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

12 In the Matter of the Accusation Against:

Case No. 7594

13 **WEST COAST HS (US) PHARMACY**
14 **LLC, DBA MEDICAL CENTER**
15 **PHARMACY #1; MARK CATROPPA**
16 **(CHIEF EXECUTIVE OFFICER); MANOJ**
17 **SIKKA (VICE PRESIDENT)**
18 **340 4th Avenue, Suites 1, 21**
19 **Chula Vista, CA 91910**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

20 **Pharmacy Permit No. PHY 58443**

21 **WEST COAST HS (US) PHARMACY**
22 **LLC, DBA MEDICAL CENTER**
23 **PHARMACY #2; MARK CATROPPA**
24 **(CHIEF EXECUTIVE OFFICER); MANOJ**
25 **SIKKA (VICE PRESIDENT)**
26 **480 4th Avenue, Suite 100**
27 **Chula Vista, CA 91910**

28 **Pharmacy Permit No. PHY 58439**

WEST COAST HS (US) PHARMACY
LLC, DBA MEDICAL CENTER
PHARMACY #9; MARK CATROPPA
(CHIEF EXECUTIVE OFFICER); MANOJ
SIKKA (VICE PRESIDENT)
3904 Park Boulevard
San Diego, CA 92103

Pharmacy Permit No. PHY 58441

1 **WEST COAST HS (US) PHARMACY**
2 **LLC, DBA MEDICAL CENTER**
3 **PHARMACY #12; MARK CATROPPA**
4 **(CHIEF EXECUTIVE OFFICER); MANOJ**
5 **SIKKA (VICE PRESIDENT)**
6 **2995 National Avenue**
7 **San Diego, CA 92113**

8 **Pharmacy Permit No. PHY 58444**

9 **WEST COAST HS (US) PHARMACY**
10 **LLC, DBA MEDICAL CENTER**
11 **PHARMACY #13; MARK CATROPPA**
12 **(CHIEF EXECUTIVE OFFICER); MANOJ**
13 **SIKKA (VICE PRESIDENT)**
14 **610 Gateway Center Way, Suites A-E**
15 **San Diego, CA 92102**

16 **Pharmacy Permit No. PHY 58440**

17 **and**

18 **WEST COAST HS (US) PHARMACY**
19 **LLC. DBA MEDICAL CENTER**
20 **PHARMACY LTC; MARK CATROPPA**
21 **(CHIEF EXECUTIVE OFFICER); MANOJ**
22 **SIKKA (VICE PRESIDENT)**
23 **610 Gateway Center Way, Suites H-I**
24 **San Diego, CA 92102**

25 **Pharmacy Permit No. PHY 58442**

26 Respondents.

27 **FINDINGS OF FACT**

28 1. On or about January 16, 2024, Complainant Anne Sodergren, in her official capacity as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs, filed Accusation No. 7594 against West Coast HS (US) Pharmacy, LLC, dba Medical Center Pharmacy #1, Medical Center Pharmacy #2, Medical Center Pharmacy #9, Medical Center Pharmacy #12, Medical Center Pharmacy #13, and Medical Center Pharmacy LTC; with Mark Catroppa, Chief Financial Officer, President and Manager; Manoj Sikka, Vice-President (collectively Respondents) before the Board. (Accusation attached as Exhibit A.)

2. On or about March 10, 2022, the Board issued Pharmacy Permit Number PHY 58443 to West Coast HS (US) Pharmacy, LLC, dba Medical Pharmacy #1; Mark Catroppa, Chief Executive Officer, President and Manager; Manoj Sikka, Vice-President (Respondent). The Pharmacy Permit was cancelled on October 31, 2022.

3. On or about March 10, 2022, the Board issued Pharmacy Permit Number PHY 58439 to West Coast HS (US) Pharmacy, LLC, dba Medical Center Pharmacy #2; Mark Catroppa, Chief Executive Officer, President and Manager; Manoj Sikka, Vice-President (Respondent). The Pharmacy Permit was cancelled on October 31, 2022.

