

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

**In the Matter of the Accusation Against:**

**GOOD HEALTH INC. DBA PREMIER PHARMACY SERVICES**

**Pharmacy Permit No. PHY 53274,**

**and**

**MYRNA B. CORTEZ**

**Pharmacist License No. RPH 46795**

**Respondents.**

**Agency Case No. 6863**

**OAH No. 2021090534**

## 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 16, 2022.

It is so ORDERED on October 17, 2022.

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 written in a cursive style with a large, sweeping initial "S".

Seung W. Oh, Pharm.D.  
Board President

1 ROB BONTA  
Attorney General of California  
2 ARMANDO ZAMBRANO  
Supervising Deputy Attorney General  
3 WILLIAM D. GARDNER  
Deputy Attorney General  
4 State Bar No. 244817  
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 **GOOD HEALTH INC. DBA PREMIER**  
14 **PHARMACY SERVICES**  
15 **410 Cloverleaf Dr.**  
**Baldwin Park, CA 91706**

16 **Pharmacy Permit No. PHY 53274,**

17 **and**

18 **MYRNA B. CORTEZ**  
19 **3765 Mayfair Drive**  
**Pasadena, CA 91107**

20 **Pharmacist License No. RPH 46795**

21 Respondents.

Case No. 6863

OAH No. 2021090534

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

*(As to Myrna B. Cortez Only)*

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 Rob Bonta, Attorney General of the State of California, by William D. Gardner, Deputy Attorney  
2 General.

3 2. Respondent Myrna B. Cortez is represented in this proceeding by attorney Noah  
4 Jussim, whose address is: 350 S. Grand Avenue, Suite 3600, Los Angeles, CA 90071-3476.

5 **JURISDICTION**

6 3. 1. On or about November 22, 1993, the Board of Pharmacy issued Pharmacist  
7 License Number RPH 46795 to Myrna B. Cortez (Respondent). The Pharmacist License was in  
8 full force and effect at all times relevant to the charges brought in First Amended Accusation No.  
9 6863 and will expire on August 30, 2023, unless renewed.

10 4. Accusation No. 6863 and all other statutorily required documents were properly  
11 served on Respondent on July 22, 2020. Respondent timely filed her Notice of Defense  
12 contesting the Accusation. First Amend Accusation No. 6863 was filed before the Board and is  
13 currently pending against Respondent. A copy of First Amended Accusation No. 6863 is  
14 attached as Exhibit A and incorporated herein 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. 6863. Respondent has also carefully read, fully  
18 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary  
19 Order.

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

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

28 ///

1 **CULPABILITY**

2 8. Respondent understands and agrees that the charges and allegations in First Amended  
3 Accusation No. 6863, if proven at a hearing, constitute cause for imposing discipline upon her  
4 pharmacist license.

5 9. For the purpose of resolving the Accusation without the expense and uncertainty of  
6 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual  
7 basis for the charges in the First Amended Accusation, and that Respondent hereby gives up her  
8 right to contest those charges.

9 10. Respondent agrees that her pharmacist license is subject to discipline and she agrees  
10 to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

11 **CONTINGENCY**

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

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

24 13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
25 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
26 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
27 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary

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1 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
2 writing executed by an authorized representative of each of the parties.

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

6 **DISCIPLINARY ORDER**

7 IT IS HEREBY ORDERED that Pharmacist License Number RPH 46795 issued to Myrna  
8 B. Cortez (Respondent) is revoked. However, the revocation is stayed and Respondent is placed  
9 on probation for three (3) years on the following terms and conditions

10 1. **Obey All Laws**

11 Respondent shall obey all state and federal laws and regulations.

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

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

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

26 2. **Report to the Board**

27 Respondent shall report to the board quarterly, on a schedule as directed by the board or its  
28 designee. The report shall be made either in person or in writing, as directed. Among other

1 requirements, respondent shall state in each report under penalty of perjury whether there has  
2 been compliance with all the terms and conditions of probation.

3 Failure to submit timely reports in a form as directed shall be considered a violation of  
4 probation. Any period(s) of delinquency in submission of reports as directed may be added to the  
5 total period of probation. Moreover, if the final probation report is not made as directed,  
6 probation shall be automatically extended until such time as the final report is made and accepted  
7 by the board.

8 **3. Interview with the Board**

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

14 **4. Cooperate with Board Staff**

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

21 **5. Continuing Education**

22 Respondent shall provide evidence of efforts to maintain skill and knowledge as a  
23 pharmacist as directed by the board or its designee.

24 **6. Reporting of Employment and Notice to Employers**

25 During the period of probation, respondent shall notify all present and prospective  
26 employers of the decision in case number 6863 and the terms, conditions and restrictions imposed  
27 on respondent by the decision, as follows:

28 ///

1           Within thirty (30) days of the effective date of this decision, and within ten (10) days of  
2 undertaking any new employment, respondent shall report to the board in writing the name,  
3 physical address, and mailing address of each of Respondent's employer(s), and the name(s) and  
4 telephone number(s) of all of Respondent's direct supervisor(s), as well as any pharmacist(s)-in-  
5 charge, designated representative(s)-in-charge, responsible manager, or other compliance  
6 supervisor(s) and the work schedule, if known. Respondent shall also include the reason(s) for  
7 leaving the prior employment. Respondent shall sign and return to the board a written consent  
8 authorizing the board or its designee to communicate with all of respondent's employer(s) and  
9 supervisor(s), and authorizing those employer(s) or supervisor(s) to communicate with the board  
10 or its designee, concerning respondent's work status, performance, and monitoring. Failure to  
11 comply with the requirements or deadlines of this condition shall be considered a violation of  
12 probation.

