

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

In the Matter of the Accusation Against:

**MAYMONA MAGOMNANG,
Pharmacist License No. RPH 63473; and**

**ELENA M. RAZO,
Pharmacy Technician License No. TCH 70494,**

Respondents.

Agency Case No. 7492

OAH No. 2024030595

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order for Public Repeval 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 August 28, 2024.

It is so ORDERED on July 29, 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 initial "S" and "O".

Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 DESIREE I. KELLOGG
Deputy Attorney General
4 State Bar No. 126461
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Attorneys for Complainant
8

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

13 In the Matter of the Accusation Against:

14 **MAYMONA MAGOMNANG**
15 **42841 Incantata Place**
16 **Indio, CA 92203**

17 **Pharmacist License No. RPH 63473,**

18 **and**

19 **ELENA M. RAZO**
20 **51-430 Ave Navarro**
21 **La Quinta, CA 92253**

22 **Pharmacy Technician License No. TCH**
23 **70494**

24 Respondents.

Case No. 7492

OAH No. 2024030595

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC
REPROVAL AS TO RESPONDENT
MAYMONA MAGOMNANG ONLY**

[Bus. & Prof. Code § 495]

25 IT IS HEREBY STIPULATED AND AGREED by and between Complainant Anne
26 Sodergren and Respondent Maymona Magomnang, parties to the above-entitled proceedings that
27 the following matters are true:

28 **PARTIES**

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

1 Rob Bonta, Attorney General of the State of California, by Desiree I. Kellogg, Deputy Attorney
2 General.

3 2. Respondent Maymona Magomnang (Respondent) is represented in this proceeding by
4 Nicole T. Irmer and Kimberly J. Elkin of the Law Office of Nicole Irmer, whose address is: 2550
5 Fifth Avenue, Suite 1060, San Diego, CA 92103.

6 **JURISDICTION**

7 3. On or about December 1, 2009, the Board issued Pharmacist License No. RPH 63473
8 to Maymona Magomnang (Respondent). The Pharmacist License was in full force and effect at
9 all times relevant to the charges brought in Accusation No. 7492 and will expire on October 31,
10 2025, unless renewed.

11 4. Accusation No. 7492 was filed before the Board of Pharmacy (Board), Department of
12 Consumer Affairs and is currently pending against Respondent. The Accusation and all other
13 statutorily required documents were properly served on Respondent on September 14, 2023.
14 Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation
15 No. 7492 is attached as Exhibit A and incorporated herein by reference.

16 **ADVISEMENT AND WAIVERS**

17 5. Respondent has carefully read, fully discussed with counsel, and understands the
18 charges and allegations in Accusation No. 7492. Respondent has also carefully read, fully
19 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
20 Order for Public Reapproval.

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

28 ///

1 between the parties, and the Board shall not be disqualified from further action by having
2 considered this matter.

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

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

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

16 **DISCIPLINARY ORDER**

17 IT IS HEREBY ORDERED that Pharmacist License No. RPH 63473 issued to Respondent
18 Maymona Magomnang (Respondent) shall be publicly reprovved by the Board of Pharmacy under
19 Business and Professions Code section 495 in resolution of Accusation No. 7492, attached as
20 Exhibit A.

21 **Ethics Course.** Within sixty calendar days of the effective date of this decision,
22 Respondent shall enroll in a course in ethics, at Respondent's expense, approved in advance by
23 the Board or its designee that complies with Title 16, California Code of Regulations, section
24 1773.5. Respondent shall provide proof of enrollment upon request. Within five days of
25 completion, Respondent shall submit a copy of the certificate of completion to the Board or its
26 designee. Failure to timely enroll in an approved ethics course, to successfully complete it, or to
27 timely submit proof of completion to the Board or its designee, shall subject Respondent to
28 disciplinary action.

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ENDORSEMENT

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

DATED: _____

Respectfully submitted,

ROB BONTA
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General

DESIREE I. KELLOGG
Deputy Attorney General
Attorneys for Complainant

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ENDORSEMENT

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

DATED: 06/04/2024

Respectfully submitted,
ROB BONTA
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General


DES: LOGG
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 7492

1 ROB BONTA
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2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 DESIREE I. KELLOGG
Deputy Attorney General
4 State Bar No. 126461
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9 **BEFORE THE**
10 **BOARD OF PHARMACY**
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12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 7492

14 **MAYMONA MAGOMNANG**
15 **42841 Incantata Place**
Indio, CA 92203

ACCUSATION

16 **Pharmacist License No. RPH 63473**

17 **ELENA M. RAZO**
18 **51-430 Ave Navarro**
La Quinta, CA 92253

19 **Pharmacy Technician License No. TCH**
20 **70494**

21 Respondents

22
23 **PARTIES**

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

26 2. On or about December 1, 2009, the Board issued Pharmacist License Number RPH
27 63473 to Maymona Magomnang (Respondent Magomnang). The Pharmacist License was in full
28

1 force and effect at all times relevant to the charges brought herein and will expire on October 31,
2 2023, unless renewed.

