

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

In the Matter of the Accusation Against:

OLLEN WILLIAMS JR, Respondent

Pharmacy Technician License No. TCH 35994

Agency Case No. 7661

OAH No. 2024040903

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 November 20, 2024.

It is so ORDERED on October 21, 2024.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

A handwritten signature in black ink, appearing to read 'Seung W. Oh', is written over a light blue rectangular background.

Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 NICOLE R. TRAMA
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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:

14 **OLLEN WILLIAMS JR.**
15 **11787 Monte View Ct.**
16 **El Cajon, CA 92019**

17 **Pharmacy Technician License No. TCH**
18 **35994**

Respondent.

Case No. 7661

OAH No. 2024040903

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

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

22 **PARTIES**

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

2. Respondent Ollen Williams Jr. (Respondent) is represented in this proceeding by attorney Michael A. Taibi, Esq., whose address is: 401 West A Street, Suite 1810, San Diego, CA 92101-7907.

3. On or about January 24, 2001, the Board issued Pharmacy Technician License No. TCH 35994 to Ollen Williams Jr. (Respondent). The Pharmacy Technician License was in full force and effect at all times relevant to the charges brought in Accusation No. 7661, and will expire on September 30, 2024, unless renewed.

JURISDICTION

4. Accusation No. 7661 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on January 31, 2024. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 7661 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 7661. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

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

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

1 **CULPABILITY**

2 9. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 7661.

4 10. Respondent agrees that his Pharmacy Technician License is subject to discipline and
5 he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order
6 below.

7 **CONTINGENCY**

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

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

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

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Pharmacy Technician License No. TCH 35994 issued to Respondent Ollen Williams Jr. is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions:

1. Obey All Laws

Respondent shall obey all state and federal laws and regulations.

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

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

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

2. Report to the Board

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

Failure to submit timely reports in a form as directed shall be considered a violation of probation. Any period(s) of delinquency in submission of reports as directed may be added to the total period of probation. Moreover, if the final probation report is not made as directed,

1 probation shall be automatically extended until such time as the final report is made and accepted
2 by the Board.

3 **3. Interview with the Board**

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

9 **4. Cooperate with Board Staff**

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

16 **5. Reporting of Employment and Notice to Employers**

17 During the period of probation, Respondent shall notify all present and prospective
18 employers of the decision in case number 7661 and the terms, conditions and restrictions imposed
19 on Respondent by the decision, as follows:

20 Within thirty (30) days of the effective date of this decision, and within ten (10) days of
21 undertaking any new employment, Respondent shall report to the Board in writing the name,
22 physical address, and mailing address of each of Respondent's employer(s), and the name(s) and
23 telephone number(s) of all of his direct supervisor(s), as well as any pharmacist(s)-in-charge,
24 designated representative(s)-in-charge, responsible manager, or other compliance supervisor(s)
25 and the work schedule, if known. Respondent shall also include the reason(s) for leaving the
26 prior employment. Respondent shall sign and return to the Board a written consent authorizing
27 the Board or its designee to communicate with all of Respondent's employer(s) and supervisor(s),
28 and authorizing those employer(s) or supervisor(s) to communicate with the Board or its

1 designee, concerning Respondent's work status, performance, and monitoring. Failure to comply
2 with the requirements or deadlines of this condition shall be considered a violation of probation.

3 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
4 Respondent undertaking any new employment, Respondent shall cause (a) his direct supervisor,
5 (b) his pharmacist-in-charge, designated representative-in-charge, responsible manager, or other
6 compliance supervisor, and (c) the owner or owner representative of his employer, to report to the
7 Board in writing acknowledging that the listed individual(s) has/have read the decision in case
8 number 7661, and terms and conditions imposed thereby. If one person serves in more than one
9 role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the Respondent's
10 responsibility to ensure that these acknowledgment(s) are timely submitted to the Board. In the
11 event of a change in the person(s) serving the role(s) described in (a), (b), or (c) during the term
12 of probation, Respondent shall cause the person(s) taking over the role(s) to report to the Board in
13 writing within fifteen (15) days of the change acknowledging that he or she has read the decision
14 in case number 7661, and the terms and conditions imposed thereby.