13           Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
14 respondent undertaking any new employment, respondent shall cause (a) Respondent's direct  
15 supervisor, (b) Respondent's pharmacist-in-charge, designated representative-in-charge,  
16 responsible manager, or other compliance supervisor, and (c) the owner or owner representative  
17 of Respondent's employer, to report to the board in writing acknowledging that the listed  
18 individual(s) has/have read the decision in case number 6863, and terms and conditions imposed  
19 thereby. If one person serves in more than one role described in (a), (b), or (c), the  
20 acknowledgment shall so state. It shall be the respondent's responsibility to ensure that these  
21 acknowledgment(s) are timely submitted to the board. In the event of a change in the person(s)  
22 serving the role(s) described in (a), (b), or (c) during the term of probation, respondent shall cause  
23 the person(s) taking over the role(s) to report to the board in writing within fifteen (15) days of  
24 the change acknowledging that he or she has read the decision in case number 6863, and the  
25 terms and conditions imposed thereby.

26           If respondent works for or is employed by or through an employment service, respondent  
27 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the board  
28 of the decision in case number 6863, and the terms and conditions imposed thereby in advance of



1 respondent commencing work at such licensed entity. A record of this notification must be  
2 provided to the board upon request.

3 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
4 (15) days of respondent undertaking any new employment by or through an employment service,  
5 respondent shall cause the person(s) described in (a), (b), and (c) above at the employment service  
6 to report to the board in writing acknowledging that he or she has read the decision in case  
7 number, and the terms and conditions imposed thereby. It shall be respondent's responsibility to  
8 ensure that these acknowledgment(s) are timely submitted to the board.

9 Failure to timely notify present or prospective employer(s) or failure to cause the identified  
10 person(s) with that/those employer(s) to submit timely written acknowledgments to the board  
11 shall be considered a violation of probation.

12 "Employment" within the meaning of this provision includes any full-time, part-time,  
13 temporary, relief, or employment/management service position as a registered pharmacist, or any  
14 position for which a registered pharmacist is a requirement or criterion for employment, whether  
15 the respondent is an employee, independent contractor or volunteer.

16 **7. Notification of Change(s) in Name, Address(es), or Phone Number(s)**

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

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

21 **8. Restrictions on Supervision and Oversight of Licensed Facilities**

22 Respondent shall be permanently prohibited from supervising any intern pharmacist, being  
23 the pharmacist-in-charge, designated representative-in-charge, responsible manager or other  
24 compliance supervisor of any entity licensed by the Board, and from serving as a consultant.  
25 Assumption of any such unauthorized supervision responsibilities shall be considered a violation  
26 of probation and a cause for discipline.

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**9. 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.

**10. Status of License**

Respondent shall, at all times while on probation, maintain an active, current Pharmacy Permit with the board, including any period during which suspension or probation is tolled. Failure to maintain an active, current Pharmacy Permit shall be considered a violation of probation.

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

**11. License Surrender While on Probation/Suspension**

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

Upon acceptance of the surrender, respondent shall relinquish her pocket and/or wall license, including any indicia of licensure not previously provided to the board within ten (10) days of notification by the board that the surrender is accepted if not already provided. Respondent may not reapply for any license from the board for three (3) years from the effective date of the surrender. Respondent shall meet all requirements applicable to the license sought as

1 of the date the application for that license is submitted to the board, including any outstanding  
2 costs.

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

4 Except during periods of suspension, respondent shall, at all times while on probation, be  
5 employed as a registered pharmacist in California for a minimum of 60 hours per calendar month.  
6 Any month during which this minimum is not met shall extend the period of probation by one  
7 month. During any such period of insufficient employment, respondent must nonetheless comply  
8 with all terms and conditions of probation, unless respondent receives a waiver in writing from  
9 the board or its designee.

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

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

23 **13. Violation of Probation**

24 If respondent has not complied with any term or condition of probation, the board shall  
25 have continuing jurisdiction over respondent, and the board shall provide notice to respondent  
26 that probation shall automatically be extended, until all terms and conditions have been satisfied  
27 or the board has taken other action as deemed appropriate to treat the failure to comply as a

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1 violation of probation, to terminate probation, and to impose the penalty that was stayed. The  
2 board or its designee may post a notice of the extended probation period on its website.

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

#### 10 **14. Completion of Probation**

11 Upon written notice by the board or its designee indicating successful completion of  
12 probation, respondent's license will be fully restored with the exception of the permanent  
13 prohibitions set forth in paragraphs 8 and 17 of this Order.

#### 14 **15. Remedial Education**

15 Before the end of each full year of the probation period, Respondent shall submit to the  
16 Board, for prior approval, an appropriate program for six (6) hours of remedial education related  
17 to the causes for discipline and the Drug Supply Chain Security Act, which shall be completed  
18 prior to the conclusion of each probation year (beginning from the effective date of decision) and  
19 at Respondent's own expense. The program of remedial education shall consist of at least three  
20 (3) participatory (live or remote) hours. All remedial education shall be in addition to, and shall  
21 not be credited toward, continuing education (CE) courses used for license renewal purposes.