4. On or about March 10, 2022, the Board issued Pharmacy Permit Number PHY 58441 to West Coast HS (US) Pharmacy, LLC, dba Medical Center Pharmacy #9; Mark Catroppa, Chief Executive Officer, President, and Manager; Manoj Sikka, Vice-President (Respondent). The Pharmacy Permit was cancelled on October 31, 2022.

5. On or about March 10, 2022, the Board issued Pharmacy Permit Number PHY 58444 to West Coast HS (US) Pharmacy, LLC, dba MedicalCenter Pharmacy #12; Mark Catroppa, Chief Executive Officer, President and Manager; Manoj Sikka, Vice-President (Respondent). The Pharmacy Permit was cancelled on October 31, 2022.

6. On or about March 10, 2022, the Board issued Pharmacy Permit Number PHY 58440 to West Coast HS (US) Pharmacy, LLC, dba Medical Center Pharmacy #13; Mark Catroppa, Chief Executive Officer, President, and Manager; Manoj Sikka, Vice-President (Respondent). The Pharmacy Permit expired on October 1, 2022, and has not been renewed.

7. On or about March 10, 2022, the Board issued Pharmacy Permit Number PHY 58442 to West Coast HS (US) Pharmacy, LLC, dba Medical Center Pharmacy LTC; Mark Catroppa, Chief Executive Officer, President and Manager; Manoj Sikka, Vice-President (Respondent). The Pharmacy Permit was cancelled on October 31, 2022.

8. On or about January 23, 2024, Respondents were served by Certified and First Class Mail copies of the Accusation No. 7594, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondents' addresses of record which, pursuant to Business and Professions Code

section 4100, is required to be reported and maintained with the Board. Respondents' addresses of record were as follows:

a. West Coast HS (US) Pharmacy, LLC, dba Medical Center Pharmacy #2, 480 4th, Ste. 100, Chula Vista, CA 91910;

b. West Coast HS (US) Pharmacy, LLC, dba Medical Center Pharmacy #13, 610 Gateway Center Way, Ste A-E, San Diego, CA 92102;

c. West Coast HS (US) Pharmacy, LLC, dba Medical Center Pharmacy #9, 3904 Park Blvd., San Diego, CA 92103;

d. West Coast HS (US) Pharmacy, LLC, dba Medical Center Pharmacy LTC, 610 Gateway Center Way, Stes. H-1 San Diego, CA 92102;

e. West Coast HS (US) Pharmacy, LLC, dba Medical Center Pharmacy #1, 340 4th Ave., Ste. 1, 21, Chula Vista, CA 91910.

f. West Coast HS (US) Pharmacy, LLC, dba Medical Center Pharmacy #12, 2995 National Ave., San Diego, CA 92113.

9. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c) and/or Business and Professions Code section 124.

10. Government Code section 11506, subdivision (c) states, in pertinent part:

The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense . . . and the notice shall be deemed a specific denial of all parts of the accusation . . . not expressly admitted. Failure to file a notice of defense . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

11. The Board takes official notice of its records and the fact that Respondents failed to file a Notice of Defense within 15 days after service upon them of the Accusation, and therefore waived their right to a hearing on the merits of Accusation No. 7594.

12. California Government Code section 11520, subdivision (a) states, in pertinent part:

If the respondent either fails to file a notice of defense . . . or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent

13. Pursuant to its authority under Government Code section 11520, the Board finds Respondents are in default. The Board will take action without further hearing and, based on the relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter, finds that the charges and allegations in Accusation No. 7594, are separately and severally, found to be true and correct by clear and convincing evidence.

