

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

In the Matter of the Accusation Against:

**HOMETOWN LTC PHARMACY, JOSEPH EMAD ABRAHAM
Pharmacy Permit No. PHY 51279,**

and

**JOSEPH EMAD ABRAHAM
Pharmacist License No. RPH 40844
Advanced Practice Pharmacist License No. APH 10731**

Respondents.

Agency Case No. 7681

OAH NO. 2024060778

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 December 12, 2024.

It is so ORDERED on November 12, 2024.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

A handwritten signature in black ink, appearing to read "Seung W. Oh". The signature is fluid and cursive, with the first name "Seung" and last name "Oh" clearly visible.

Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 ARTIN DEROHANIAN
Deputy Attorney General
4 State Bar No. 266131
300 So. Spring Street, Suite 1702
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Attorneys for Complainant
7

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

12 In the Matter of the Accusation Against:

13 **HOMETOWN LTC PHARMACY,**
14 **JOSEPH EMAD ABRAHAM**
15 **1450 West McCoy Lane, #B**
Santa Maria, CA 93455
Pharmacy Permit No. PHY 51279,

16 **and**

17 **JOSEPH EMAD ABRAHAM**
18 **5865 Quail Court**
Santa Maria, CA 93455
19 **Pharmacist License No. RPH 40844**
Advance Practice Pharmacist License No.
20 **APH 10731**

21 Respondents.

Case No. 7681

OAH No. 2024060778

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC
REPROVAL – As to Hometown LTC
Pharmacy only**

[Bus. & Prof. Code § 495]

22
23 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
24 entitled proceedings that the following matters are true:

25 **PARTIES**

26 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
27 (Board). She brought this action solely in her official capacity and is represented in this matter by
28

1 Rob Bonta, Attorney General of the State of California, by Artin DerOhanian, Deputy Attorney
2 General.

3 2. Respondent Hometown LTC Pharmacy, Joseph Emad Abraham (Respondent) is
4 represented in this proceeding by attorney Natallia Mazina, whose address is: 100 Pine Street,
5 Suite 1250, San Francisco, CA 94111-5235.

6 **JURISDICTION**

7 3. On or about April 12, 2013, the Board issued Pharmacy Permit No. PHY 51279 to
8 Hometown LTC Pharmacy, Joseph Emad Abraham (Respondent). The Pharmacy Permit was in
9 full force and effect at all times relevant to the charges brought in Accusation No. 7681, and will
10 expire on April 1, 2024, unless renewed.

11 4. Accusation No. 7681 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 April 30, 2024.
14 Respondent timely filed its Notice of Defense contesting the Accusation. A copy of Accusation
15 No. 7681 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. 7681. Respondent has also carefully read, fully
19 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
20 Order for Public Repeval.

21 6. Respondent is fully aware of its 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 its own expense; the right to confront and cross-examine the witnesses against them; the right to
24 present evidence and to testify on its own behalf; the right to the issuance of subpoenas to compel
25 the attendance of witnesses and the production of documents; the right to reconsideration and
26 court review of an adverse decision; and all other rights accorded by the California
27 Administrative Procedure Act and other applicable laws.

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

CULPABILITY

8. Respondent understands and agrees that the charges and allegations in Accusation No. 7681, if proven at a hearing, constitute cause for imposing discipline about the Pharmacy Permit. For purposes of resolving the Accusation with the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest those charges.

9. If Respondent applies for any other license or permit from this Board, for purposes of that application, Respondent will admit the truth of each and every charge and allegation in Accusation No. 7681. Respondent agrees that in any future disciplinary proceedings before the Board, the allegations in Accusation No. 7681 shall be deemed admitted by Respondent.

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

CONTINGENCY

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

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

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

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Pharmacy Permit No. PHY 51279 issued to Respondent Hometown LTC Pharmacy, Joseph Emad Abraham (Respondent) shall be publicly reproved by the Board of Pharmacy under Business and Professions Code section 495 in resolution of Accusation No. 7681, attached as exhibit A.