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

26 Following the completion of each course, the Board or its designee may require the  
27 respondent, at her own expense, to take an approved examination to test the respondent's  
28 knowledge of the course. If the respondent does not achieve a passing score on the examination

1 that course shall not count towards satisfaction of this term. Respondent shall take another course  
2 approved by the board in the same subject area.

3 **16. Ethics Course**

4 Within sixty (60) calendar days of the effective date of this decision, respondent shall enroll  
5 in a course in ethics, at respondent's expense, approved in advance by the board or its designee  
6 that complies with Title 16 California Code of Regulations section 1773.5. Respondent shall  
7 provide proof of enrollment upon request. Within five (5) days of completion, respondent shall  
8 submit a copy of the certificate of completion to the board or its designee. Failure to timely enroll  
9 in an approved ethics course, to initiate the course during the first year of probation, to  
10 successfully complete it before the end of the second year of probation, or to timely submit proof  
11 of completion to the board or its designee, shall be considered a violation of probation.

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

13 Respondent shall be permanently prohibited from owning, having any legal or beneficial  
14 interest in, or serving as a manager, administrator, member, officer, director, trustee, associate, or  
15 partner of any business, firm, partnership, or corporation currently or hereinafter licensed by the  
16 board. Respondent shall sell or transfer any legal or beneficial interest in any entity licensed by  
17 the board within ninety (90) days following the effective date of this decision and shall  
18 immediately thereafter provide written proof thereof to the board. Failure to timely divest any  
19 legal or beneficial interest(s) or provide documentation thereof shall be considered a violation of  
20 probation.

21 **ACCEPTANCE**

22 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
23 discussed it with my attorney, Noah Jussim. I understand the stipulation and the effect it will  
24 have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary Order

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1 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the  
2 Board of Pharmacy.

3  
4 DATED: \_\_\_\_\_  
5 MYRNA B. CORTEZ  
6 Respondent

7 I have read and fully discussed with Myrna B. Cortez the terms and conditions and other  
8 matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form  
9 and content.

10 DATED: \_\_\_\_\_  
11 NOAH JUSSIM  
12 Attorney for Respondent

13 **ENDORSEMENT**

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


16  
17 DATED: \_\_\_\_\_ Respectfully submitted,  
18 ROB BONTA  
19 Attorney General of California  
20 ARMANDO ZAMBRANO  
21 Supervising Deputy Attorney General

22 WILLIAM D. GARDNER  
23 Deputy Attorney General  
24 Attorneys for Complainant

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1 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the  
2 Board of Pharmacy.

3  
4 DATED: 9/07/22

  
5 MYRNA B. CORTEZ  
6 Respondent

7 I have read and fully discussed with Myrna B. Cortez the terms and conditions and other  
8 matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form  
9 and content.

10 DATED: 9/7/2022

  
11 NOAH JUSSIM  
12 Attorney for Respondent

13 **ENDORSEMENT**

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

16 DATED: \_\_\_\_\_

17 Respectfully submitted,

18 ROB BONTA  
19 Attorney General of California  
20 ARMANDO ZAMBRANO  
21 Supervising Deputy Attorney General

22 WILLIAM D. GARDNER  
23 Deputy Attorney General  
24 Attorneys for Complainant

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1 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the  
2 Board of Pharmacy.

3  
4 DATED: \_\_\_\_\_  
5 MYRNA B. CORTEZ  
6 Respondent

7 I have read and fully discussed with Myrna B. Cortez the terms and conditions and other  
8 matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form  
9 and content.

10 DATED: \_\_\_\_\_  
11 NOAH JUSSIM  
12 Attorney for Respondent


13 **ENDORSEMENT**

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

16 DATED: \_\_\_\_\_ 9/7/2022 \_\_\_\_\_

17 Respectfully submitted,

18 ROB BONTA  
19 Attorney General of California  
20 ARMANDO ZAMBRANO  
21 Supervising Deputy Attorney General

22   
23 WILLIAM D. GARDNER  
24 Deputy Attorney General  
25 Attorneys for Complainant

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**Exhibit A**

**First Amended Accusation No. 6863**

1 ROB BONTA  
Attorney General of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 ARMANDO ZAMBRANO  
Supervising Deputy Attorney General  
4 WILLIAM D. GARDNER  
Deputy Attorney General  
5 State Bar No. 244817  
300 So. Spring Street, Suite 1702  
6 Los Angeles, CA 90013  
Telephone: (213) 269-6292  
7 Facsimile: (213) 897-2804  
*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. 6863

14 **GOOD HEALTH, INC. dba PREMIER**  
15 **PHARMACY SERVICES; STEPHEN E.**  
16 **SAMUEL, OWNER and CHIEF**  
17 **EXECUTIVE OFFICER**  
**410 Cloverleaf Drive**  
**Baldwin Park, CA 91706**

**FIRST AMENDED ACCUSATION**

18 **Permit No. PHY 53274**

19 **and**

20 **MYRNA B. CORTEZ**  
21 **3765 Mayfair Drive**  
**Pasadena, CA 91107**

22 **Pharmacist License No. RPH 46795**

23 Respondents.

24  
25 **PARTIES**  
26

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



1           9.     Section 4301 of the BPC states:

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

5           . . .

