

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

In the Matter of the Accusation Against:

**HRX PHARMACY LLC dba HRX PHARMACY LLC, CODY WALKER,
Member (100% Shareholder) and Former Pharmacist-in-Charge
Respondent.**

Nonresident Pharmacy Permit No. NRP 1973

Agency Case No. 7838

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 April 23, 2025.

It is so ORDERED on March 24, 2025.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
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Supervising Deputy Attorney General
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8
9 **BEFORE THE**
BOARD OF PHARMACY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11
12 In the Matter of the Accusation Against:

Case No. 7838

13 **HRX PHARMACY LLC DBA HRX**
PHARMACY LLC,
14 **CODY WALKER, Member (100%**
Shareholder) and Former Pharmacist-in-
15 **Charge**
4227 S. Highland Dr., Ste. 6
16 Salt Lake City, UT 84124

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

17 **Nonresident Pharmacy Permit No. NRP**
1973

18 Respondents.
19

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

23 **PARTIES**

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

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1 practice of pharmacy or the manufacturing, obtaining, handling or distributing, billing, or
2 charging for any dangerous drug, and/or dangerous device or controlled substance.

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

4 **3. Report to the Board**

5 Respondent shall report to the board quarterly, on a schedule as directed by the board or its
6 designee. The report shall be made either in person or in writing, as directed. Among other
7 requirements, respondent shall state in each report under penalty of perjury whether there has
8 been compliance with all the terms and conditions of probation. Failure to submit timely reports
9 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency
10 in submission of reports as directed may be added to the total period of probation. Moreover, if
11 the final probation report is not made as directed, probation shall be automatically extended until
12 such time as the final report is made and accepted by the board.

13 **4. Interview with the Board**

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

19 **5. Cooperate with Board Staff**

20 Respondent shall timely cooperate with the board's inspection program and with the board's
21 monitoring and investigation of respondent's compliance with the terms and conditions of the
22 probation, including but not limited to: timely responses to requests for information by board
23 staff; timely compliance with directives from board staff regarding requirements of any term or
24 condition of probation; and timely completion of documentation pertaining to a term or condition
25 of probation. Failure to timely cooperate shall be considered a violation of probation.

26 **6. Reimbursement of Board Costs**

27 As a condition precedent to successful completion of probation, respondent shall pay to the
28 board its costs of investigation and prosecution in the amount of \$2,612.00. Failure to pay costs

1 by the deadline(s) as directed shall be considered a violation of probation.

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

5 **7. Probation Monitoring Costs**

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

10 **8. Status of License**

11 Respondent shall, at all times while on probation, maintain current Nonresident Pharmacy
12 Permit with the board. Failure to maintain current licensure shall be considered a violation of
13 probation.

14 If respondent's license expires or is cancelled by operation of law or otherwise at any time
15 during the period of probation, including any extensions thereof or otherwise, upon renewal or
16 reapplication respondent's license shall be subject to all terms and conditions of this probation not
17 previously satisfied.

18 **9. License Surrender While on Probation/Suspension**

19 Following the effective date of this decision, should respondent wish to discontinue
20 business, respondent may tender the premises license to the board for surrender. The board or its
21 designee shall have the discretion whether to grant the request for surrender or take any other
22 action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the
23 license, respondent will no longer be subject to the terms and conditions of probation.

24 Respondent may not apply for any new license from the board for three (3) years from the
25 effective date of the surrender. Respondent shall meet all requirements applicable to the license
26 sought as of the date the application for that license is submitted to the board.

27 Respondent further stipulates that it shall reimburse the board for its costs of investigation
28 and prosecution prior to the acceptance of the surrender.

1 Upon acceptance of the surrender, respondent shall relinquish the premises wall and
2 renewal license to the board within ten (10) days of notification by the board that the surrender is
3 accepted. Respondent shall further submit a completed Discontinuance of Business form
4 according to board guidelines and shall notify the board of the records inventory transfer within
5 five (5) days. Respondent shall further arrange for the transfer of all records of acquisition and
6 disposition of dangerous drugs and/or devices to premises licensed and approved by the board.

7 Respondent shall also, by the effective date of this decision, arrange for the continuation of
8 care for ongoing patients of the pharmacy by, at minimum, providing a written notice to ongoing
9 patients that specifies the anticipated closing date of the pharmacy and that identifies one or more
10 area pharmacies capable of taking up the patients' care, and by cooperating as may be necessary
11 in the transfer of records or prescriptions for ongoing patients. Within five days of its provision to
12 the pharmacy's ongoing patients, Respondent shall provide a copy of the written notice to the
13 board. For the purposes of this provision, "ongoing patients" means those patients for whom the
14 pharmacy has on file a prescription with one or more refills outstanding, or for whom the
15 pharmacy has filled a prescription within the preceding sixty (60) days.