Cost Recovery. No later than 90 days from the effective date of the Decision, Respondent shall pay \$10,113.75 to the Board for its costs associated with the investigation and enforcement of this matter pursuant to Business and Professions Code Section 125.3. Respondent and Joseph Emad Abraham, individually, agree to be jointly and severally liable for the cost recovery provision stated herein. If Respondent fails to pay the Board costs as ordered, Respondent shall not be allowed to renew their Pharmacy Permit until Respondent pays costs in full. In addition, the Board may enforce this order for payment of its costs in any appropriate court, in addition to any other rights the Board may have.

Full Compliance. As a resolution of the charges in Accusation No. 7681, this stipulated settlement is contingent upon Respondent's full compliance with all conditions of this Order. If

Respondent fails to satisfy any of these conditions, such failure to comply constitutes cause for discipline, including outright revocation, of Respondent's Pharmacy Permit No. PHY 51279.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order for Public Reproval and have fully discussed it with my attorney, Natalia Mazina. I understand the stipulation and the effect it will have on my Pharmacy Permit. I enter into this Stipulated Settlement and Disciplinary Order for Public Reproval voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: _____

HOMETOWN LTC PHARMACY, JOSEPH
EMAD ABRAHAM
Respondent

I have read and fully discussed with Respondent Hometown LTC Pharmacy, Joseph Emad Abraham the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order for Public Reproval. I approve its form and content.

DATED: _____

NATALIA MAZINA
Attorney for Respondent

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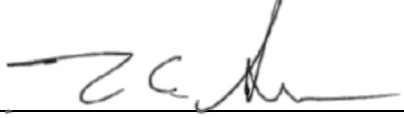
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Respondent fails to satisfy any of these conditions, such failure to comply constitutes cause for discipline, including outright revocation, of Respondent's Pharmacy Permit No. PHY 51279.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order for Public Reproval and have fully discussed it with my attorney, Natalia Mazina. I understand the stipulation and the effect it will have on my Pharmacy Permit. I enter into this Stipulated Settlement and Disciplinary Order for Public Reproval voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: Sep. 10, 2024


HOMETOWN LTC PHARMACY, JOSEPH
EMAD ABRAHAM
Respondent

I have read and fully discussed with Respondent Hometown LTC Pharmacy, Joseph Emad Abraham the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order for Public Reproval. I approve its form and content.

DATED: Sep. 10, 2024


NATALIA MAZINA
Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order for Public Reapproval 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
ARMANDO ZAMBRANO
Supervising Deputy Attorney General

ARTIN DEROHANIAN
Deputy Attorney General
Attorneys for Complainant

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ENDORSEMENT

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

DATED: Sept. 11, 2024

Respectfully submitted,

ROB BONTA
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General



AR AN
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 7681

1 ROB BONTA
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 ARTIN DEROHANIAN
Deputy Attorney General
4 State Bar No. 266131
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E-mail: Artin.DerOhanian@doj.ca.gov
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 7681

13 **HOMETOWN LTC PHARMACY,**
14 **JOSEPH EMAD ABRAHAM,**
PRESIDENT, 100% SHAREHOLDER
15 **1450 West McCoy Lane, #B**
Santa Maria, CA 93455

ACCUSATION

16 **Pharmacy Permit No. PHY 51279,**

17 **and**

18 **JOSEPH EMAD ABRAHAM**
19 **5865 Quail Court**
Santa Maria, CA 93455

20 **Pharmacist License No. RPH 40844**
21 **Advance Practice Pharmacist License**
No. APH 10731

22 Respondents.
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25 **PARTIES**

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

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2. On or about April 12, 2013, the Board issued Pharmacy Permit Number PHY 51279 to Hometown LTC Pharmacy (Respondent Hometown LTC Pharmacy), with Joseph Emad Abraham (Respondent Abraham) as President and 100% Shareholder. Respondent Abraham is and has been the Pharmacist-in-Charge since May 23, 2022. The Pharmacy Permit was in full force and effect at all times relevant to the charges brought herein and will expire on April 1, 2024, unless renewed.