15 If Respondent works for or is employed by or through an employment service, Respondent
16 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the Board
17 of the decision in case number 7661, and the terms and conditions imposed thereby in advance of
18 Respondent commencing work at such licensed entity. A record of this notification must be
19 provided to the Board upon request.

20 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
21 (15) days of Respondent undertaking any new employment by or through an employment service,
22 Respondent shall cause the person(s) described in (a), (b), and (c) above at the employment
23 service to report to the Board in writing acknowledging that he or she has read the decision in
24 case number, and the terms and conditions imposed thereby. It shall be Respondent's
25 responsibility to ensure that these acknowledgment(s) are timely submitted to the Board.

26 Failure to timely notify present or prospective employer(s) or failure to cause the identified
27 person(s) with that/those employer(s) to submit timely written acknowledgments to the Board
28 shall be considered a violation of probation.

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

6. Notification of Change(s) in Name, Address(es), or Phone Number(s)

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

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

7. Reimbursement of Board Costs

As a condition precedent to successful completion of probation, Respondent shall pay to the Board its costs of investigation and prosecution in the amount of \$16,044. Respondent shall make said payments as follows: \$668.50 per month until paid in full.

There shall be no deviation from this schedule absent prior written approval by the Board or its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of probation.

Respondent shall be permitted to pay these costs in a payment plan approved by the Board or its designee, so long as full payment is completed no later than one (1) year prior to the end date of probation.

8. Probation Monitoring Costs

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

9. Status of License

Respondent shall, at all times while on probation, maintain an active, current Pharmacy Technician License with the Board, including any period during which suspension or probation is

1 tolled. Failure to maintain an active, current Pharmacy Technician License shall be considered a
2 violation of probation.

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

7 **10. License Surrender While on Probation/Suspension**

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

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

23 **11. Certification Prior to Resuming Work**

24 Respondent shall maintain an active, current certification as defined by Business and
25 Professions Code section 4202, subdivision (a)(4), for the entire period of probation, and shall
26 submit proof of re-certification or renewal of certification to the Board within ten (10) days of
27 receipt. Failure to maintain active, current certification or to timely submit proof of same shall be
28 considered a violation of probation.

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

Except during periods of suspension, Respondent shall, at all times while on probation, be employed as a pharmacy technician in California for a minimum of 100 hours per calendar month. Any month during which this minimum is not met shall extend the period of probation by one month. During any such period of insufficient employment, Respondent must nonetheless comply with all terms and conditions of probation, unless Respondent receives a waiver in writing from the Board or its designee.

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

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

13. **Violation of Probation**

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

1 If Respondent violates probation in any respect, the Board, after giving Respondent notice
2 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
3 was stayed. If a petition to revoke probation or an accusation is filed against Respondent during
4 probation, or the preparation of an accusation or petition to revoke probation is requested from
5 the Office of the Attorney General, the Board shall have continuing jurisdiction and the period of
6 probation shall be automatically extended until the petition to revoke probation or accusation is
7 heard and decided.

8 **14. Completion of Probation**

9 Upon written notice by the Board or its designee indicating successful completion of
10 probation, Respondent's license will be fully restored.

11 **15. Notification of Departure**

12 Prior to leaving the probationary geographic area designated by the Board or its designee
13 for a period greater than twenty-four (24) hours, Respondent shall notify the Board verbally and
14 in writing of the dates of departure and return. Failure to comply with this provision shall be
15 considered a violation of probation.

16 **16. Remedial Education**

17 Within ninety (90) days of the effective date of this decision, Respondent shall submit to
18 the Board or its designee, for prior approval, an appropriate program of remedial education
19 related to USP 797. The program of remedial education shall consist of at least six (6) hours each
20 year of probation, at Respondent's own expense. All remedial education shall be in addition to,
21 and shall not be credited toward, continuing education (CE) courses used for license renewal
22 purposes for pharmacists.

23 Failure to timely submit for approval or complete the approved remedial education shall be
24 considered a violation of probation. The period of probation will be automatically extended until
25 such remedial education is successfully completed and written proof, in a form acceptable to the
26 Board, is provided to the Board or its designee.

27 Following the completion of each course, the Board or its designee may require the
28 Respondent, at his own expense, to take an approved examination to test the Respondent's

1 knowledge of the course. If the Respondent does not achieve a passing score on the examination
2 that course shall not count towards satisfaction of this term. Respondent shall take another course
3 approved by the Board in the same subject area.