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

8           . . .

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

13          . . . .

14          10.    Section 4307, subdivision (a), of the BPC states:

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

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

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

28     ///

1           11. Section 4081 of the Code states:

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

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

14           12. Section 4105 of the Code states, in pertinent part:

15           "(a) All records or other documentation of the acquisition and disposition of dangerous  
16 drugs and dangerous devices by any entity licensed by the board shall be retained on the licensed  
17 premises in a readily retrievable form.

18           . . .

19           "(c) The records required by this section shall be retained on the licensed premises for a  
20 period of three years from the date of making.

21           . . . .

22           13. Section 4059.5, subdivision (a), of the Code states:

23           "Except as otherwise provided in this chapter, dangerous drugs or dangerous devices may  
24 only be ordered by an entity licensed by the board and shall be delivered to the licensed premises  
25 and signed for and received by a pharmacist. Where a licensee is permitted to operate through a  
26 designated representative, or in the case of a reverse distributor a designated representative-  
27 reverse distributor, that individual shall sign for and receive the delivery."

28           ///











1 dispensing of all generic Ultracet tablets from April 18, 2015, to December 11, 2018.<sup>1</sup>  
2 Acquisition and dispensing records received from Respondent Pharmacy in preparation for the  
3 audit were accompanied by verifications of accuracy signed by Respondent Pharmacy's owner  
4 and Respondent Cortez. The audit revealed that Respondent Pharmacy could not account for its  
5 acquisition of more than 15,000 generic Ultracet tablets over the audited time period.  
6 Specifically, the audit showed that as of April 18, 2015, Respondent Pharmacy had an inventory  
7 of 37 generic Ultracet tablets and that it acquired a total of 192,400 additional generic Ultracet  
8 tablets between April 18, 2015 and December 11, 2018. Therefore, Respondent Pharmacy's  
9 *documentable* gross inventory of generic Ultracet tablets during the audited time period was  
10 192,437.

11 40. Over that same period of time, however, Respondent Pharmacy dispensed a total  
12 of 203,799 generic Ultracet tablets (mostly to Beautologie for purported "office use"), returned  
13 another 446 tablets via reverse distributors and, as of December 11, 2018, held an additional  
14 3,338 tablets in its inventory. Therefore, Respondent Pharmacy's *actual* gross inventory of  
15 generic Ultracet tablets during the audited time period was 207,583. Accordingly, Respondent  
16 Pharmacy's records failed to account for its acquisition of more than 15,000 generic Ultracet  
17 tablets that were taken into its inventory between April 18, 2015, and December 11, 2018.

18 **FIRST CAUSE FOR DISCIPLINE**

19 **(Violation of Pharmacy Law: Acquisition Records)**

20 41. Respondent Pharmacy and Respondent Cortez are subject to disciplinary action under  
21 BPC section 4301, subdivision (o), in conjunction with BPC sections 4113, subdivision (c), 4081  
22 and 4105, in that Respondents failed to maintain acquisition records related to thousands of  
23 generic Ultracet tablets. Complainant refers to, and by this reference incorporates, the allegations  
24 set forth above in paragraphs 38 through 40, inclusive, as though set forth fully herein.

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27 \_\_\_\_\_  
28 <sup>1</sup> Respondent Pharmacy did not acquire, dispense or possess any brand name Ultracet  
during the relevant time period.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Violation of Uniform Controlled Substance Act: Acquisition Records)**

3 42. Respondent Pharmacy and Respondent Cortez are subject to disciplinary action under  
4 BPC section 4301, subdivision (j), in conjunction with BPC section 4113, subdivision (c), and  
5 HSC sections 11208 and 11209, in that Respondents received controlled substances without  
6 having a pharmacist or authorized receiving personnel sign a receipt showing the type and  
7 quantity of the controlled substances received with respect to thousands of generic Ultracet  
8 tablets. Complainant refers to, and by this reference incorporates, the allegations set forth above  
9 in paragraphs 38 through 40, inclusive, as though set forth fully herein.

10 **THIRD CAUSE FOR DISCIPLINE**

11 **(Violation of Pharmacy Law: Operational Standards)**

12 43. Respondent Pharmacy and Respondent Cortez are subject to disciplinary action under  
13 section 4301, subdivision (o), in conjunction with section California Code of Regulations, title  
14 16, section 1714, in that Respondents failed maintain Respondent Pharmacy's facilities, space,  
15 fixtures, and equipment such that drugs were safely and properly maintained, secured and  
16 distributed as evidenced by the vast discrepancies between its in-stock inventory and the  
17 inventory denoted by its acquisition and dispensing records. Complainant refers to, and by this  
18 reference incorporates, the allegations set forth above in paragraphs 38 through 40, inclusive, as  
19 though set forth fully herein.

20 **FACTUAL BACKGROUND: INSPECTION ON JUNE 7, 2017**

21 44. On June 7, 2017, a Board inspector, joined by a Department of Health Care Services  
22 (DHCS) investigation team, conducted an inspection of Respondent Pharmacy. Respondent  
23 Cortez was present for the inspection as was Respondent Pharmacy's manager of business  
24 operations. During the course of the inspection, the Board inspector performed a spot check of  
25 Respondent Pharmacy's active drug shelves which revealed a number of violations of law  
26 involving misbranded and adulterated drugs. Specifically, the Board inspector documented  
27 multiple instances in which the contents of original manufacturer containers had been wholly or

28 ///

1 partly replaced with other material, some of which differed in strength, quality and/or purity from  
2 what was represented on the original manufacturer containers.