14. The Board finds that the actual costs for Investigation and Enforcement are \$18,642.50 as of March 1, 2024.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact:

a. Respondent West Coast HS (US) Pharmacy, LLC, dba Medical Center Pharmacy #2; Mark Catroppa, Chief Financial Officer, President and Manager; Manoj Sikka, Vice-President has subjected its Pharmacy Permit No. PHY 58439 to discipline.

b. Respondent West Coast HS (US) Pharmacy, LLC, dba Medical Pharmacy #1; Mark Catroppa, Chief Executive Officer, President and Manager; Manoj Sikka, Vice-President, has subjected its Pharmacy Permit Number PHY 58443 to discipline.

c. Respondent West Coast HS (US) Pharmacy, LLC, dba Medical Center Pharmacy #2; Mark Catroppa, Chief Executive Officer, President and Manager; Manoj Sikka, Vice-President, has subjected its Pharmacy Permit Number PHY 58439 to discipline.

d. Respondent West Coast HS (US) Pharmacy, LLC, dba Medical Center Pharmacy #9; Mark Catroppa, Chief Executive Officer, President, and Manager; Manoj Sikka, Vice-President, has subjected its Pharmacy Permit Number PHY 58441 to discipline.

e. Respondent West Coast HS (US) Pharmacy, LLC, dba Medical Center Pharmacy #12; Mark Catroppa, Chief Executive Officer, President and Manager; Manoj Sikka, Vice-President, has subjected its Pharmacy Permit Number PHY 58444 to discipline.

f. Respondent West Coast HS (US) Pharmacy, LLC, dba Medical Center Pharmacy #13; Mark Catroppa, Chief Executive Officer, President, and Manager; Manoj Sikka, Vice-President, has subjected its Pharmacy Permit Number PHY 58440 to discipline.

g. Respondent West Coast HS (US) Pharmacy, LLC, dba Medical Center Pharmacy LTC; Mark Catroppa, Chief Executive Officer, President and Manager; Manoj Sikka, Vice-President, has subjected its Pharmacy Permit Number PHY 58442 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board is authorized to revoke Respondents' Pharmacy Permits based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this case:

a. Respondents violated Business and Professions Code section 4301 for unprofessional conduct in that Respondents abandoned controlled substances and/or dangerous drugs and/or patient records in their pharmacies, and failed to notify the Board of their closure for months.

b. Respondents violated Business and Professions Code section 4301, subdivision (o) for violation of California Code of Regulations, title 16, section 1714, in that Respondents failed to maintain their facilities, space, fixtures, and equipment so that drugs are safely and properly maintained and secured.

ORDER

IT IS SO ORDERED that:

Pharmacy Permit Number PHY 58443, issued to West Coast HS (US) Pharmacy, LLC, dba Medical Pharmacy #1; Mark Catroppa, Chief Executive Officer, President and Manager; Manoj Sikka, Vice-President, is revoked.

Pharmacy Permit Number PHY 58439, issued to West Coast HS (US) Pharmacy, LLC, dba Medical Center Pharmacy #2; Mark Catroppa, Chief Executive Officer, President and Manager; Manoj Sikka, Vice-President, is revoked.

Pharmacy Permit Number PHY 58441, issued to West Coast HS (US) Pharmacy, LLC, dba Medical Center Pharmacy #9; Mark Catroppa, Chief Executive Officer, President, and Manager; Manoj Sikka, Vice-President, is revoked.

Pharmacy Permit Number PHY 58444, issued to West Coast HS (US) Pharmacy, LLC, dba Medical Center Pharmacy #12; Mark Catroppa, Chief Executive Officer, President and Manager; Manoj Sikka, Vice-President, is revoked.

Pharmacy Permit Number PHY 58440, issued to West Coast HS (US) Pharmacy, LLC, dba Medical Center Pharmacy #13; Mark Catroppa, Chief Executive Officer, President, and Manager; Manoj Sikka, Vice-President, is revoked.

Pharmacy Permit Number PHY 58442, issued to West Coast HS (US) Pharmacy, LLC, dba Medical Center Pharmacy LTC; Mark Catroppa, Chief Executive Officer, President and Manager; Manoj Sikka, Vice-President, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondents may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

Upon revocation per this Order, under Business and Professions Code section 4307, subdivision (a), Respondents shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, partner, or serving in any other position with management or control of a licensee. This prohibition shall continue until the license is issued or reinstated.