4 **17. No Ownership or Management of Licensed Premises**

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

12 **ACCEPTANCE**

13 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
14 discussed it with my attorney, Michael A. Taibi, Esq. I understand the stipulation and the effect it
15 will have on my Pharmacy Technician License. I enter into this Stipulated Settlement and
16 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
17 Decision and Order of the Board of Pharmacy.

18
19 DATED: _____
20 OLLEN WILLIAMS JR.
Respondent

21 I have read and fully discussed with Respondent Ollen Williams Jr. the terms and
22 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
23 I approve its form and content.

24 DATED: _____
25 MICHAEL A. TAIBI, ESQ.
Attorney for Respondent

1 knowledge of the course. If the Respondent does not achieve a passing score on the examination
2 that course shall not count towards satisfaction of this term. Respondent shall take another course
3 approved by the Board in the same subject area.

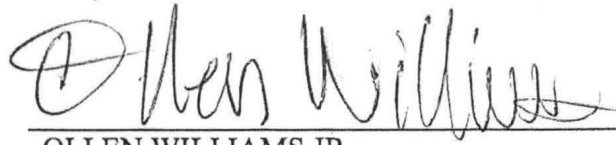
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6 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
7 partnership, or corporation currently or hereinafter licensed by the Board. Respondent shall sell
8 or transfer any legal or beneficial interest in any entity licensed by the Board within ninety (90)
9 days following the effective date of this decision and shall immediately thereafter provide written
10 proof thereof to the Board. Failure to timely divest any legal or beneficial interest(s) or provide
11 documentation thereof shall be considered a violation of probation.

12 **ACCEPTANCE**

13 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
14 discussed it with my attorney, Michael A. Taibi, Esq. I understand the stipulation and the effect it
15 will have on my Pharmacy Technician License. I enter into this Stipulated Settlement and
16 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
17 Decision and Order of the Board of Pharmacy.

18
19 DATED: 9/20/24



OLLEN WILLIAMS JR.
Respondent

21 I have read and fully discussed with Respondent Ollen Williams Jr. the terms and
22 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
23 I approve its form and content.

24 DATED: 9/20/24



MICHAEL A. TAIBI, ESQ.
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
GREGORY J. SALUTE
Supervising Deputy Attorney General

NICOLE R. TRAMA
Deputy Attorney General
Attorneys for Complainant

SD2023802956

ENDORSEMENT

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

DATED: 9/20/2024

Respectfully submitted,

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

Nicole R. Trama

NICOLE R. TRAMA
Deputy Attorney General
Attorneys for Complainant

SD2023802956

Exhibit A

Accusation No. 7661

1 ROB BONTA
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 NICOLE R. TRAMA
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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:

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14 **OLLEN WILLIAMS JR.**
15 **11787 Monte View Ct.**
El Cajon, CA 92019

ACCUSATION

16 **Pharmacy Technician License No. TCH**
17 **35994**

Respondent.

18
19
20 **PARTIES**

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

23 2. On or about January 24, 2001, the Board of Pharmacy issued Pharmacy Technician
24 License Number TCH 35994 to Ollen Williams Jr. (Respondent). The Pharmacy Technician
25 License was in full force and effect at all times relevant to the charges brought herein and will
26 expire on September 30, 2024, unless renewed.

27 ///

28 ///

JURISDICTION

3. 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.

4. Code section 4300 states, in pertinent part:

(a) Every license issued may be suspended or revoked.

(b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:

(1) Suspending judgment.

(2) Placing him or her upon probation.

(3) Suspending his or her right to practice for a period not exceeding one year.

(4) Revoking his or her license.

(5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper . . .

5. Code section 4300.1 states:

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

6. Code section 4307 states, in pertinent part:

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

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

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

6 7. Section 4011 of the Code provides that the Board shall administer and enforce both
7 the Pharmacy Law (Bus. & Prof. Code, § 4000 et seq.) and the Uniform Controlled Substances
8 Act (Health & Safety Code, § 11000 et seq.).

