlled Substance Utilization Review and
25 Evaluation System (CURES) maintained by the Department of Justice, in violation of Health and
26 Safety Code section 11165, subdivision (d). Between on or about October 5, 2021 and on or
27 about March 8, 2022, the pharmacy dispensed nineteen (19) compounded prescriptions containing
28 Ketamine, a Schedule III controlled substance, without reporting those transactions to CURES.

1 **EIGHTEENTH CAUSE FOR DISCIPLINE**

2 (Unprofessional Conduct re Administration of COVID-19 Vaccines by Medical Assistants)

3 53. Respondents Care4U and Bajaj are subject to disciplinary action for unprofessional
4 conduct under Code section 4301, subdivisions (j) and/or (o), in that they failed to follow the
5 requirements of the Department of Consumer Affairs Order Waiving Restrictions on Medical
6 Assistants Administering COVID-19 Vaccines (DCA 21-138), in violation of Code sections 2069
7 and 4306.5, subdivision (a). From on or about January 17, 2022 to on or about June 22, 2022,
8 Respondents had medical assistants UA and AC administer at least 447 COVID-19 vaccines to
9 patients without (1) supervision of a licensed physician and surgeon, physician assistant, nurse
10 practitioner, or certified nurse midwife, who was physically present at the site where the vaccine
11 was being administered; and (2) without successful completion of the COVID-19 training
12 program prescribed by the California Department of Public Health.

13
14 **AS TO RESPONDENTS CARE4U and CHIU**

15 **NINETEENTH CAUSE FOR DISCIPLINE**

16 (Variation from a Prescription)

17 54. Respondents Care4U and Chiu are subject to disciplinary action for unprofessional
18 conduct under Code section 4301, subdivisions (j) and/or (o), in that they deviated from the
19 requirements of a prescription, in violation of California Code of Regulations, title 16, section
20 1716. On or about March 4, 2022, for Rx 167448, Respondents dispensed gababentin 10%,
21 diclofenac 3% cream, instead of the prescribed gababentin 10%, diclofenac 2% cream.

22 **TWENTIETH CAUSE FOR DISCIPLINE**

23 (Multiple Allowable Beyond Use Dates Stated on Master Formula/Compounding Record)

24 55. Respondents Care4U and Chiu are subject to disciplinary action for unprofessional
25 conduct under Code section 4301, subdivisions (j) and/or (o), in that Respondents had multiple
26 allowable beyond use dates for a compounded preparation on the master formula/compounding
27 record hybrid document. On or about February 17, 2022, for lot number 02172022@3, the
28 beyond use date was 180 days on the first page and recommended as 30 days on the third page.

1 **DISCIPLINARY CONSIDERATIONS**

2 56. As described in paragraph 4, above, effective April 21, 2022, Respondents Care4U
3 and Bajaj each had their respective licenses placed on probation for two years in resolution of the
4 *Accusation against Care4UPharmacy, Inc. and Harminder Bajaj*, Board Case No. 7024. That
5 accusation alleged numerous compounding violations discovered on or about November 3, 2019.
6 The Decision and Order in the matter is final and incorporated by reference as if fully set forth.

7 57. Effective August 4, 2022, Respondent Chiu was the subject of a Decision and Order
8 for a Withdrawal of Accusation and Issuance of Citation in resolution of the *Accusation against*
9 *ChoiceCare Pharmacy et al.*, Board Case No. 7048. The citation alleged failure to successfully
10 report to CURES and failure to timely complete a self-assessment upon becoming PIC. The
11 Decision and Order in the matter is final and incorporated by reference as if fully set forth.

12 **OTHER MATTERS**

13 58. Pursuant to Code section 4307, if discipline is imposed on Respondent Care4U's
14 Original Pharmacy Permit Number PHY 56024, Respondent Care4U shall be prohibited from
15 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a
16 licensee for five years if Original Pharmacy Permit Number PHY 56024 is placed on probation,
17 or until reinstatement if Original Pharmacy Permit Number PHY 56024 is revoked.

18 59. Pursuant to Code section 4307, if discipline is imposed on Respondent Care4U's
19 Original Pharmacy Permit Number PHY 56024 for conduct occurring while Respondent Bajaj
20 was owner or manager of which he had knowledge or participation, Respondent Bajaj shall be
21 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,
22 or partner of a licensee for five years if Original Pharmacy Permit Number PHY 56024 is placed
23 on probation, or until reinstatement if Original Pharmacy Permit Number PHY 56024 is revoked.

24 60. Pursuant to Code section 4307, if discipline is imposed on Respondent Bajaj's
25 Pharmacist License Number RPH 62181, Respondent Bajaj shall be prohibited from serving as a
26 manager, administrator, owner, member, officer, director, associate, or partner of a licensee for
27 five years if Pharmacist License Number RPH 62181 is placed on probation, or until
28 reinstatement if Pharmacist License Number RPH 62181 is revoked.

1 7. Prohibiting Respondent Chiu from serving as a manager, administrator, owner,
2 member, officer, director, associate, or partner of a licensee for five years if Pharmacist License
3 Number RPH 30425 is placed on probation, or until reinstatement if Pharmacist License Number
4 RPH 30425 is revoked.

5 8. Ordering Respondent Care4U, Respondent Bajaj, and Respondent Chiu to pay the
6 Board of Pharmacy the reasonable costs of the investigation and enforcement of this case,
7 pursuant to Business and Professions Code section 125.3; and,

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

9
10 DATED: 8/31/2023

Sodergren,
Anne@DCA  Digitally signed by Sodergren,
Anne@DCA
Date: 2023.08.31 17:43:15 -07'00'

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

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