Upon revocation per this Order, under Business and Professions Code section 4307, subdivision (a), Mark Catroppa and Manoj Sikka shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, partner, or serving in any other position with management or control of a licensee. This prohibition shall continue until the license is issued or reinstated.

This Decision shall become effective on _____.

It is so ORDERED _____

FOR THE BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS

84403639.DOCX
DOJ Matter ID:SD2023802142
Attachment:
Exhibit A: Accusation

Pharmacy Permit Number PHY 58440, issued to West Coast HS (US) Pharmacy, LLC, dba Medical Center Pharmacy #13; Mark Catroppa, Chief Executive Officer, President, and Manager; Manoj Sikka, Vice-President, is revoked.

Pharmacy Permit Number PHY 58442, issued to West Coast HS (US) Pharmacy, LLC, dba Medical Center Pharmacy LTC; Mark Catroppa, Chief Executive Officer, President and Manager; Manoj Sikka, Vice-President, is revoked.

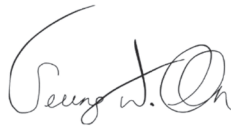
Pursuant to Government Code section 11520, subdivision (c), Respondents may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

Upon revocation per this Order, under Business and Professions Code section 4307, subdivision (a), Respondents shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, partner, or serving in any other position with management or control of a licensee. This prohibition shall continue until the license is issued or reinstated.

Upon revocation per this Order, under Business and Professions Code section 4307, subdivision (a), Mark Catroppa and Manoj Sikka shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, partner, or serving in any other position with management or control of a licensee. This prohibition shall continue until the license is issued or reinstated.

This Decision shall become effective at 5:00 p.m. on May 8, 2024.

It is so ORDERED on April 8, 2024.



Seung W. Oh, Pharm. D.
Board President
FOR THE BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS

84403639.DOCX
DOJ Matter ID:SD2023802142

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

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Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 NICOLE R. TRAMA
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P.O. Box 85266
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Attorneys for Complainant

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

13 In the Matter of the Accusation Against:

Case No. 7594

14 **WEST COAST HS (US) PHARMACY LLC, DBA**
15 **MEDICAL CENTER PHARMACY #1; MARK**
16 **CATROPPA (CHIEF EXECUTIVE OFFICER);**
17 **MANOJ SIKKA (VICE PRESIDENT)**
18 **340 4th Avenue, Suites 1, 21**
19 **Chula Vista, CA 91910**

ACCUSATION

20 **Pharmacy Permit No. PHY 58443**

21 **WEST COAST HS (US) PHARMACY LLC, DBA**
22 **MEDICAL CENTER PHARMACY #2; MARK**
23 **CATROPPA (CHIEF EXECUTIVE OFFICER);**
24 **MANOJ SIKKA (VICE PRESIDENT)**
25 **480 4th Avenue, Suite 100**
26 **Chula Vista, CA 91910**

27 **Pharmacy Permit No. PHY 58439**

28 **WEST COAST HS (US) PHARMACY LLC, DBA**
MEDICAL CENTER PHARMACY #9; MARK
CATROPPA (CHIEF EXECUTIVE OFFICER);
MANOJ SIKKA (VICE PRESIDENT)
3904 Park Boulevard
San Diego, CA 92103

Pharmacy Permit No. PHY 58441

1 **WEST COAST HS (US) PHARMACY LLC, DBA**
2 **MEDICAL CENTER PHARMACY #12; MARK**
3 **CATROPPA (CHIEF EXECUTIVE OFFICER);**
4 **MANOJ SIKKA (VICE PRESIDENT)**
5 **2995 National Avenue**
6 **San Diego, CA 92113**

7 **Pharmacy Permit No. PHY 58444**

8 **WEST COAST HS (US) PHARMACY LLC, DBA**
9 **MEDICAL CENTER PHARMACY #13; MARK**
10 **CATROPPA (CHIEF EXECUTIVE OFFICER);**
11 **MANOJ SIKKA (VICE PRESIDENT)**
12 **610 Gateway Center Way, Suites A-E**
13 **San Diego, CA 92102**