16 Respondent may not apply for any new license from the board for three (3) years from the
17 effective date of the surrender. Respondent shall meet all requirements applicable to the license
18 sought as of the date the application for that license is submitted to the board.

19 Respondent further stipulates that it shall reimburse the board for its costs of investigation
20 and prosecution prior to the acceptance of the surrender.

21 **10. Sale or Discontinuance of Business**

22 During the period of probation, should respondent sell, trade or transfer all or part of the
23 ownership of the licensed entity, discontinue doing business under the license issued to
24 respondent, or should practice at that location be assumed by another full or partial owner,
25 person, firm, business, or entity, under the same or a different premises license number, the board
26 or its designee shall have the sole discretion to determine whether to exercise continuing
27 jurisdiction over the licensed location, under the current or new premises license number, and/or
28 carry the remaining period of probation forward to be applicable to the current or new premises

1 license number of the new owner.

2 **11. Notice to Employees**

3 Respondent shall, upon or before the effective date of this decision, ensure that all
4 employees involved in permit operations are made aware of all the terms and conditions of
5 probation, either by posting a notice of the terms and conditions, circulating such notice, or both.
6 If the notice required by this provision is posted, it shall be posted in a prominent place and shall
7 remain posted throughout the probation period. Respondent shall ensure that any employees hired
8 or used after the effective date of this decision are made aware of the terms and conditions of
9 probation by posting a notice, circulating a notice, or both. Additionally, respondent shall submit
10 written notification to the board, within fifteen (15) days of the effective date of this decision, that
11 this term has been satisfied. Failure to timely provide such notification to employees, or to timely
12 submit such notification to the board shall be considered a violation of probation.

13 "Employees" as used in this provision includes all full-time, part-time, volunteer,
14 temporary and relief employees and independent contractors employed or hired at any time
15 during probation.

16 **12. Owners and Officers: Knowledge of the Law**

17 Respondent shall provide, within thirty (30) days after the effective date of this decision,
18 signed and dated statements from its owners, including any owner or holder of ten percent (10%)
19 or more of the interest in respondent or respondent's stock, and all of its officer, stating under
20 penalty of perjury that said individuals have read and are familiar with state and federal laws and
21 regulations governing the practice of pharmacy. The failure to timely provide said statements
22 under penalty of perjury shall be considered a violation of probation.

23 **13. Premises Open for Business**

24 Respondent shall remain open and engaged in its ordinary business as a Nonresident
25 Pharmacy Permit in California for a minimum of 120 hours per calendar month. Any month
26 during which this minimum is not met shall toll the period of probation, i.e., the period of
27 probation shall be extended by one month for each month during with this minimum is not met.
28 During any such period of tolling of probation, respondent must nonetheless comply with all

1 terms and conditions of probation, unless respondent is informed otherwise in writing by the
2 board or its designee. If respondent is not open and engaged in its ordinary business as a
3 Nonresident Pharmacy Permit for a minimum of 120 hours in any calendar month, for any reason
4 (including vacation), respondent shall notify the board in writing within ten (10) days of the
5 conclusion of that calendar month. This notification shall include at minimum all of the
6 following: the date(s) and hours respondent was open; the reason(s) for the interruption or why
7 business was not conducted; and the anticipated date(s) on which respondent will resume business
8 as required. Respondent shall further notify the board in writing with ten (10) days following the
9 next calendar month during which respondent is open and engaged in its ordinary business as a
10 Nonresident Pharmacy Permit in California for a minimum of 120 hours. Any failure to timely
11 provide such notification(s) shall be considered a violation of probation.

12 **14. Posted Notice of Probation**

13 Respondent shall prominently post a probation notice provided by the board or its designee
14 in a place conspicuous to and readable by the public within two (2) days of receipt thereof from
15 the board or its designee. Failure to timely post such notice, or to maintain the posting during the
16 entire period of probation, shall be considered a violation of probation.

17 Respondent shall not, directly or indirectly, engage in any conduct or make any statement
18 which is intended to mislead or is likely to have the effect of misleading any patient, customer,
19 member of the public, or other person(s) as to the nature of and reason for the probation of the
20 licensed entity.

21 **15. Violation of Probation**

22 If a respondent has not complied with any term or condition of probation, the board shall
23 have continuing jurisdiction over respondent, and probation shall be automatically extended, until
24 all terms and conditions have been satisfied or the board has taken other action as deemed
25 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and
26 to impose the penalty that was stayed.

27 If respondent violates probation in any respect, the board, after giving respondent notice
28 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that

1 was stayed. If a petition to revoke probation or an accusation is filed against respondent during
2 probation, the board shall have continuing jurisdiction and the period of probation shall be
3 automatically extended until the petition to revoke probation or accusation is heard and decided.