9 8. Code section 4342, subdivision (a) states:

10 The board may institute any action or actions as may be provided by law and
11 that, in its discretion, are necessary, to prevent the sale of pharmaceutical
12 preparations and drugs that do not conform to the standard and tests as to quality and
13 strength, provided in the latest edition of the United States Pharmacopoeia or the
14 National Formulary, or that violate any provision of the Sherman Food, Drug, and
15 Cosmetic Law (Part 5 (commencing with section 109875) of Division 104 of the
16 Health & Safety Code).

17 **STATUTORY AND REGULATORY PROVISIONS**

18 9. Code section 4301 states, in pertinent part:

19 The board shall take action against any holder of a license who is guilty of
20 unprofessional conduct. Unprofessional conduct shall include, but is not limited to,
21 any of the following:

22 ...

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

26 ...

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

...

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

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10. 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.

11. Code section 4126.8 states,

The compounding of drug preparations by a pharmacy for furnishing, distribution, or use in this state shall be consistent with standards established in the pharmacy compounding chapters of the current version of the United States Pharmacopeia-National Formulary, including relevant testing and quality assurance. The board may adopt regulations to impose additional standards for compounding drug preparations.

12. Section 4169 of the Code states in pertinent part:

(a) A person or entity shall not do any of the following:

(1) Purchase, trade, sell, warehouse, distribute, or transfer dangerous drugs or dangerous devices at wholesale with a person or entity that is not licensed with the board as a wholesaler, third-party logistics provider, or pharmacy.

(2) Purchase, trade, sell, or transfer dangerous drugs that the person knew or reasonably should have known were adulterated, as set forth in Article 2 (commencing with Section 111250) of Chapter 6 of Part 5 of Division 104 of the Health and Safety Code.

...

FEDERAL STATUTES AND REGULATIONS

13. 21 United States Code (U.S.C.) section 351 states in pertinent part:

A drug or device shall be deemed to be adulterated—

(a) Poisonous, insanitary, etc., ingredients; adequate controls in manufacture

(1) If it consists in whole or in part of any filthy, putrid, or decomposed substance; or

(2)(A) if it has been prepared, packed, or held under insanitary conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health; or

(B) if it is a drug and the methods used in, or the facilities or controls used for,

its manufacture, processing, packing, or holding do not conform to or are not operated or administered in conformity with current good manufacturing practice to assure that such drug meets the requirements of this chapter as to safety and has the identity and strength, and meets the quality and purity characteristics, which it purports or is represented to possess...

14. 21 U.S.C. section 353a states in pertinent part:

(b) Compounded drug

(1) Licensed pharmacist and licensed physician

A drug product may be compounded under subsection (a) if the licensed pharmacist or licensed physician—

(A) compounds the drug product using bulk drug substances, as defined in regulations of the Secretary published at section 207.3(a)(4) of title 21 of the Code of Federal Regulations—

...

(ii) that are manufactured by an establishment that is registered under section 360 of this title (including a foreign establishment that is registered under section 360(i) of this title)

...

REGULATORY PROVISIONS

15. California Code of Regulations, title 16, (Regulations) section 1735.1 states in pertinent part:

(ae) "Quality" means the absence of harmful levels of contaminants, including filth, putrid, or decomposed substances, the absence of active ingredients other than those listed on the label, and the absence of inactive ingredients other than those listed on the master formula document.

16. Regulations section 1735.2 states, in pertinent part:

...

(i) Every compounded drug preparation shall be given a beyond use date representing the date or date and time beyond which the compounded drug preparation should not be used, stored, transported or administered, and determined based on the professional judgment of the pharmacist performing or supervising the compounding.

...

(4) In addition to the requirements of paragraph three (3), the drugs or compounded drug preparations tested and studied shall be identical in ingredients, specific and essential compounding steps, quality reviews, and packaging as the finished drug or compounded drug preparation.

...

17. Regulations section 1764 states:

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

HEALTH AND SAFETY CODE

18. Health and Safety Code section 111250 states:

Any drug or device is adulterated if it consists, in whole or in part, of any filthy, putrid, or decomposed substance.

19. 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.

20. 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.

21. Health and Safety Code, section 111335, states:

Any drug or device is misbranded if its labeling or packaging does not conform to the requirements of Chapter 4 (commencing with Section 110290).