14 **Pharmacy Permit No. PHY 58440**

15 **and**

16 **WEST COAST HS (US) PHARMACY LLC. DBA**
17 **MEDICAL CENTER PHARMACY LTC; MARK**
18 **CATROPPA (CHIEF EXECUTIVE OFFICER);**
19 **MANOJ SIKKA (VICE PRESIDENT)**
20 **610 Gateway Center Way, Suites H-I**
21 **San Diego, CA 92102**

22 **Pharmacy Permit No. PHY 58442**

23 Respondents.

24 **PARTIES**

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

27 2. On or about March 10, 2022, the Board of Pharmacy issued Pharmacy Permit
28 Number PHY 58443 to West Coast HS (US) Pharmacy, LLC, dba Medical Pharmacy #1; Mark
Catroppa, Chief Executive Officer, President and Manager; Manoj Sikka, Vice-President
(Respondents). The Pharmacy Permit was cancelled on October 31, 2022.

3. On or about March 10, 2022, the Board of Pharmacy issued Pharmacy Permit
Number PHY 58439 to West Coast HS (US) Pharmacy, LLC, dba Medical Center Pharmacy #2;
Mark Catroppa, Chief Executive Officer, President and Manager; Manoj Sikka, Vice-President
(Respondents). The Pharmacy Permit was cancelled on October 31, 2022.

///

4. On or about March 10, 2022, the Board of Pharmacy issued Pharmacy Permit Number PHY 58441 to West Coast HS (US) Pharmacy, LLC, dba Medical Center Pharmacy #9; Mark Catroppa, Chief Executive Officer, President, and Manager; Manoj Sikka, Vice-President (Respondents). The Pharmacy Permit was cancelled on October 31, 2022.

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6. On or about March 10, 2022, the Board of Pharmacy issued Pharmacy Permit Number PHY 58440 to West Coast HS (US) Pharmacy, LLC, dba Medical Center Pharmacy #13; Mark Catroppa, Chief Executive Officer, President, and Manager; Manoj Sikka, Vice-President (Respondents). The Pharmacy Permit expired on October 1, 2022, and has not been renewed.

7. On or about March 10, 2022, the Board of Pharmacy issued Pharmacy Permit Number PHY 58442 to West Coast HS (US) Pharmacy, LLC, dba Medical Center Pharmacy LTC; Mark Catroppa, Chief Executive Officer, President and Manager; Manoj Sikka, Vice-President (Respondents). The Pharmacy Permit was cancelled on October 31, 2022.

JURISDICTION

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

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

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

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11. Section 4300.1 of the Code 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 AND REGULATORY PROVISIONS

12. Section 4022 of the Code states:

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

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

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

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

13. Section 4081 of the Code states in pertinent part:

(a) All records of manufacture and of sale, acquisition, or disposition of dangerous drugs or dangerous devices shall be at all times during business hours open to inspection by authorized officers of the law, and shall be preserved for at least three years from the date of making. A current inventory shall be kept by every manufacturer, wholesaler, pharmacy, veterinary food-animal drug retailer, physician, dentist, podiatrist, veterinarian, laboratory, clinic, hospital, institution, or establishment holding a currently valid and unrevoked certificate, license, permit, registration, or exemption under Division 2 (commencing with Section 1200) of the Health and Safety Code or under Part 4 (commencing with Section 16000) of Division 9 of the Welfare and Institutions Code who maintains a stock of dangerous drugs or dangerous devices.

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

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1 14. Section 4301 of the Code states in pertinent part:

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

5 ...

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

8 ...

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

14 ...

15 15. Section 4307, subdivision (a) of the Code states that:

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

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

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

16. Health and Safety Code section 111255 states:

 Any drug or device is adulterated if it has been produced, prepared, packed, or
 held under conditions whereby it may have been contaminated with filth, or whereby
 it may have been rendered injurious to health.

17. Health and Safety Code section 111295 states:

 It is unlawful for any person to manufacture, sell, deliver, hold, or offer for sale
 any drug or device that is adulterated.