3. On or about March 23, 1987, the Board issued Pharmacist License Number RPH 40844 to Respondent Abraham. The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2024, unless renewed.

4. On or about April 3, 2020, the Board issued Advance Practice Pharmacist License Number APH 10731 to Respondent Abraham. The Advance Practice Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2024, unless renewed.

JURISDICTION

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

6. Section 4300 of the Code states, in pertinent part:

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

7. 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.

8. Section 4307 of the Code 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:

(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.

(b) Manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control of a license as used in this section and Section 4308, may refer to a pharmacist or to any other person who serves in such capacity in or for a licensee.

(c) The provisions of subdivision (a) may be alleged in any pleading filed pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code. However, no order may be issued in that case except as to a person who is named in the caption, as to whom the pleading alleges the applicability of this section, and where the person has been given notice of the proceeding as required by Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code. The authority to proceed as provided by this subdivision shall be in addition to the board's authority to proceed under Section 4339 or any other provision of law.

BUSINESS AND PROFESSIONS CODE

9. 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.

(3) Purchase, trade, sell, or transfer dangerous drugs that the person knew or reasonably should have known were misbranded, as defined in Section 111335 of the Health and Safety Code.

(4) Purchase, trade, sell, or transfer dangerous drugs or dangerous devices after the beyond use date on the label.

(5) Fail to maintain records of the acquisition or disposition of dangerous drugs or dangerous devices for at least three years. . . .

10. Section 4301 of the Code states, in pertinent part:

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

...

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

...

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

11. Section 4306.5 of the Code states, in pertinent part:

(a) Acts or omissions that involve, in whole or in part, the inappropriate exercise of his or her education, training, or experience as a pharmacist, whether or 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.

REGULATORY PROVISIONS

12. California Code of Regulations, title 16, section 1714 (Regulation), states, in pertinent part:

(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.

13. Regulation section 1735.2 states, in pertinent part:

...

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

...

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

...

1 (i) Every compounded drug preparation shall be given a beyond use date representing
2 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.

3 (1) For non-sterile compounded drug preparation(s), the beyond use date shall
4 not exceed any of the following:

5 . . .

6 (F) for water-containing topical/dermal and mucosal liquid and
semisolid formulations, 30 days or an extended date established by the
7 pharmacist's research, analysis, and documentation.

8 14. Regulation section 1735.3 states, in pertinent part:

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

10 (1) The master formula document.

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

12 (A) Name and Strength of the compounded drug preparation.

13 (B) The date the drug preparation was compounded.

14 (C) The identity of any pharmacy personnel engaged in
15 compounding the drug preparation.

16 (D) The identity of the pharmacist reviewing the final drug
preparation.

17 (E) The quantity of each ingredient used in compounding the
18 drug preparation.

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

22 (i) Exempt from the requirements in this paragraph
(1735.3(a)(2)(F)) are sterile preparations compounded in a
23 single lot for administration within seventy-two (72) hours to
a patient in a health care facility licensed under section 1250
24 of the Health and Safety Code and stored in accordance with
standards for "Redispensed CSPs" found in Chapter 797 of
25 the United States Pharmacopeia -- National Formulary
(USP37-NF32) Through 2nd Supplement (37th Revision,
26 Effective December 1, 2014), hereby incorporated by
reference.

27 (G) A pharmacy-assigned unique reference or lot number for
28 the compounded drug preparation.

(H) The beyond use date or beyond use date and time of the final compounded drug preparation, expressed in the compounding document in a standard date and time format.

(I) The final quantity or amount of drug preparation compounded for dispensing.

(J) Documentation of quality reviews and required post-compounding process and procedures. . . .

15. Regulation section 1735.6 states, in pertinent part:

. . .

(b) Any equipment used to compound drug preparations shall be stored, used, maintained, and cleaned in accordance with manufacturers' specifications. . . .