22. Health and Safety Code section 111430 states:

A drug or device is misbranded if it was manufactured in an establishment not duly registered with the Secretary of Health, Education, and Welfare of the United States.

23. Health and Safety Code section 111440 states:

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

COST RECOVERY

24. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
3 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
4 included in a stipulated settlement.

5 **FACTUAL ALLEGATIONS**

6 25. Since at least 2009, Respondent has worked at multiple locations where he
7 compounded sterile preparations. From approximately 2009 to 2019, he worked as a pharmacy
8 technician at a sterile compounding pharmacy, Southern California Compounding (SCC), whose
9 primary practice was non-sterile to sterile preparations for intrathecal injection.¹

10 26. Respondent was also a part owner of Southern California Compounding LLC, which
11 was the parent company of SCC. Effective December 15, 2014, in the disciplinary case entitled
12 *In the Matter of the Accusation Against Southern California Compounding Pharmacy LLC*, Case
13 Number 4671, SCC's pharmacy permit and sterile compounding permit were revoked, the
14 revocations were stayed, and they were placed on probation for 4 years following violations of
15 Pharmacy Law relating to non-sterile to sterile compounding practices. Respondent, as part
16 owner of SCC, signed the stipulated settlement and agreed to be bound to the disciplinary order
17 against SCC.

18 27. In or around September 2020, Respondent began working at San Diego
19 Comprehensive Pain Management Clinic (SDCPMC). SDCPMC is not a pharmacy and is not
20 licensed by the Board of Pharmacy. While working at SDCPMC, Respondent compounded non-
21 sterile to sterile compounded preparations for intrathecal injection in an unsafe environment and
22 in an unsafe manner. Respondent knew that the environment, conditions, and methods of
23 preparation for the compounds that he prepared were not safe and not compliant with the
24 requirements under United States Pharmacopoeia (USP) 797.² More specifically, Respondent
25 compounded non-sterile to sterile compounded preparations:

26 ¹ Intrathecal administration is a route of administration for drugs via an injection into the
27 spinal canal, or into the subarachnoid space.

28 ² The standards in USP 797 apply to *all* persons who prepare compounded sterile
preparations and in *all* places where compounded sterile preparations are prepared (e.g., hospitals)

- 1 a. In an uncertified primary engineering control within an uncertified area. (Regulations
2 1751(b), 1751.4(c), 1751.4(f); USP 797, Facility Design and Environmental Controls, page 11.)
- 3 b. Without doing any viable air or surface sampling to show the bioburden of the
4 environments. (Regulations 1751.4(j); USP 797, Viable and Nonviable Environmental Sampling
5 (ES) Testing, page 12.)
- 6 c. Without any validated training. (Regulations 1735.7 and 1751.6; USP 797, Personnel
7 Training and Evaluation in Aseptic Manipulation Skills, page 5; USP 797, Competency
8 Evaluation of Garbing and Aseptic Work Practice, page 16; USP 797, Responsibility of
9 Compounding Personnel, page 2.)
- 10 d. Without having documentation showing that cleaning had occurred. (Regulations
11 1751.4(d) and (e); USP 797, Cleaning and Disinfecting the Compounding Area, page 14; USP
12 797, Surface Cleaning and Disinfection Sampling and Assessment, page 16)
- 13 e. Even though there was visible dust and dirt in the compounding area. (USP 797,
14 Cleaning and Disinfecting the Compounding Area, page 14.)
- 15 f. Without having a working sink available for hand hygiene. (Regulations 1751(b);
16 USP 797, Personnel Cleansing and Garbing, page 15.)
- 17 g. With inappropriate surfaces and items within the compounding area (which increase
18 risk of contamination). (Regulations 1751(b) and 1751.4(c); USP 797, Facility Design and
19 Environmental Controls, page 11.)
- 20 h. Without having any documents showing compliance with USP standards.
21 (Regulations 1751.1; USP 797, Facility Design and Environmental Controls, page 11.)
- 22 i. Without having any data to show the filters used were appropriate to render the
23 compounded sterile preparations as sterile. (USP 797, Verification of Compounding Accuracy
24 and Sterility; USP 797, Sterilization of High-Risk Level CSPS by Filtration, page 8.)