18. Civil Code section 56.101:

(a) Every provider of health care, health care service plan, pharmaceutical company, or contractor who creates, maintains, preserves, stores, abandons, destroys, or disposes of medical information shall do so in a manner that preserves the confidentiality of the information contained therein. Any provider of health care, health care service plan, pharmaceutical company, or contractor who negligently creates, maintains, preserves, stores, abandons, destroys, or disposes of medical information shall be subject to the remedies and penalties provided under subdivisions (b) and (c) of Section 56.36.

....

REGULATORY PROVISIONS

19. Code of Regulation, Title 16, section 1714 states:

(a) All pharmacies (except hospital inpatient pharmacies as defined by Business and Professions Code section 4029 which solely or predominantly furnish drugs to inpatients of the hospital) shall contain an area which is suitable for confidential patient counseling.

(b) Each pharmacy licensed by the board shall maintain its facilities, space, fixtures, and equipment so that drugs are safely and properly prepared, maintained, secured and distributed. The pharmacy shall be of sufficient size and unobstructed area to accommodate the safe practice of pharmacy.

(c) The pharmacy and fixtures and equipment shall be maintained in a clean and orderly condition. The pharmacy shall be dry, well-ventilated, free from rodents and insects, and properly lighted. The pharmacy shall be equipped with a sink with hot and cold running water for pharmaceutical purposes.

(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.

(e) The pharmacy owner, the building owner or manager, or a family member of a pharmacist owner (but not more than one of the aforementioned) may possess a key to the pharmacy that is maintained in a tamper evident container for the purpose of 1) delivering the key to a pharmacist or 2) providing access in case of emergency. An emergency would include fire, flood or earthquake. The signature of the pharmacist-in-charge shall be present in such a way that the pharmacist may readily determine whether the key has been removed from the container.

(f) The board shall require an applicant for a licensed premise or for renewal of that license to certify that it meets the requirements of this section at the time of licensure or renewal.

(g) A pharmacy shall maintain a readily accessible restroom. The restroom shall contain a toilet and washbasin supplied with running water.

1 **COSTS**

2 20. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licensee found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 **FACTUAL ALLEGATIONS**

7 21. West Coast HS (US) Pharmacy, LLC, owned six pharmacies in Southern California,
8 namely Medical Center Pharmacy #1, Medical Center Pharmacy #2, Medical Center Pharmacy
9 #9, Medical Center Pharmacy #12, Medical Center Pharmacy # 13, and Medical Center Pharmacy
10 LTC (collectively Medical Center Pharmacies).

11 22. On or around December 28, 2022, the Board was notified that Medical Center
12 Pharmacies were abandoned. The Board initiated an investigation which demonstrated that all six
13 Medical Center Pharmacies had closed for business on or around November 9, 2022, but failed to
14 submit a Discontinuance of Business form with the Board, or properly notify the Board of the
15 closures. In addition, Medical Center Pharmacies had abandoned their inventory of dangerous
16 drugs and controlled substances, and their patient records inside the facilities.

17 23. On January 10, 2023, the Board Inspector sent Mark Catroppa as Chief Executive
18 Officer, President and Manager, and Manoj Sikka as Vice-President, instructions regarding the
19 submission of the required Discontinuance of Business forms to the Board. The Board further
20 instructed them to arrange for the disposition of all dangerous drugs and controlled substances
21 that were abandoned at Medical Center Pharmacies within ten days. Neither Mark Catroppa nor
22 Manoj Sikka responded to the Board's instructions.

23 24. The controlled substances that were left inside the abandoned pharmacies were
24 eventually confiscated and destroyed by the Drug Enforcement Administration. The dangerous
25 drugs that were left inside the abandoned pharmacies were deemed adulterated and were
26 eventually sent to a reverse distributor for destruction as facilitated by the Board. Discontinuance
27 of Business forms were received on or about January 16, 2023, with closure dates of "October
28 2022."

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct)**

3 25. Respondents are subject to disciplinary action under Business and Professions Code
4 section 4301 for unprofessional conduct in that Respondents abandoned controlled substances
5 and/or dangerous drugs and/or patient records, and failed to notify the Board of their closure for
6 months, as set forth above in paragraphs 21 through 24.