16. Regulation section 1735.7 states, in pertinent part:

(a) A pharmacy engaged in compounding shall maintain documentation demonstrating that personnel involved in compounding have the skills and training required to properly and accurately perform their assigned responsibilities and documentation demonstrating that all personnel involved in compounding are trained in all aspects of policies and procedures. This training shall include but is not limited to support personnel (e.g. institutional environmental services, housekeeping), maintenance staff, supervising pharmacist and all others whose jobs are related to the compounding process.

(b) The pharmacy shall develop and maintain an on-going competency evaluation process for pharmacy personnel involved in compounding, and shall maintain documentation of any and all training related to compounding undertaken by pharmacy personnel.

. . .

17. Regulation section 1735.8 states in pertinent part:

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

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1 **COST RECOVERY**

2 18. Section 125.3 of the Code states, in pertinent part, that the Board may request the
3 administrative law judge to direct a licentiate 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 **CONTROLLED SUBSTANCES/DANGEROUS DRUGS**

7 19. Section 4021 of the Code states, in pertinent part:

8 “Controlled substances: means any substance listed in Chapter 2 (commencing with
9 Section 11053) of Division 10 of the Health and Safety Code.”

10 20. Section 4022 of the Code states

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

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

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

17 (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.

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TABLE NUMBER 1
Drug and Controlled Substance Definitions

| BRAND NAME | GENERIC NAME | DANGEROUS DRUG PER B&P CODE § 4022 | CONTROLLED SUBSTANCE PER HEALTH AND SAFETY CODE | INDICATIONS FOR USE |
|---------------------------|-----------------------|---|--|---|
| <i>Estrogel</i> | <i>Estradiol</i> | Yes | No | Hormone replacement therapy |
| Multiple brands | Estriol | Yes | No | Hormone replacement therapy |
| Estragyn, multiple others | Estrone | Yes | No | Hormone replacement therapy |
| Multiple brands | Progesterone | Yes/No- (Cosmetics) | No | Hormone replacement therapy |
| Androderm, AndroGel | Testosterone | Yes | Yes, Schedule III, HSC 11056(f)(30) | Hormone replacement therapy |
| HRT Cream Base | Oil-in-Water emulsion | Yes | No | Base compounding cream for Pharmaceutical compounding |

FACTUAL ALLEGATIONS

21. On or about March 28, 2023, Board inspectors conducted a routine inspection of Respondent Hometown LTC Pharmacy. Respondent Abraham was present and assisted during the inspection.

22. The Board inspectors reviewed Respondent Hometown LTC Pharmacy's compounding logs and master formulas and discovered that the compounding worksheet for Rx# 5105286 documented the compounding of Biest (80:20) consisting of estradiol/estriol, 2.5mg/0.5gram in an HRT cream. However, the master formula compounding worksheet attached to the log indicated "Formula Name: Estradiol (E2) 10-mg/g, Estriol (E3) 20-mg/g, Estrone 10-mg/g, Progesterone 200-mg/g and Testosterone 50 mg/g in HRT Supreme Cream Base."

23. The HRT Cream Based listed on the compounding log for Rx# 5105286 is described on Medisca's website to be a "scientifically advanced vanishing oil-in-water emulsion;" and so, the maximum allowable Beyond Use Date is 30-days or less.

1 24. The Board inspectors discovered the Formulation Compounding Worksheet for Rx#
2 5105286 indicated a Beyond Use Date of 90 days without any reference or documentation to
3 support the Beyond Use Date being applied to the compound cream.

4 25. The Board inspectors observed various glass beakers, magnetic mixers, and plastic
5 stirring tools drying on top of a shelf cabinet located directly between the bathroom sink and
6 toilet. The Board inspectors also observed a plastic bin labeled “Dirty Dishes” which contained
7 glass beakers, filters, and capsules molds. Respondent Abraham admitted they utilized the
8 bathroom sink for washing dirty compounding tools and equipment.