3 45. The instances of misbranded pharmaceuticals found on Respondent Pharmacy's  
4 active drug shelves, as documented by the Board inspector, were as follows:

- 5 • an open 30-tablet manufacturer bottle of Paliperidone 1.5 mg was found to contain 51  
6 tablets;
- 7 • an open 100-tablet manufacturer bottle of Ketorolac 100 mg was found to contain 177  
8 tablets;
- 9 • another open 100-tablet manufacturer bottle of Ketorolac 100 mg was found to contain  
10 214 tablets;
- 11 • an open 100-tablet manufacturer bottle of Tranylcypromine 10 mg was found to contain  
12 174 tablets;
- 13 • an open 100-tablet manufacturer bottle of Pyrazinamide 500 mg was found to contain  
14 164 whole tablets and 49 cut/partial tablets (partial tablets also adulterated);
- 15 • another open 100-tablet manufacturer bottle of Pyrazinamide 500 mg was found to  
16 contain 180 whole tablets and 14.5 cut/partial tablets (partial tablets also adulterated);
- 17 • an open 90-tablet manufacturer bottle of Pioglitazone 45 mg was found to contain 241  
18 tablets;
- 19 • an open 100-tablet manufacturer bottle of Prandin 2 mg was found to contain 221  
20 tablets;
- 21 • another open 100-tablet manufacturer bottle of Prandin 2 mg was found to contain 164  
22 tablets;
- 23 • an open 90-tablet manufacturer bottle of Pioglitazone 30 mg was found to contain 241  
24 tablets;
- 25 • an open 90-tablet manufacturer bottle of Pioglitazone 15 mg was found to contain 300  
26 tablets;
- 27 • an open 100-tablet manufacturer bottle of Depakote DR 500 mg was found to contain  
28 125 tablets;

- 1 • an open 100-tablet manufacturer bottle of Diethylpropion 75 mg was found to contain
- 2 131 tablets;
- 3 • an open 100-tablet manufacturer bottle of Depakote ER 500 mg was found to contain
- 4 121 tablets;
- 5 • another open 100-tablet manufacturer bottle of Depakote ER 500 mg was found to
- 6 contain 115 tablets.

7 46. The instances of adulterated pharmaceuticals found on Respondent Pharmacy's active  
8 drug shelves, as documented by the Board inspector, were as follows:

- 9 • cut/partial tablets found in open manufacturer container of Guanfacine 2 mg tablets;
- 10 • cut/partial tablets found in open manufacturer container of Hydrocortisone 10 mg
- 11 tablets;
- 12 • cut/partial tablets found in open manufacturer container of Valsartan 80 mg tablets;
- 13 • cut/partial tablets found in open manufacturer container of Abilify 10 mg tablets;
- 14 • cut/partial tablets found in open manufacturer container of Escitalopram 5 mg tablets;
- 15 • cut/partial tablets found in open manufacturer container of Lexapro 20 mg tablets;
- 16 • cut/partial tablets found in open manufacturer container of Diovan 40 mg tablets;
- 17 • cut/partial tablets found in open manufacturer container of Lamotrigine 100 mg tablets;
- 18 • cut/partial tablets found in another open manufacturer container of Lamotrigine 100 mg
- 19 tablets;
- 20 • cut/partial tablets found in open manufacturer container of Fosrenol 500 mg tablets;
- 21 • cut/partial tablets found in open manufacturer container of Abilify 5 mg tablets;
- 22 • cut/partial tablets found in open manufacturer container of Latuda 60mg tablets;
- 23 • cut/partial tablets found in open manufacturer container of Glyburide 5 mg tablets;
- 24 • cut/partial tablets found in open manufacturer container of Alprazolam 2 mg tablets;
- 25 • cut/partial tablets found in open manufacturer container of Glyburide 2.5 mg tablets.

26 47. The Board inspector also conducted an audit related to Respondent Pharmacy's  
27 acquisition and dispensing of the following eight (8) high-priced medications: (1) Harvoni, a  
28 hepatitis C medication; (2) Depakote ER, an anticonvulsive medication; (3) Sovaldi, a hepatitis C

1 medication; (4) Stribild, an HIV/AIDS medication; (5) Atripla, an HIV/AIDS medication; (6)  
2 Invega Sustenna, an injectable medication used for treatment of schizophrenia; (7) Prezista, an  
3 HIV medication; and (8) Truvada, an HIV medication. In performing the audit, the inspector  
4 obtained and analyzed a variety of documents including Respondent Pharmacy's inventory,  
5 acquisition and dispensing records as well as records from pharmaceutical wholesalers and  
6 reverse distributors.

