

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

In the Matter of the Accusation Against:

**RALEY'S CORPORATION DBA RALEY'S PHARMACY #332
Pharmacy Permit No. PHY 53516**

and

**HELEN MUNIRAH DANGTRAN
Pharmacist License No. RPH 72775**

Respondents

Case No. 6490

OAH No. 2019110274

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 March 5, 2021.

It is so ORDERED on February 3, 2021.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Greg M. Lippe".

By

Greg Lippe
Board President

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Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
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Attorneys for Complainant

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

13 In the Matter of the Accusation Against:

14 **RALEY'S CORPORATION DBA**
15 **RALEY'S PHARMACY #332**
3001 Travis Blvd.
Fairfield, CA 94534

16 **Original Permit No. PHY 53516,**

17 and

18 **HELEN MUNIRAH DANGTRAN**
19 3001 Travis Blvd.
Fairfield, CA 94534

20 **Original Pharmacist License No. RPH 55589**

21 Respondents.

Case No. 6490

OAH No. 2019110274

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC
REPROVAL REGARDING RALEY'S
CORPORATION DBA
RALEY'S PHARMACY #332**

[Bus. & Prof. Code § 495]

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

26 **PARTIES**

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

1 Xavier Becerra, Attorney General of the State of California, by Aspasia A. Papavassiliou, Deputy
2 Attorney General.

3 2. Raley's Corporation doing business as Raley's Pharmacy #332 (Respondent) is
4 represented in this proceeding by attorney Raymond R. Gates, whose address is: Lauria Tokunaga
5 Gates & Linn, LLP, 1755 Creekside Oaks Drive, Suite 240, Sacramento, CA 95833-3645.

6 **JURISDICTION**

7 3. On or about May 19, 2015, the Board of Pharmacy issued Original Permit Number
8 PHY 53516 to Respondent. The Original Permit was in full force and effect at all times relevant
9 to the charges brought in Accusation No. 6490 and will expire on May 1, 2021, unless renewed.

10 4. Accusation No. 6490 was filed before the Board of Pharmacy (Board), Department of
11 Consumer Affairs and is currently pending against Respondent. The Accusation and all other
12 statutorily required documents were properly served on Respondent on March 8, 2019.
13 Respondent timely filed its Notice of Defense contesting the Accusation. A copy of Accusation
14 No. 6490 is attached as exhibit A and incorporated by reference.

15 **ADVISEMENT AND WAIVERS**

16 5. Respondent has carefully read, fully discussed with counsel, and understands the
17 charges and allegations in Accusation No. 6490. Respondent has also carefully read, fully
18 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
19 Order for Public Repeval.

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

27
28

1 understandings, discussions, negotiations, and commitments (written or oral). This Stipulated
2 Settlement and Disciplinary Order for Public Repeval may not be altered, amended, modified,
3 supplemented, or otherwise changed except by a writing executed by an authorized representative
4 of each of the parties.

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

8 **DISCIPLINARY ORDER**

9 IT IS HEREBY ORDERED that Original Permit No. PHY 53516 issued to Raley's
10 Corporation doing business as Raley's Pharmacy #332 (Respondent) shall be publicly reprovod
11 by the Board of Pharmacy under Business and Professions Code section 495, in resolution of
12 Accusation No. 6490, which is attached as exhibit A. This decision constitutes a record of
13 discipline and shall become a part of Respondent's license history with the Board.

14 **Cost Recovery.** Respondent shall pay \$4,250.50 to the Board for its costs associated with
15 the investigation and enforcement of this matter. Respondent shall be permitted to pay these
16 costs in a payment plan approved by the Board. If Respondent fails to pay the Board costs as
17 ordered, Respondent shall not be allowed to renew their Original Permit until Respondent pays
18 costs in full.

19 **Full Compliance.** As a resolution of the charges in Accusation No. 6490, this stipulated
20 settlement is contingent upon Respondent's full compliance with all conditions of this Order. If
21 Respondent fails to satisfy any of these conditions, such failure to comply constitutes cause for
22 discipline, including outright revocation, of Respondent's Original Permit No. PHY 53516.