7 **SECOND CAUSE FOR DISCIPLINE**

8 **(Failure to Maintain Security)**

9 26. Respondents are subject to disciplinary action under Business and Professions Code
10 section 4301, subdivision (o) for violation of California Code of Regulations, title 16, section
11 1714, in that Respondents failed to maintain their facilities, space, fixtures, and equipment so that
12 drugs are safely and properly maintained and secured, as set forth above in paragraphs 21 through
13 24.

14 **OTHER MATTERS**

15 27. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
16 PHY 58443, issued to West Coast HS (US) Pharmacy, LLC, dba Medical Pharmacy #1, West
17 Coast HS (US) Pharmacy shall be prohibited from serving as a manager, administrator, owner,
18 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit
19 Number PHY 58443 is placed on probation or until Pharmacy Permit Number PHY 58443 is
20 reinstated if it is revoked.

21 28. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
22 PHY 58439, issued to West Coast HS (US) Pharmacy, LLC, dba Medical Center Pharmacy #2,
23 West Coast HS (US) Pharmacy, LLC shall be prohibited from serving as a manager,
24 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if
25 Pharmacy Permit Number PHY 58439 is placed on probation or until Pharmacy Permit Number
26 PHY 58439 is reinstated if it is revoked.

27 29. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
28 PHY 58441, issued to West Coast HS (US) Pharmacy, LLC, dba Medical Center Pharmacy #9,

1 West Coast HS (US) Pharmacy, LLC, shall be prohibited from serving as a manager,
2 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if
3 Pharmacy Permit Number PHY 58441 is placed on probation or until Pharmacy Permit Number
4 PHY 58441 is reinstated if it is revoked.

5 30. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
6 PHY 58444, issued to West Coast HS (US) Pharmacy, LLC, dba Medical Center Pharmacy #12,
7 West Coast HS (US) Pharmacy, LLC, shall be prohibited from serving as a manager,
8 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if
9 Pharmacy Permit Number PHY 58444 is placed on probation or until Pharmacy Permit Number
10 PHY 58444 is reinstated if it is revoked.

11 31. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
12 PHY 58442, issued to West Coast HS (US) Pharmacy, LLC, dba Medical Center Pharmacy LTC,
13 West Coast HS (US) Pharmacy, LLC, shall be prohibited from serving as a manager,
14 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if
15 Pharmacy Permit Number PHY 58442 is placed on probation or until Pharmacy Permit Number
16 PHY 58442 is reinstated if it is revoked.

17 32. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
18 PHY 58443, PHY 58439, PHY 58441, PHY 58444, PHY 58440, or PHY 58442, issued to West
19 Coast HS (US) Pharmacy, LLC, while Mark Catroppa has been an officer and owner and had
20 knowledge of or knowingly participated in any conduct for which the licensees were disciplined,
21 then Mark Catroppa shall be prohibited from serving as a manager, administrator, owner,
22 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit
23 Number PHY 58443, PHY 58439, PHY 58441, PHY 58444, PHY 58440, or PHY 58442, issued
24 to West Coast HS (US) Pharmacy, LLC is placed on probation or until they are reinstated if they
25 are revoked.

26 33. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
27 PHY 58443, PHY 58439, PHY 58441, PHY 58444, PHY 58440, or PHY 58442, issued to West
28 Coast HS (US) Pharmacy, LLC, while Manoj Sikka has been an officer and owner and had

1 knowledge of or knowingly participated in any conduct for which the licensees were disciplined,
2 then Manoj Sikka shall be prohibited from serving as a manager, administrator, owner, member,
3 officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number
4 PHY 58443, PHY 58439, PHY 58441, PHY 58444, PHY 58440, or PHY 58442, issued to West
5 Coast HS (US) Pharmacy, LLC is placed on probation or until they are reinstated if they are
6 revoked.