3 3. On or about July 15, 2006, the Board issued Pharmacy Technician License Number
4 TCH 70494 to Elena M. Razo (Respondent Razo). The Pharmacy Technician License was in full
5 force and effect at all times relevant to the charges brought herein and will expire on June 30,
6 2024, unless renewed.

7 JURISDICTION

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

11 5. Code section 4011 provides that the Board shall administer and enforce both the
12 Pharmacy Law (Bus. & Prof. Code, § 4000 *et seq.*) and the Uniform Controlled Substances Act
13 (Health & Safety Code, § 11000 *et seq.*).

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

16 7. Code section 4300.1 states:

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

21 8. Code section 4307, subdivision (a) states:

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

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

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

3 **STATUTORY PROVISIONS**

4 9. Code section 4052.8, subdivision (a) states:

5 In addition to the authority provided in paragraph (11) of subdivision (a) of
6 Section 4052, a pharmacist may independently initiate and administer any vaccine
7 that has been approved or authorized by the federal Food and Drug Administration
8 and received a federal Advisory Committee on Immunization Practices individual
9 vaccine recommendation published by the federal Centers for Disease Control and
10 Prevention (CDC) for persons three years of age and older.

11 ...

12 10. Code section 4301 states in pertinent part:

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

17 ...

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

21 (g) Knowingly making or signing any certificate or other document that falsely
22 represents the existence or nonexistence of a state of facts.

23 ...

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

26 ...

27 (o) Violating or attempting to violate, directly or indirectly, or assisting in or
28 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 any other state or federal regulatory
agency.

...

(q) Engaging in any conduct that subverts or attempts to subvert an
investigation of the board.

...

1 11. Code section 4306.5, subdivisions (a) and (c) state:

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

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

6 ...

7 (c) Acts or omissions that involve, in whole or in part, the failure to consult
8 appropriate patient, prescription, and other records pertaining to the performance of
any pharmacy function.

9 **COST RECOVERY**

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

14 **DRUGS**

15 13. Shingrix is an inactive herpes zoster vaccine which is administered to prevent
16 shingles, most commonly in patients over the age of 50 and is a dangerous drug as defined by
17 Business and Professions Code section 4022. It contains a protein (glycoprotein E) from the
18 varicella zoster virus, the virus that causes chickenpox.

19 14. Varicella vaccine, also known by its brand name as Varivax, contains a weakened
20 form of the chickenpox (or varicella) virus. It is administered to prevent chickenpox and is a
21 dangerous drug as defined by Business and Professions Code section 4022.

22 **FACTUAL ALLEGATIONS**

23 15. At all relevant times herein, Respondent Magomnang was the Pharmacist-in-Charge
24 of Rite Aid #6461 Pharmacy located in Palm Desert, California. At all relevant times herein,
25 Respondent Razo was a pharmacy technician at that same pharmacy.

26 16. Patient J.L. was a fifty year old, immunocompromised female. On January 6, 2022,
27 she took a serum IGG blood test to determine if she had the varicella zoster antibody in her
28

1 system. Patient J.L.'s test results showed she was negative for that antibody, which confirmed
2 her belief that she never had chickenpox.

3 17. Accordingly, on January 31, 2022, patient J.L. made an appointment at Rite Aid
4 #6461 Pharmacy to receive a varicella vaccine because she believed the Shingrix vaccine was
5 contraindicated for patients who never had chickenpox and a fourth COVID-19 vaccine. She
6 filled out online a Screening Questionnaire and Consent Form requesting and consenting to the
7 varicella vaccine and a fourth COVID-19 vaccine.

8 18. On February 9, 2022, Patient J.L. presented to Rite Aid #6461 Pharmacy for the
9 administration of the varicella and COVID-19 vaccines. Respondent Razo checked Patient J.L. in
10 and requested that she sign the Screening Questionnaire and Consent Form. Patient J.L. signed
11 that form. Respondent Razo then directed patient J.L. to the waiting area to wait for Respondent
12 Magomnang to administer the vaccines.