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26 _____
27 and other healthcare institutions, patient treatment clinics, pharmacies, physicians' practice
28 facilities, and other locations and facilities in which CSPs are prepared, stored, and transported).
Persons who perform sterile compounding include pharmacists, nurses, pharmacy technicians,
and physicians. Accordingly, USP 797 applies to all healthcare personnel who prepare, store, and
transport compounded sterile preparations.

1 j. Without having equipment to show that the filter had integrity to sterilize the
2 compounded sterile preparations. (USP 797, Sterilization of High-Risk Level CSPS by Filtration,
3 page 8.)

4 k. Without having data to show the compounded sterile preparations were sterile. (USP
5 797, Verification of Compounding Accuracy and Sterility and Sterilization Methods, page 8.)

6 l. Without having any data to show the compounded sterile preparations met the labeled
7 strength. (Regulations 1735.8.)

8 m. By assigning beyond use dates which were inappropriate for the environment in
9 which they were compounded. (Regulations 1751.8(c); USP 797, Storage and Beyond-Use-
10 Dating, page 20.)

11 n. By labeling vials as refrigerated but never storing them in the refrigerator.
12 (Regulations 1735.4; USP 797, Storage and Beyond-Use-Dating, page 20.)

13 m. Without having any processes for depyrogenation.³ (USP 797, Depyrogenation by
14 Dry Heat, page 9; USP 797, High-Risk Level CSPs, page 5.)

15 o. Without having records to show calibration for the scales used. (Regulations
16 1735.6(b) and (c); USP 797, Elements of Quality Control/Equipment, page 18.)

17 p. Without having appropriate garb. (Regulations 1751.5; USP 797, Personnel Cleansing
18 and Garbing, page 15.)

19 q. Without having any data to show the level of pyrogens were acceptable in the
20 compounded sterile preparations for intrathecal use. (USP 797, Finished Preparation Release
21 Checks and Tests, page 19; USP 797, Bacterial Endotoxin (Pyrogen) Testing, page 20)

22 r. Without having any data to show any form of quality assurance program.
23 (Regulations 1735.8 and 1751.7; USP 797, Elements of Quality Control; Responsibility of
24 Compounding Personnel, page 2.)

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26 ///

27
28 ³ Depyrogenation is the process that removes pyrogens (molecules or substances that
cause a febrile reaction).

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct)**

3 28. Respondent is subject to disciplinary action under Business and Professions Code
4 section 4301, for unprofessional conduct, in that Respondent compounded non-sterile to sterile
5 compounded preparations for intrathecal injection in an unsafe environment and in an unsafe
6 manner, as set forth in paragraphs 25 through 27, above.

7 **SECOND CAUSE FOR DISCIPLINE**

8 **(Gross Negligence)**

9 29. Respondent is subject to disciplinary action under Business and Professions Code
10 section 4301, for in that Respondent was gross negligent when he compounded non-sterile to
11 sterile compounded preparations for intrathecal injection in an unsafe environment and in an
12 unsafe manner, as set forth in paragraphs 25 through 27, above.

13 **OTHER MATTERS**

14 30. Pursuant to Code section 4307, if discipline is imposed on Ollen Williams Jr., then
15 Ollen Williams Jr., shall be prohibited from serving as a manager, administrator, owner, member,
16 officer, director, associate, or partner of a licensee for 1) a period not to exceed five (5) years if
17 the pharmacy technician registration is placed on probation; or, 2) if the pharmacy technician
18 registration is revoked, the prohibition shall continue until the pharmacy technician registration is
19 reinstated.

20 **PRAYER**

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

23 1. Revoking or suspending Pharmacy Technician License Number TCH 35994, issued
24 to Ollen Williams Jr.;

25 2. Prohibiting Ollen Williams Jr. from serving as a manager, administrator, owner,
26 member, officer, director, associate, partner, or in any other position with management or control
27 of any pharmacy licensee;

28 ///

1 3. Ordering Ollen Williams Jr. to pay the Board of Pharmacy the reasonable costs of the
2 investigation and enforcement of this case, pursuant to Business and Professions Code section
3 125.3; and,

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

5
6 DATED: 1/31/2024

Sodergren,
Anne@DCA

Digitally signed by
Sodergren, Anne@DCA
Date: 2024.01.31 18:47:48
-08'00'

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

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