7 48. The Board's audit revealed large variances between the amount of those  
8 pharmaceutical medications that should have been in Respondent Pharmacy's inventory and the  
9 amount that was actually present (or missing) from its inventory. Specifically, the audit showed  
10 the following:

- 11 • Respondent Pharmacy was short in its inventory of Harvoni 90 mg/400 mg tablets by  
12 9,260 tablets;
- 13 • Respondent Pharmacy was short in its inventory of Depakote ER 500 mg by 1,998  
14 tablets;<sup>2</sup>
- 15 • Respondent was short in its inventory of Sovaldi 400 mg tablets by 1,617 tablets;
- 16 • Respondent Pharmacy was short in its inventory of Stribild 150 mg/200 mg/300 mg  
17 tablets by 477 tablets;
- 18 • Respondent Pharmacy had no records to account for its acquisition of 3,831 Truvada  
19 200 mg/300 mg tablets;
- 20 • Respondent Pharmacy had no records to account for its acquisition of 1,549 Prezista  
21 800 mg tablets;
- 22 • Respondent Pharmacy had no records to account for its acquisition of 162 Atripla 600  
23 mg tablets; and
- 24 • Respondent Pharmacy had no records to account for its acquisition of 8 Invega  
25 Sustenna 156 mg syringes.

26 ///

27 \_\_\_\_\_  
28 <sup>2</sup> This figure takes into account additional dispensing history records that were provided to  
the Board after an audit was performed and a written notice of violation was issued.



1 dangerous drugs in its inventory. Complainant refers to, and by this reference incorporates, the  
2 allegations set forth above in paragraphs 44 through 49, inclusive, as though set forth fully herein.

3 **SEVENTH CAUSE FOR DISCIPLINE**

4 **(Violation of Pharmacy Law: Operational Standards)**

5 53. Respondent Pharmacy and Respondent Cortez are subject to disciplinary action under  
6 section 4301, subdivision (o), in conjunction with section California Code of Regulations, title  
7 16, section 1714, in that Respondents failed maintain Respondent Pharmacy’s facilities, space,  
8 fixtures, and equipment such that drugs were safely and properly maintained, secured and  
9 distributed as evidenced by the container overfills, cut/partial tablets and vast discrepancies  
10 between its in-stock inventory and the inventory denoted by its acquisition and dispensing  
11 records. Complainant refers to, and by this reference incorporates, the allegations set forth above  
12 in paragraphs 44 through 49, inclusive, as though set forth fully herein.

13 **EIGHTH CAUSE FOR DISCIPLINE**

14 **(Violation of Laws Regulating Controlled Substances)**

15 54. Respondent Pharmacy and Respondent Cortez are subject to disciplinary action under  
16 section 4301, subdivision (j), in conjunction with California Code of Regulations, title 22, section  
17 72371, subdivision (c)(1), and Code of Federal Regulations, title 21, section 1317.40,  
18 subdivision (a). Complainant refers to, and by this reference incorporates, the allegations set  
19 forth above in paragraphs 44 and 49, inclusive, as though set forth fully herein.

20 **FACTUAL BACKGROUND: OUT-OF-STATE DISCIPLINE**

21 55. On November 2, 2018, Respondent Pharmacy was disciplined by the Arizona Board  
22 of Pharmacy for violating Arizona state law. At that time, Respondent Pharmacy held a non-  
23 resident pharmacy permit issued by the State of Arizona. The non-resident pharmacy permit  
24 authorized Respondent Pharmacy to join with a licensed Arizona pharmacy to provide “shared  
25 services” to Arizona consumers, provided that Respondent Pharmacy complied with applicable  
26 provisions of Arizona pharmacy law. Respondent Pharmacy joined with a pharmacy in Tempe,  
27 Arizona, called Valley Med Pharmacy to provide shared services to Arizona consumers, but in  
28 doing so, Respondent Pharmacy failed to comply with applicable Arizona pharmacy law. As a



1 result, the Arizona Board of Pharmacy filed Board Complaint No. 18-0016 against Respondent  
2 Pharmacy, alleging unprofessional conduct due to Respondent Pharmacy's violation of Arizona  
3 Administrative Code R4-23-621, which regulates shared services. Respondent entered into a  
4 Consent Agreement with the Arizona Board of Pharmacy on November 2, 2018, pursuant to  
5 which it agreed to pay a \$9,000.00 fine for these violations.

6 **NINTH CAUSE FOR DISCIPLINE**

7 **(Violation of Arizona Pharmacy Law)**

8 56. Respondent Pharmacy is subject to disciplinary action under BPC section 4301,  
9 subdivision (o), in that Respondent violated Arizona state laws governing pharmacy.  
10 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
11 paragraph 55 inclusive, as though set forth fully herein.

12 **FACTUAL BACKGROUND: MISLABELED PRESCRIPTIONS**

13 57. In August 2018, the Board received a complaint from the California Department of  
14 Public Health (CDPH) regarding the possible diversion of Schedule II controlled substances such  
15 as oxycodone at Respondent Pharmacy through the use of mislabeled "CII medication cards"  
16 (i.e., punch-out bubble packs). Specifically, the CDPH complaint informed the Board that a  
17 skilled nursing facility had discovered that in multiple instances the CII medication cards  
18 provided by Respondent Pharmacy did not actually contain the schedule II narcotics identified on  
19 the prescription labels but instead contained other non-Schedule II drugs medications such a  
20 lorazepam, a Schedule IV drug. In each instance, underneath the prescription label of the  
21 purported CII medication card was another prescription label that identified the non-CII drug that  
22 was actually found in the medication card.