13 19. Respondent Magomnang did not review patient J.L.'s completed Screening
14 Questionnaire and Consent Form nor did she consult with or ask patient J.L. any screening
15 questions, including the reasons why Patient J.L. requested the varicella vaccination, rather than
16 the Shingrix vaccine and if Patient J.L. was negative for the varicella zoster antibody.

17 20. Respondent Magomnang injected Patient J.L. with the COVID-19 vaccine. She also
18 injected Patient J.L. with the Shingrix vaccine which had not received a federal Advisory
19 Committee on Immunization Practices individual vaccine recommendation published by the CDC
20 for adults such as patient J.L., with serological evidence of varicella susceptibility. Patient J.L.
21 did not request or consent to the Shingrix vaccine.

22 21. After administering the vaccine and attaching the label for the Shingrix vaccine on the
23 Screening Questionnaire and Consent Form signed by patient J.L., Respondents scanned patient
24 J.L.'s Screening Questionnaire and Consent Form into the pharmacy's system. When
25 Respondents realized that Respondent Magomnang had injected patient J.L. with the wrong
26 vaccine, Respondent Magomnang crossed out "varicella" and added "Shingrix" on the form, to
27 make it appear as if patient J.L. had requested and consented to the Shingrix vaccine and then
28 scanned the altered form into the pharmacy system.

1 Practices individual vaccine recommendations published by the CDC, as set forth in paragraphs
2 15 through 22 above, which are incorporated herein as though set forth in full.

3 **FIFTH CAUSE FOR DISCIPLINE**

4 **(Inappropriate Exercise of Education, Training or Experience as a Pharmacist And Failure
5 to Consult Appropriate Patient Records against Respondent Magomnang)**

6 27. Respondent Magomnang is subject to disciplinary action under Code section 4301
7 subdivisions (j) and/or (o), for violating Business and Professions Code section 4306.5,
8 subdivisions (a) and (c), in that she failed to appropriately exercise her education, training or
9 experience as a pharmacist when administering vaccines and she failed to consult appropriate
10 patient records when initiating and administering vaccines, as set forth in paragraphs 15 through
11 22 above, which are incorporated herein as though set forth in full.

12 **SIXTH CAUSE FOR DISCIPLINE**

13 **(Unprofessional Conduct against Respondents)**

14 28. Respondents are subject to disciplinary action under Code section 4301 for
15 unprofessional conduct in that she engaged in the activities described in paragraphs 15 through 22
16 above, which are incorporated herein as though set forth in full.

17 **OTHER MATTERS**

18 29. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License No.
19 RPH 63473 issued to Maymona Magomnang, then she shall be prohibited from serving as a
20 manager, administrator, owner, member, officer, director, associate, partner, or in any position
21 with management or control of a license for five years if Pharmacist License No. RPH 63473 is
22 placed on probation or until Pharmacist License No. RPH 63473 is reinstated if it is revoked.

23 30. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Technician
24 License No. TCH 70494 issued to Elena M. Razo, then she shall be prohibited from serving as a
25 manager, administrator, owner, member, officer, director, associate, partner, or in any position
26 with management or control of a license for five years if Pharmacy Technician License No. TCH
27 70494 is placed on probation or until Pharmacy Technician License No. TCH 70494 is reinstated
28 if it is revoked.

1 **PRAYER**

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

4 1. Revoking or suspending Pharmacist License Number RPH 63473 issued to Maymona
5 Magomnang;

6 2. Revoking or suspending Pharmacy Technician License Number TCH 70494 issued
7 Elena M. Razo;

8 3. Prohibiting Maymona Magomnang from serving as a manager, administrator, owner,
9 member, officer, director, associate, partner, or in any position with management or control of a
10 license for five years if Pharmacist License Number RPH 63473 is placed on probation or until
11 Pharmacist License Number RPH 63473 is reinstated if it is revoked;

12 4. Prohibiting Elena M. Razo from serving as a manager, administrator, owner, member,
13 officer, director, associate, partner, or in any position with management or control of a license for
14 five years if Pharmacy Technician License Number TCH 70494 is placed on probation or until
15 Pharmacy Technician License Number TCH 70494 is reinstated if it is revoked;

16 5. Ordering Maymona Magomnang and Elena M. Razo to pay the Board of Pharmacy
17 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and
18 Professions Code section 125.3; and,

19 6. Taking such other and further action as deemed necessary and proper.

20 DATED: 9/13/2023

Sodergren,
Anne@DCA

Digitally signed by Sodergren,
Anne@DCA
Date: 2023.09.13 17:30:59 -07'00'

21 ANNE SODERGREN
22 Executive Officer
23 Board of Pharmacy
24 Department of Consumer Affairs
State of California
Complainant

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