4 **16. Completion of Probation**

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

7 **17. Consultant Review of Pharmacy Operations**

8 During the period of probation, Respondent Pharmacy shall retain an independent
9 consultant, who specializes in compounding, at its own expense who shall be responsible for
10 reviewing pharmacy operations on a quarterly basis for compliance by Respondent Pharmacy with
11 state and federal laws and regulations governing the practice of pharmacy, a compounding
12 pharmacy, and for compliance by respondent.

13 The consultant shall provide the board with an inspection agenda for approval prior to
14 conducting the inspection. Any inspection conducted without prior approval of the inspection
15 agenda shall not be accepted. The consultant shall also provide the board with reports
16 documenting the inspection. The reports shall be provided directly to the board, and receive
17 confirmation of receipt from the board, prior to providing to the respondent. Should the board
18 determine that the consultant is not appropriately assessing the operations of respondent, or
19 providing the appropriate written reports, the board shall require respondent to obtain a different
20 consultant through the same process outlined above, by submitting a new name of an expert
21 within sixty (60) days of respondent being notified of the need for a new consultant. During the
22 period of probation, the board shall retain discretion to modify the frequency of the consultant's
23 review.

24 Respondent shall submit the name of the proposed consultant for approval within thirty (30)
25 days of the effective date of this decision. The consultant shall be a pharmacist licensed by and
26 not on probation with the board or other professional as appropriate and not on probation with the
27 board, who has been approved by the board to serve in this position. The consultant shall have
28 sufficient education, training, and professional experience to be able to provide guidance to

1 respondent related to the causes for discipline in Case No. 7838. Assumption of any unauthorized
2 supervision responsibilities shall be considered a violation of probation.

3 Failure to timely seek approval for, timely retain, or ensure timely reporting by the
4 consultant shall be considered a violation of probation.

5 **18. No Additional Ownership or Management of Licensed Premises**

6 Respondent shall not acquire any additional ownership, legal or beneficial interest in, nor
7 serve as a manager, administrator, member, officer, director, associate, partner or any business,
8 firm, partnership, or corporation currently or hereinafter licensed by the board except as
9 approved by the board or its designee. Violations of this restriction shall be considered a violation
10 of probation.

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ACCEPTANCE

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

DATED: _____
Cody Walker, individually and as 100% Shareholder of
HRX PHARMACY LLC DBA HRX PHARMACY
LLC,

I have read and fully discussed with Cody Walker, individually and as 100% Shareholder of HRx Pharmacy LLC dba HRx Pharmacy LLC, the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: _____
IVAN PETRZELKA, ESQ.
Attorney for Respondents

ACCEPTANCE

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

DATED: 01/24/2025 
Cody Walker, individually and as 100% Shareholder of
HRX PHARMACY LLC DBA HRX PHARMACY
LLC,

I have read and fully discussed with Cody Walker, individually and as 100% Shareholder of HRx Pharmacy LLC dba HRx Pharmacy LLC, the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: January 24, 2025 
IVAN PETRZELKA, ESQ.
Attorney for Respondents

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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
ANDREW M. STEINHEIMER
Supervising Deputy Attorney General

BRENT O. JEX
Deputy Attorney General
Attorneys for Complainant

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ENDORSEMENT

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

DATED: January 27, 2025

Respectfully submitted,

ROB BONTA
Attorney General of California
ANDREW M. STEINHEIMER
Supervising Deputy Attorney General

/s/ Brent O. Jex

BRENT O. JEX
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 7838

1 ROB BONTA
Attorney General of California
2 ANDREW M. STEINHEIMER
Supervising Deputy Attorney General
3 BRENT O. JEX
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4 State Bar No. 235261
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7 *Attorneys for Complainant*

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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. 7838

13 **HRX PHARMACY LLC DBA HRX**
14 **PHARMACY LLC,**
15 **CODY WALKER, Member (100%**
Shareholder) and Former Pharmacist-in-
Charge

ACCUSATION

16 4227 S. Highland Dr., Ste. 6
Salt Lake City, UT 84124

17 **Nonresident Pharmacy Permit No. NRP**
18 **1973**

19 Respondents.

20
21 **PARTIES**

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

24 2. On or about November 17, 2017, the Board issued Nonresident Pharmacy Permit
25 Number NRP 1973 to HRx Pharmacy LLC dba HRx Pharmacy LLC, (Respondent HRx
26 Pharmacy), with Cody Allen Walker (Respondent Walker) as Member (100% Shareholder), and
27 Pharmacist-in-Charge (PIC). On or about September 26, 2023, Respondent HRx Pharmacy
28 replaced Respondent Walker with a new PIC. The Nonresident Pharmacy Permit was in full

1 force and effect at all times relevant to the charges brought herein and will expire on November 1,
2 2024, unless renewed.