23 **ACCEPTANCE**

24 I have carefully read the above Stipulated Settlement and Disciplinary Order for Public
25 Repeval and have fully discussed it with my attorney, Raymond R. Gates. I understand the
26 stipulation and the effect it will have on my Original Permit. I enter into this Stipulated
27 Settlement and Disciplinary Order for Public Repeval voluntarily, knowingly, and intelligently,
28

1 and agree to be bound by the Decision and Order of the Board of Pharmacy.

2 DATED: _____

3 _____
4 HELEN SINGMASTER, SECRETARY, FOR
5 RALEY'S CORPORATION
6 DBA RALEY'S PHARMACY #332
7 *Respondent*

8 I have read and fully discussed with Respondent the terms and conditions and other matters
9 contained in the above Stipulated Settlement and Disciplinary Order for Public Repeval. I
10 approve its form and content.

11 DATED: _____

12 _____
13 RAYMOND R. GATES
14 *Attorney for Respondent*

15 **ENDORSEMENT**

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

19 DATED: _____

20 Respectfully submitted,

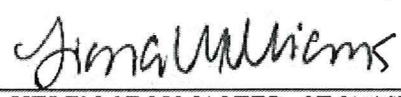
21 XAVIER BECERRA
22 Attorney General of California
23 DIANN SOKOLOFF
24 Supervising Deputy Attorney General

25 ASPASIA A. PAPAVALASSILOU
26 Deputy Attorney General
27 *Attorneys for Complainant*

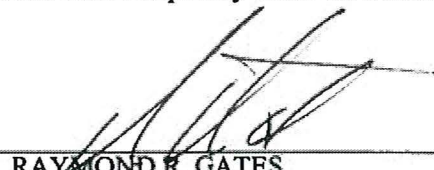
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and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 10-2-20  *on behalf of Helen Singmaster*
HELEN SINGMASTER, SECRETARY, FOR
RALEY'S CORPORATION
DBA RALEY'S PHARMACY #332
Respondent

I have read and fully discussed with Respondent the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order for Public Repeval. I approve its form and content.


DATED: 10/2/20 
RAYMOND R. GATES
Attorney for Respondent

ENDORSEMENT

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

DATED: 11/19/2020

Respectfully submitted,
XAVIER BECERRA
Attorney General of California
DIANN SOKOLOFF
Supervising Deputy Attorney General


ASPASIA A. PAPAVALASSILIOU
Deputy Attorney General
Attorneys for Complainant

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Attorneys for Complainant

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

13 In the Matter of the Accusation Against:

Case No. 6490

14 **RALEY'S CORPORATION DBA**
15 **RALEY'S PHARMACY #332**
3001 Travis Blvd.
16 Fairfield, CA 94534

A C C U S A T I O N

17 **Original Permit No. PHY 53516,**

18 and

19 **HELEN MUNIRAH DANGTRAN**
3001 Travis Blvd.
20 Fairfield, CA 94534

21 **Original Pharmacist License No. RPH 55589**

22 Respondents.

23
24 Complainant alleges:

25 PARTIES

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

28 2. On or about May 19, 2015, the Board of Pharmacy issued Original Permit Number

Exhibit A

Accusation No. 6490

1 PHY 53516 to Raley's Corporation doing business as Raley's Pharmacy #332 (Respondent
2 Pharmacy). The Original Permit was in full force and effect at all times relevant to the charges
3 brought in this Accusation and will expire on May 1, 2019, unless renewed.

4 3. On or about July 6, 2004, the Board of Pharmacy issued Original Pharmacist License
5 Number RPH 55589 to Helen Munirah Dangtran (Respondent Pharmacist). The Original
6 Pharmacist License was in full force and effect at all times relevant to the charges brought in this
7 Accusation and will expire on February 29, 2020, unless renewed.

8 4. Respondent Pharmacist has been the Pharmacist-in-Charge of Respondent Pharmacy
9 since on or about December 9, 2016.