7 **PRAYER**

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

10 1. Revoking or suspending Pharmacy Permit Number PHY 58443, issued to West Coast
11 HS (US) Pharmacy, LLC, dba Medical Pharmacy #1; Mark Catroppa, Chief Executive Officer,
12 President and Manager; Manoj Sikka, Vice-President;

13 2. Revoking or suspending Pharmacy Permit Number PHY 58439, issued to West Coast
14 HS (US) Pharmacy, LLC, dba Medical Center Pharmacy #2; Mark Catroppa, Chief Executive
15 Officer, President and Manager; Manoj Sikka, Vice-President;

16 3. Revoking or suspending Pharmacy Permit Number PHY 58441, issued to West Coast
17 HS (US) Pharmacy, LLC, dba Medical Center Pharmacy #9; Mark Catroppa, Chief Executive
18 Officer, President, and Manager; Manoj Sikka, Vice-President;

19 4. Revoking or suspending Pharmacy Permit Number PHY 58444, issued to West Coast
20 HS (US) Pharmacy, LLC, dba Medical Center Pharmacy #12; Mark Catroppa, Chief Executive
21 Officer, President and Manager; Manoj Sikka, Vice-President;

22 5. Revoking or suspending Pharmacy Permit Number PHY 58440, issued to West Coast
23 HS (US) Pharmacy, LLC, dba Medical Center Pharmacy #13; Mark Catroppa, Chief Executive
24 Officer, President, and Manager; Manoj Sikka, Vice-President;

25 6. Revoking or suspending Pharmacy Permit Number PHY 58442, issued to West Coast
26 HS (US) Pharmacy, LLC, dba Medical Center Pharmacy LTC; Mark Catroppa, Chief Executive
27 Officer, President and Manager; Manoj Sikka, Vice-President;

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1 7. Prohibiting West Coast HS (US) Pharmacy, LLC from serving as a manager,
2 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if
3 Pharmacy Permit Numbers PHY 58443, PHY 58439, PHY 58441, PHY 58444, PHY 58440, or
4 PHY 58442 are placed on probation or until Pharmacy Permit Numbers PHY 58443, PHY 58439,
5 PHY 58441, PHY 58444, PHY 58440, or PHY 58442 are reinstated if Pharmacy Permit Numbers
6 PHY 58443, PHY 58439, PHY 58441, PHY 58444, PHY 58440, or PHY 58442 issued to West
7 Coast HS (US) Pharmacy, LLC are revoked;

8 8. Prohibiting Mark Catroppa from serving as a manager, administrator, owner,
9 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit
10 Numbers PHY 58443, PHY 58439, PHY 58441, PHY 58444, PHY 58440, or PHY 58442 are
11 placed on probation or until Pharmacy Permit Number PHY 58443, PHY 58439, PHY 58441,
12 PHY 58444, PHY 58440, or PHY 58442 are reinstated if Pharmacy Permit Numbers PHY 58443,
13 PHY 58439, PHY 58441, PHY 58444, PHY 58440, or PHY 58442 issued to West Coast HS (US)
14 Pharmacy, LLC are revoked.

15 9. Prohibiting Manoj Sikka from serving as a manager, administrator, owner, member,
16 officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Numbers
17 PHY 58443, PHY 58439, PHY 58441, PHY 58444, PHY 58440, or PHY 58442 are placed on
18 probation or until Pharmacy Permit Number PHY 58443, PHY 58439, PHY 58441, PHY 58444,
19 PHY 58440, or PHY 58442 are reinstated if Pharmacy Permit Numbers PHY 58443, PHY 58439,
20 PHY 58441, PHY 58444, PHY 58440, or PHY 58442 issued to West Coast HS (US) Pharmacy,
21 LLC are revoked.

22 10. Ordering Respondents to pay the Board of Pharmacy the reasonable costs of the
23 investigation and enforcement of this case, pursuant to Business and Professions Code section
24 125.3; and,

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11. Taking such other and further action as deemed necessary and proper.

DATED: 1/16/2024

Sodergren,
Anne@DCA

Digitally signed by Sodergren,
Anne@DCA
Date: 2024.01.16 21:13:27 -08'00'

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

SD2023802142