9 26. The Board inspectors found a single skills assessment checklist and sign-off sheet
10 listing mandatory requirements. The Board inspectors asked Respondent to provide
11 documentation of initial training and continuous training, and education related documents.
12 Respondent Abraham was unable to provide any documentation for the training and education of
13 pharmacy staff. Respondent Abraham was also unable to provide any certifications for
14 continuing education related to compounding.

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16 **As to Respondent Hometown LTC Pharmacy**

17 **FIRST CAUSE FOR DISCIPLINE**

18 **(Unprofessional Conduct – Failure to Maintain Compounding Equipment)**

19 27. Respondent Hometown LTC Pharmacy is subject to disciplinary action under Code
20 section 4301, subdivisions (j) and (o), on the grounds of unprofessional conduct, by and through
21 Regulation sections 1714, subdivision (b), in conjunction with Regulation 1735.6, subdivision
22 (b), in that on March 28, 2023, Respondent Hometown LTC Pharmacy failed to maintain
23 compounding equipment. Specifically, Respondent Hometown LTC Pharmacy kept clean and
24 dirty compounding tools and equipment in the bathroom, and left clean items drying on top of a
25 cabinet in-between the bathroom-sink and the bathroom toilet. Complainant refers to and by this
26 reference incorporates the allegations set forth above in paragraphs 21 through 26, inclusive, as
27 though set forth fully herein.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct – Failure to Maintain Compounding Log with**
3 **Master Formula Worksheet)**

4 28. Respondent Hometown LTC Pharmacy is subject to disciplinary action under Code
5 section 4301, subdivisions (j) and (o), on the grounds of unprofessional conduct, by and through
6 Regulation section 1735.3, subdivision (a), in that on March 28, 2023, Respondent Hometown
7 LTC Pharmacy failed to maintain a compounding log for Rx# 5105286. Specifically, a
8 compounding log for a two-ingredient topical cream (estradiol/estriol) for Rx# 5105286 was
9 attached to a master formula for a five-ingredient topical cream
10 (estradiol/estriol/estrone/progesterone/testosterone). Complainant refers to and by this reference
11 incorporates the allegations set forth above in paragraphs 21 through 26, inclusive, as though set
12 forth fully herein.

13 **THIRD CAUSE FOR DISCIPLINE**

14 **(Unprofessional Conduct – Failure to Provide Documented Rationale Beyond Use Date)**

15 29. Respondent Hometown LTC Pharmacy is subject to disciplinary action under Code
16 section 4301, subdivisions (j) and (o), on the grounds of unprofessional conduct, by and through
17 Regulation sections 1735.2, subdivisions (e)(3), and (i)(1)(F) in that on March 28, 2023,
18 Respondent Hometown LTC Pharmacy assigned Rx #5105286 a 90-day Beyond Use Date
19 without a documented rationale. Specifically, a 90-day beyond use date was documented on a
20 compounding log for a two-ingredient topical oil-in-water cream (estradiol/estriol) for Rx
21 #5105286 and was attached to a master formula for a five ingredient topical cream
22 (estradiol/estriol/estrone/progesterone/testosterone). Complainant refers to and by this reference
23 incorporates the allegations set forth above in paragraphs 21 through 26, inclusive, as though set
24 forth fully herein.

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct – Failure to Provide Documentation of Training for**
3 **Compounding)**

4 30. Respondent Hometown LTC Pharmacy is subject to disciplinary action under Code
5 section 4301, subdivisions (j) and (o), on the grounds of unprofessional conduct, by and through
6 Regulation sections 1735.7, subdivisions (a) and (b), in that on March 28, 2023, Respondent
7 Hometown Pharmacy failed to provide training records for any of the current or previous
8 pharmacy staff members engaged in non-sterile compounding. Complainant refers to and by this
9 reference incorporates the allegations set forth above in paragraphs 21 through 26, inclusive, as
10 though set forth fully herein.