23 58. Ultimately, the Board was unable to determine whether the intentional mislabeling of  
24 the CII medication cards and the diversion of the Schedule II narcotics had taken place at  
25 Respondent Pharmacy or at the skilled nursing facility. During the course of its investigation,  
26 however, the Board found that Respondent Pharmacy had failed to comply with applicable  
27 labeling requirements required with respect to several of the prescriptions at issue. Specifically,  
28 with regard to the prescription labels for the following oxycodone with acetaminophen

1 prescriptions, Respondent Pharmacy failed to include all of the identification codes appearing on  
2 the tablets or capsules as required by Business and Professions Code section 4076, subdivision  
3 (a)(11)(A): Prescription Number 2155882; Prescription Number 2140713; Prescription Number  
4 2142840; Prescription Number 2145158; and Prescription Number 2139551.

5 **TENTH CAUSE FOR DISCIPLINE**

6 **(Violation of Prescription Labeling Requirements)**

7 59. Respondent Pharmacy and Respondent Cortez are subject to disciplinary action under  
8 section 4301, subdivision (o), in conjunction with Business and Professions Code section 4076,  
9 subdivision (a)(11)(A) in that Respondents failed to comply with applicable prescription labeling  
10 requirements. Complainant refers to, and by this reference incorporates, the allegations set forth  
11 above in paragraphs 57 and 58, inclusive, as though set forth fully herein.

12 **FACTUAL BACKGROUND: UNLICENSED WHOLESALER/ADULTERATED DRUGS**

13 60. In September 2020, the Board received correspondence from an attorney for  
14 Respondent Pharmacy indicting that the pharmacy had purchased nearly 6 million dollars' worth  
15 of HIV medications from an unlicensed wholesaler and had dispensed a significant amount of  
16 those medications to patients before learning of the issue. According to Respondent Pharmacy, it  
17 was duped into believing that a certain individual, T.L., was an employee of licensed wholesaler  
18 Greenhill Trading, Inc. (Greenhill), when in reality, T.L. had no association with Greenhill, which  
19 is based in New York.

20 61. Respondent Pharmacy was in need of a new wholesaler to provide HIV medications  
21 because one of the wholesalers that it had been using had stopped shipping certain medications.  
22 T.L., representing himself as an employee of Greenhill, offered to provide the HIV medications to  
23 Respondent Pharmacy at a discount. For example, one of the highest quantity drugs to be  
24 purchased by Respondent Pharmacy, Descovy 30 mg, was to be sold at a price 7% below what it  
25 had been paying. Other high volume HIV drugs, including Truvada 200/300 mg and Biktarvy  
26 50/200/250 mg, were also to be sold at a discount of 7% below what Respondent Pharmacy  
27 would have had to pay if it purchased the drugs from McKesson, a prominent international  
28 wholesaler also used by Respondent Pharmacy.

1           62. Between August 19, 2020, and September 14, 2020, Respondent Pharmacy made  
2 seventeen (17) separate purchases from T.L. for a variety of high-priced HIV medications. T.L.  
3 required that all purchases be paid for by check rather than wire transfer or other form of  
4 payment. He also required that each invoice be paid for separately and that no one check be  
5 written for an amount in excess of \$500,000. As a result of these unusual requirements, there  
6 were several examples of multiple invoices being issued for the same dates of purchase. For  
7 example, on September 8, 2020, T.L. issued four (4) separate invoices for purchases totaling  
8 nearly \$1.4 million, but because of T.L.'s form of payment requirements, Respondent Pharmacy  
9 had to cut four (4) separate checks to pay the invoices, which ranged in value from \$215,510.94  
10 to \$397,932.00.

11           63. Most of the seventeen (17) checks were picked up at Respondent Pharmacy by  
12 courier. Respondent Pharmacy generally included both Greenhill's name and address on the  
13 checks; however, at some point someone working with T.L. who identified himself as a Greenhill  
14 salesman named "Brian", asked that a check be issued without Greenhill's address. According to  
15 Brian, Greenhill was having issues with its scanner and somehow it would be easier if there were  
16 no address on the check. The check issued without Greenhill's address was drafted in the amount  
17 of \$91,160.60. On or about September 16, 2020, Respondent Pharmacy was notified by a check  
18 cashing business in Miami, Florida, that someone was attempting to cash the check at their store.  
19 At this point, Respondent Pharmacy put a stop payment on the check and began to investigate its  
20 dealings with T.L.

21           64. Ultimately, Respondent Pharmacy determined that T.L. was not actually associated  
22 with Greenhill and that it had been purchasing the HIV medications from an unlicensed  
23 wholesaler. Respondent Pharmacy also determined that the pedigree/chain of custody documents  
24 for the purchased medications, which indicated that the medications had been shipped from the  
25 manufacturers to a wholesaler named CaribeRx before being shipped to Greenhill and then to  
26 Respondent Pharmacy, had been falsified. By this point, however, Respondent Pharmacy had  
27 already filled numerous prescriptions with the adulterated medications. Specifically, it was  
28 determined that between August 19, 2020 and September 14, 2020, Respondent Pharmacy had

1 obtained/purchased 2,870 adulterated medication packages from TL and had dispensed 1,414  
2 adulterated prescriptions (totaling 43,470 tablets). Respondent Pharmacy sent out recall  
3 notifications to the patients who had received the adulterated medications and provided  
4 replacements with genuine product. The rest of the adulterated medications were embargoed and  
5 taken out of circulation.