3 **JURISDICTION**

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

7 4. Code section 4011 provides that the Board shall administer and enforce both the
8 Pharmacy Law (Business and Professions Code sections 4400, et seq.) and the Uniform
9 Controlled Substances Act (Health and Safety Code sections 11000, et seq.).

10 5. Code section 4300 states, in pertinent part:

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

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

15 (1) Suspending judgment.

16 (2) Placing him or her upon probation.

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

19 (4) Revoking his or her license.

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

22 ...

23 (e) The proceedings under this article shall be conducted in accordance with
24 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the
25 Government Code, and the board shall have all the powers granted therein. The
26 action shall be final, except that the propriety of the action is subject to review by
27 the superior court pursuant to Section 1094.5 of the Code of Civil Procedure.
28

1 suspended, or placed on probation, shall be prohibited from serving as a manager,
2 administrator, owner, member, officer, director, associate, or partner of a licensee
3 as follows:

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

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

9 9. Code section 4113 provides, in pertinent part:

10 (a) Every pharmacy shall designate a pharmacist-in-charge and, within 30 days
11 thereof, shall notify the board in writing of the identity and license number of
12 that pharmacist and the date they were designated.

13 ...

14 (c)(1) The pharmacist-in-charge shall be responsible for a pharmacy's
15 compliance with all state and federal laws and regulations pertaining to the
16 practice of pharmacy.

17 ...

18 10. Code section 4302 provides:

19 The board may deny, suspend, or revoke any license where conditions exist in
20 relation to any person holding 10 percent or more of the ownership interest or
21 where conditions exist in relation to any officer, director, or other person with
22 management or control of the license that would constitute grounds for disciplinary
23 action against a licensee.

24 **COST RECOVERY**

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

29 **CAUSE FOR DISCIPLINE**

30 **(Out of State Discipline)**

31 12. Respondent HRx Pharmacy and Respondent Walker are subject to disciplinary action
32 under Code sections 4113, subdivision (c)(1), 4301, subdivisions (n) and (o), and 4302, in that on
33 or about February 18, 2020, the Utah Division of Occupational and Professional Licensing

1 (“Division”) issued a public reprimand and \$20,700 fine to Respondent HRx Pharmacy. Of the
2 total fine, \$10,350 was stayed pending correction of all deficiencies described in the case within
3 six months. The causes for disciplinary action were based on a routine inspection conducted on
4 October 29, 2019. During the inspection, a Division investigator identified violations related to
5 the pharmacy’s recordkeeping, operating conditions, and non-sterile compounding practices. As
6 part of the Stipulation and Order, HRx Pharmacy LLC admitted that the described content
7 constituted unprofessional conduct and the Division was justified in taking disciplinary action
8 against the pharmacy’s license.

9 13. Respondent HRx Pharmacy and Respondent Walker are also subject to disciplinary
10 action under Code sections 4113, subdivision (c)(1), 4301, subdivisions (n) and (o), and 4302, in
11 that on or about September 17, 2023, the Division revoked the pharmacy license of Respondent
12 HRx Pharmacy, and the pharmacist license of its PIC, Respondent Walker. The revocations were
13 immediately stayed and both licenses were placed on probation for four years. The causes for
14 disciplinary action were based on inspections from May 16, 2022 and May 19, 2022. During the
15 inspections, a Division investigator identified violations related to the pharmacy’s recordkeeping
16 and non-sterile compounding practices. Some of the violations were repeat violations from a
17 previous inspection, for which the pharmacy was issued a public reprimand and fine, as set forth
18 in paragraph 12 above. As part of the stipulation and order with the Division, Respondent HRx
19 Pharmacy and Respondent Walker admitted that the described conduct constituted unprofessional
20 conduct and the Division was justified in taking disciplinary action against their licenses.

21 **OTHER MATTERS**

22 14. Under Code section 4307, if Nonresident Pharmacy Permit Number NRP 1973,
23 issued to Respondent HRx Pharmacy LLC is suspended, revoked, or placed on probation,
24 Respondent HRx Pharmacy LLC shall be prohibited from serving as a manager, administrator,
25 owner, member, officer, director, associate, or partner of a licensee for five years if Nonresident
26 Pharmacy Permit Number NRP 1973 is placed on probation or until Nonresident Pharmacy
27 Permit Number NRP 1973 is reinstated if it is revoked.

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

DATED: 6/12/2024

Sodergren,
Anne@DCA
ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

Digitally signed by Sodergren,
Anne@DCA
Date: 2024.06.12 18:44:34 -07'00'