11 **FIFTH CAUSE FOR DISCIPLINE**

12 **(Unprofessional Conduct – Failure to Provide Documentation of Quality Assurance Testing)**

13 31. Respondent Hometown LTC Pharmacy is subject to disciplinary action under Code
14 section 4301, subdivisions (j) and (o), on the grounds of unprofessional conduct, by and through
15 Regulation sections 1735.8, subdivision (c), in that on March 28, 2023, Respondent Hometown
16 LTC Pharmacy failed to provide documentation of non-sterile compounding quality assurance
17 potency tests. Complainant refers to and by this reference incorporates the allegations set forth
18 above in paragraphs 21 through 26, inclusive, as though set forth fully herein.

19
20 **As to Respondent Abraham**

21 **SIXTH CAUSE FOR DISCIPLINE**

22 **(Unprofessional Conduct – Failure to Exercise Education, Training, or Experience)**

23 32. Respondent Abraham is subject to disciplinary action under Code section 4306.5, on
24 the grounds of unprofessional conduct, in that on March 28, 2023, Respondent Abraham failed to
25 appropriately exercise his education, training, or experience as a pharmacist in maintaining
26 sanitization practices of compounding equipment. Specifically, there were clean and dirty
27 compounding tools and equipment located in Respondent Hometown LTC Pharmacy's bathroom
28 and clean items were left drying on top of a cabinet in-between the bathroom-sink and the

bathroom toilet. Complainant refers to and by this reference incorporates the allegations set forth above in paragraphs 21 through 26, inclusive, as though set forth fully herein.

SEVENTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Failure to Maintain Compounding Equipment)

33. Respondent Abraham is subject to disciplinary action under Code section 4301, subdivisions (j) and (o), on the grounds of unprofessional conduct, by and through Regulation section 1714, subdivision (b) and 1735.6, subdivision (b), in that on March 28, 2023, Respondent Abraham failed to maintain sanitization practices of compounding equipment. Specifically, there were clean and dirty compounding tools and equipment located in Respondent Hometown LTC Pharmacy's bathroom and clean items were left drying on top of a cabinet in-between the bathroom-sink and the bathroom toilet. Complainant refers to and by this reference incorporates the allegations set forth above in paragraphs 21 through 26, inclusive, as though set forth fully herein.

EIGHTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Failure to Maintain Compounding Log with Master Formula Worksheet)

34. Respondent Abraham is subject to disciplinary action under Code section 4301, subdivisions (j) and (o), on the grounds of unprofessional conduct, by and through Regulation sections 1735.3, subdivisions (a), in that on March 28, 2023, Respondent Abraham failed to maintain a compounding log for Rx#5105286. Specifically, a compounding log for a two-ingredient topical cream (estradiol/estriol) for Rx#5105286 was attached to a master formula for a five-ingredient topical cream (estradiol/estriol/estrone/progesterone/testosterone). Complainant refers to and by this reference incorporates the allegations set forth above in paragraphs 21 through 26, inclusive, as though set forth fully herein.

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NINTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Failure to Provide Documented Rationale Beyond Use Date)

35. Respondent Abraham is subject to disciplinary action under Code section 4301, subdivisions (j) and (o), on the grounds of unprofessional conduct, by and through Regulation sections 1735.2, subdivisions (e)(3) and(i)(1)(F), in that on March 28, 2023, Respondent Abraham assigned Rx #5105286 a 90-day Beyond Use Date without a documented rationale. Specifically, a 90-day beyond use date was documented on a compounding log for a two-ingredient topical oil-in-water cream (estradiol/estriol) for Rx #5105286 and was attached to a master formula for a five ingredient topical cream (estradiol/estriol/estrone/progesterone/testosterone). Complainant refers to and by this reference incorporates the allegations set forth above in paragraphs 21 through 26, inclusive, as though set forth fully herein.

TENTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Failure to Provide Documentation of Training for Compounding)

36. Respondent Abraham is subject to disciplinary action under Code section 4301, subdivisions (j) and (o), on the grounds of unprofessional conduct, by and through Regulation sections 1735.7, subdivisions (a) and (b), in that on March 28, 2023, Respondent Abraham failed to provide training records for any of the current or previous pharmacy staff members engaged in non-sterile compounding. Complainant refers to and by this reference incorporates the allegations set forth above in paragraphs 21 through 26, inclusive, as though set forth fully herein.

ELEVENTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Failure to Provide Documentation of Quality Assurance Testing)

37. Respondent Abraham is subject to disciplinary action under Code section 4301, subdivisions (j) and (o), on the grounds of unprofessional conduct, by and through Regulation sections 1735.8, subdivision (c), in that on March 28, 2023, Respondent Abraham failed to provide documentation of non-sterile compounding quality assurance potency tests. Complainant

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refers to and by this reference incorporates the allegations set forth above in paragraphs 21 through 26, inclusive, as though set forth fully herein.

OTHER MATTERS

38. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number PHY 51279, issued to Hometown LTC Pharmacy, Hometown LTC Pharmacy shall be prohibited from serving as a manger, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number 51279 is placed on probation or until Pharmacy Permit Number 51279 is reinstated if it is revoked.

39. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number PHY 51279, issued to Hometown LTC Pharmacy, Joseph Emad Abraham, shall be prohibited from serving as a manger, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number 51279 is placed on probation or until Pharmacy Permit Number 51279 is reinstated if it is revoked.

40. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number PHY 51279, issued to Hometown LTC Pharmacy, Joseph Emad Abraham, while Joseph Emad Abraham was an owner or manager and had knowledge of or knowingly participated in any conduct for which the licensee was disciplined, Joseph Emad Abraham shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 51279 is placed on probation or until Pharmacy Permit Number PHY 51279 is reinstated if it is revoked.

41. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License Number RPH 40844, issued to Joseph Emad Abraham, he shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacist License Number RPH 40844 is placed on probation or until Pharmacist License Number RPH 40844 is reinstated if it is revoked.

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42. Pursuant to Code section 4307, if discipline is imposed on Advance Practice Pharmacist License Number APH 10731, issued to Joseph Emad Abraham, he shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Advance Practice Pharmacist License Number APH 10731 is placed on probation or until Advance Practice Pharmacist License Number APH 10731 is reinstated if it is revoked.

PRAYER

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

1. Revoking or suspending Pharmacy Permit Number PHY 51279, issued to Hometown LTC Pharmacy, Joseph Emad Abraham;

2. Revoking or suspending Pharmacist License Number RPH 40844, issued to Joseph Emad Abraham;

3. Revoking or suspending Advance Practice Pharmacist License Number APH 10731, issued to Joseph Emad Abraham;

4. Ordering Joseph Emad Abraham and Joseph Emad Abraham to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

5. Prohibiting Hometown LTC Pharmacy from serving as a manager, administrator, owner, member officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 51279 is placed on probation or until Pharmacy Permit Number PHY 51279 is reinstated if Pharmacy Permit Number 51279 issued to Hometown LTC Pharmacy, is revoked;

6. Prohibiting Joseph Emad Abraham from serving as a manager, administrator, owner, member officer, director, associate, or partner of a licensee for five years if Pharmacist License Number RPH 40844 is placed on probation or until Pharmacist License Number RPH 40844 is reinstated if Pharmacist License Number RPH 40844 issued to Joseph Emad Abraham is revoked;

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1 7. Prohibiting Joseph Emad Abraham from serving as a manager, administrator, owner,
2 member officer, director, associate, or partner of a licensee for five years if Advance Practice
3 Pharmacist License Number APH 10731 is placed on probation or until Advance Practice
4 Pharmacist License Number APH 10731 is reinstated if Advance Practice Pharmacist License
5 Number APH 10731 issued to Joseph Emad Abraham is revoked; and,

6 8. Taking such other and further action as deemed necessary and proper.
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9 DATED: 4/28/2024

Sodergren,
Anne@DCA

Digitally signed by
Sodergren, Anne@DCA
Date: 2024.04.28 17:40:26
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ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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