6 65. During its investigation, the Board obtained specific details regarding Respondent  
7 Pharmacy's procedures for ordering and receiving dangerous drugs for its inventory. Among  
8 other things, the Board learned that Respondent Pharmacy routinely permitted non-pharmacists to  
9 sign for and receive shipments of dangerous drugs in violation of state law.

10 **ELEVENTH CAUSE FOR DISCIPLINE**

11 **(Adulterated Drugs)**

12 66. Respondent Pharmacy and Respondent Cortez are subject to disciplinary action under  
13 section 4301, subdivision (j), in conjunction with Health and Safety Code sections 111295 and  
14 111305 in that Respondents received in commerce and sold, offered for sale, held and/or  
15 delivered adulterated drugs. Complainant refers to, and by this reference incorporates, the  
16 allegations set forth above in paragraphs 60 through 65, inclusive, as though set forth fully herein.

17 **TWELFTH CAUSE FOR DISCIPLINE**

18 **(Prohibited Acts: Use of Unlicensed Wholesaler)**

19 67. Respondent Pharmacy and Respondent Cortez are subject to disciplinary action under  
20 section 4301, subdivision (o), in conjunction with Business and Professions Code section 4169,  
21 subdivision (a), and section 4160, subdivision (a), in that Respondents purchased dangerous drugs  
22 at wholesale from a person or entity that was not licensed by the Board as a wholesaler, third-  
23 party logistics provider or pharmacy. Complainant refers to, and by this reference incorporates,  
24 the allegations set forth above in paragraphs 60 through 65, inclusive, as though set forth fully  
25 herein.

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28 ///

1 **THIRTEENTH CAUSE FOR DISCIPLINE**

2 **(Drug Delivery Received by Non-Pharmacist)**

3 68. Respondent Pharmacy and Respondent Cortez are subject to disciplinary action under  
4 section 4301, subdivisions (j), in conjunction with Business and Professions Code section 4059.5,  
5 subdivision (a), in that Respondents knowingly allowed a non-pharmacist to receive and/or sign  
6 for dangerous drug deliveries to Respondent Pharmacy. Complainant refers to, and by this  
7 reference incorporates, the allegations set forth above in paragraphs 60 through 65, inclusive, as  
8 though set forth fully herein.

9 **FOURTEENTH CAUSE FOR DISCIPLINE**

10 **(Unprofessional Conduct)**

11 69. Respondent Pharmacy and Respondent Cortez are subject to disciplinary action under  
12 section 4301 in that Respondents engaged in unprofessional conduct. Complainant refers to, and  
13 by this reference incorporates, the allegations set forth above in paragraphs 38 through 65,  
14 inclusive, as though set forth fully herein.

15 **OTHER MATTERS**

16 70. Pursuant to Code section 4307, if discipline is imposed on Permit Number PHY  
17 53274 issued to Good Health, Inc. dba Premier Pharmacy Services, Good Health, Inc. shall be  
18 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,  
19 or partner of a licensee for five years if Pharmacy Permit Number PHY 53274 is placed on  
20 probation or until Pharmacy Permit Number PHY 53274 is reinstated if it is revoked.

21 71. Pursuant to Code section 4307, if discipline is imposed on Permit Number PHY  
22 53274 issued to Good Health, Inc. dba Premier Pharmacy Services, Stephen E. Samuel shall be  
23 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,  
24 or partner of a licensee for five years if Permit Number PHY 53274 is placed on probation or  
25 until Permit Number PHY 53274 is reinstated if it is revoked if, while acting as an owner, officer  
26 and/or director of Good Health, Inc. dba Premier Pharmacy Services, Stephen E. Samuel had  
27 knowledge or knowingly participated in any conduct for which Permit Number PHY 19454 is  
28 disciplined.



1 partner of any other licensee for five years if Pharmacy Permit Number PHY 53274 is placed on  
2 probation or until Pharmacy Permit Number PHY 53274 is reinstated if Pharmacy Permit Number  
3 PHY 53274 is revoked;

4 4. Pursuant to Business and Professions Code section 4307, prohibiting Stephen E.  
5 Samuel from serving as a manager, administrator, owner, member, officer, director, associate, or  
6 partner of a licensee for five years if Pharmacy Permit Number PHY 53274 is placed on  
7 probation or until Pharmacy Permit Number PHY 53274 is reinstated if Pharmacy Permit  
8 Number PHY 53274 is revoked;

9 5. Pursuant to Business and Professions Code section 4307, prohibiting Myrna B.  
10 Cortez from serving as a manager, administrator, owner, member, officer, director, associate, or  
11 partner of a licensee for five years if Pharmacist License Number RPH 46795 is placed on  
12 probation or until Pharmacist License Number RPH 46795 is reinstated if Pharmacist License  
13 Number RPH 46795 is revoked;

14 6. Ordering Good Health, Inc. and Myrna B. Cortez to pay the Board of Pharmacy the  
15 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
16 Professions Code section 125.3; and

17 7. Taking such other and further action as deemed necessary and proper.

18  
19 DATED: 6/6/2021

Signature on File

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

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27 64143614.docx  
28