10 JURISDICTION

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

14 6. Section 4113 of the Code, states, in pertinent part:

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

17 7. Section 4300.1 of the Code states:

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

23 8. Section 4307, subd. (a), of the Code states:

24 Any person who has been denied a license or whose license has been revoked or is
25 under suspension, or who has failed to renew his or her license while it was under
26 suspension, or who has been a manager, administrator, owner, member, officer,
27 director, associate, partner, or any other person with management or control of any
28 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,

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

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

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

8 STATUTORY AND REGULATORY PROVISIONS

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

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

13 . . .

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

18 10. California Code of Regulations, title 16, section 1714, subdivision (b), states:

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

23 COST RECOVERY PROVISION

24 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
25 administrative law judge to direct a licentiate found to have committed a violation or violations of
26 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
27 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
28 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
included in a stipulated settlement.

1 DRUG

2 12. Promethazine with codeine, used as a cough syrup medication and also known by the
3 trade name Phenergan with codeine, is a controlled substance under Health and Safety Code
4 section 11058, and a dangerous drug under Business and Professions Code section 4022.

5 CAUSE FOR DISCIPLINE

6 (Failure to Maintain Operational Standards and Security)
7 (Cal. Code Regs., tit. 16, § 1714, subd. (b))

8 13. Respondent Pharmacy has subjected its pharmacy permit to discipline, and
9 Respondent Pharmacist has subjected his pharmacist license to discipline, because Respondents
10 failed to meet operational standards and security by failing to maintain their facility in a manner
11 so that drugs could be safely prepared, maintained, secured, and distributed (Cal. Code Regs., tit.
12 16, § 1714, subd. (b)). An audit for the period May 1, 2017—January 2, 2018, showed that
13 Respondent Pharmacy had a shortage of a large amount of promethazine with codeine cough
14 syrup, with a total of approximately 34,268 ml of the drug missing from the pharmacy inventory.

15 DISCIPLINARY CONSIDERATIONS

16 14. As a disciplinary consideration, Complainant alleges that on or about January 12,
17 2018, the Board issued Respondent Pharmacy an Order of Correction for failure to maintain
18 operational standards and security (Cal. Code Regs., tit. 16, § 1714, subd. (b)). The order was for
19 the pharmacy to have the drug stock shelves cleaned, as the shelves were so dusty that the
20 inspector could write her name in the dust.

21 15. As a further disciplinary consideration, Complainant alleges that each Respondent has
22 been issued a citation by the Board, as described below.

23 A. On or about June 1, 2018, the Board issued Citation Number CI 2017 76665 to
24 Respondent Pharmacy for dispensing an irregular and invalid controlled substance prescription
25 (Cal. Code Regs., tit. 16, § 1761, subd. (a) and Health & Saf. Code, 11164, subd. (a)). The
26 offense occurred on or about July 1, 2016, when Respondent Pharmacy dispensed an irregular
27 and invalid prescription for 240 ml of promethazine with codeine to patient JG without
28 verification and resolution of the irregularities with the prescriber. The citation, which did not
impose a fine, is now final and is incorporated by reference as if fully set forth.

1 B. On or about November 5, 2015, the Board issued Citation Number CI 2014 65347 to
2 Respondent Pharmacist for failing to provide proof of compliance with continuing education
3 requirements (Bus. & Prof. Code, § 4231, subd. (d); Cal. Code Regs., tit. 16, § 1732.5).
4 Respondent was required to complete 30 hours of continuing education in the period of March 1,
5 2012—February 28, 2014, but was deficient by 2.5 hours, which she made up after the deadline.
6 The citation, which imposed a \$100 fine that Respondent paid, is now final and is incorporated by
7 reference as if fully set forth.

8 PRAYER

9 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
10 Accusation and that, following the hearing, the Board of Pharmacy issue a decision:

- 11 1. Revoking or suspending Original Permit Number PHY 53516, issued to Raley's
12 Corporation doing business as Raley's Pharmacy #332;
- 13 2. Revoking or suspending Original Pharmacist License Number RPH 55589, issued to
14 Helen Munirah Dangtran;
- 15 3. Ordering Raley's Corporation doing business as Raley's Pharmacy #332 and Helen
16 Munirah Dangtran to pay the Board of Pharmacy the reasonable costs of the investigation and
17 enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
- 18 4. Taking such other and further action as deemed necessary and proper.

19
20 DATED: March 6, 2019



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

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