

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

In the Matter of the Statement of Issues Against:

JAY AMIN, Respondent

Pharmacist Applicant

Agency Case No. 7771

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 September 12, 2024.

It is so ORDERED on August 13, 2024.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



Seung W. Oh, Pharm.D.
Board President

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

13 In the Matter of the Statement of Issues
14 Against:

15 **JAY AMIN**

16 **Pharmacist Applicant**

17 Respondent.

Case No. 7771

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

18
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

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

26 2. Respondent Jay Amin (Respondent) is represented in this proceeding by attorney
27 Jeffrey S. Kravitz, Esq., whose address is: 1851 Heritage Lane, Suite 128, Sacramento, CA
28 95815-4996.

1 **CONTINGENCY**

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

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

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

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

23 **DISCIPLINARY ORDER**

24 IT IS HEREBY ORDERED that upon satisfaction of statutory and regulatory requirements
25 for issuance thereof, a Pharmacist License shall be issued to Respondent Jay Amin. Said
26 Pharmacist license, shall be immediately revoked, the revocation stayed, and Respondent is
27 placed on probation five (5) years upon the following terms and conditions:
28

1 **1. Obey All Laws**

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

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

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

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

17 **2. Report to the Board**

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

22 Failure to submit timely reports in a form as directed shall be considered a violation of
23 probation. Any period(s) of delinquency in submission of reports as directed may be added to the
24 total period of probation. Moreover, if the final probation report is not made as directed,
25 probation shall be automatically extended until such time as the final report is made and accepted
26 by the Board.

1 **3. Interview with the Board**

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

7 **4. Cooperate with Board Staff**

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

14 **5. Continuing Education**

15 Respondent shall provide evidence of efforts to maintain skill and knowledge as a
16 pharmacist as directed by the Board or its designee.

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

18 During the period of probation, Respondent shall notify all present and prospective
19 employers of the decision in case number 7771 and the terms, conditions and restrictions imposed
20 on Respondent by the decision, as follows:

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

1 and authorizing those employer(s) or supervisor(s) to communicate with the Board or its
2 designee, concerning Respondent's work status, performance, and monitoring. Failure to comply
3 with the requirements or deadlines of this condition shall be considered a violation of probation.

4 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
5 Respondent undertaking any new employment, Respondent shall cause (a) his direct supervisor,
6 (b) his pharmacist-in-charge, designated representative-in-charge, responsible manager, or other
7 compliance supervisor, and (c) the owner or owner representative of his employer, to report to the
8 Board in writing acknowledging that the listed individual(s) has/have read the decision in case
9 number 7771, and terms and conditions imposed thereby. If one person serves in more than one
10 role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the Respondent's
11 responsibility to ensure that these acknowledgment(s) are timely submitted to the Board. In the
12 event of a change in the person(s) serving the role(s) described in (a), (b), or (c) during the term
13 of probation, Respondent shall cause the person(s) taking over the role(s) to report to the Board in
14 writing within fifteen (15) days of the change acknowledging that he or she has read the decision
15 in case number 7771, and the terms and conditions imposed thereby.

16 If Respondent works for or is employed by or through an employment service, Respondent
17 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the Board
18 of the decision in case number 7771, and the terms and conditions imposed thereby in advance of
19 Respondent commencing work at such licensed entity. A record of this notification must be
20 provided to the Board upon request.

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

27
28

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

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

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

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

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

13 **8. Restrictions on Supervision and Oversight of Licensed Facilities –**

14 During the period of probation, Respondent shall not supervise any intern pharmacist, be
15 the pharmacist-in-charge, designated representative-in-charge, responsible manager or other
16 compliance supervisor of any entity licensed by the Board, nor serve as a consultant. Assumption
17 of any such unauthorized supervision responsibilities shall be considered a violation of probation.

18 **9. Reimbursement of Board Costs**

19 As a condition precedent to successful completion of probation, Respondent shall pay to the
20 Board its in the amount of \$3,573.50 pursuant to the Stipulated Surrender of License and Order in
21 Case No. 5529. Respondent shall make said payments as follows: Within ninety (90) days of the
22 effective date of the decision, Respondent shall pay the costs in full.

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

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

1 **10. Probation Monitoring Costs**

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

6 **11. Status of License**

7 Respondent shall, at all times while on probation, maintain an active, current pharmacist
8 license with the Board, including any period during which suspension or probation is tolled.
9 Failure to maintain an active, current pharmacist license shall be considered a violation of
10 probation.

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

15 **12. License Surrender While on Probation/Suspension**

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

24 Upon acceptance of the surrender, Respondent shall relinquish his pocket and/or wall
25 license, including any indicia of licensure not previously provided to the Board within ten (10)
26 days of notification by the Board that the surrender is accepted if not already provided.
27 Respondent may not reapply for any license from the Board for three (3) years from the effective
28 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 **13. Practice Requirement – Extension of Probation**

4 Except during periods of suspension, Respondent shall, at all times while on probation, be
5 employed as a pharmacist in California for a minimum of eighty (80) 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
8 comply with all terms and conditions of probation, unless Respondent receives a waiver in
9 writing from the Board or its designee.

10 If Respondent does not practice as a pharmacist in California for the minimum number of
11 hours in any calendar month, for any reason (including vacation), Respondent shall notify the
12 Board in writing within ten (10) days of the conclusion of that calendar month. This notification
13 shall include at least: the date(s), location(s), and hours of last practice; the reason(s) for the
14 interruption or reduction in practice; and the anticipated date(s) on which Respondent will resume
15 practice at the required level. Respondent shall further notify the Board in writing within ten (10)
16 days following the next calendar month during which Respondent practices as a pharmacist in
17 California for the minimum of hours. Any failure to timely provide such notification(s) shall be
18 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 **14. 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
28

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 **15. 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.

13 **16. Ethics Course**

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

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

23 Respondent shall not own, have any legal or beneficial interest in, nor serve as a manager,
24 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
25 partnership, or corporation currently or hereinafter licensed by the Board. Respondent shall sell
26 or transfer any legal or beneficial interest in any entity licensed by the Board within ninety (90)
27 days following the effective date of this decision and shall immediately thereafter provide written
28

1 proof thereof to the Board. Failure to timely divest any legal or beneficial interest(s) or provide
2 documentation thereof shall be considered a violation of probation.

3 **ACCEPTANCE**

4 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
5 discussed it with my attorney, Jeffrey S. Kravitz, Esq. I understand the stipulation and the effect
6 it will have on my pharmacist license. I enter into this Stipulated Settlement and Disciplinary
7 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
8 of the Board of Pharmacy.

9
10 DATED: _____
11 JAY AMIN
12 Respondent

13 I have read and fully discussed with Respondent Jay Amin the terms and conditions and
14 other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its
15 form and content.

16 DATED: _____
17 JEFFREY S. KRAVITZ, ESQ.
18 Attorney for Respondent

19 **ENDORSEMENT**

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

22 DATED: _____ Respectfully submitted,
23 ROB BONTA
24 Attorney General of California
25 GREGORY J. SALUTE
26 Supervising Deputy Attorney General

27 NICOLE R. TRAMA
28 Deputy Attorney General
Attorneys for Complainant

1 proof thereof to the Board. Failure to timely divest any legal or beneficial interest(s) or provide
2 documentation thereof shall be considered a violation of probation.

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6 it will have on my pharmacist license. I enter into this Stipulated Settlement and Disciplinary
7 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
8 of the Board of Pharmacy.

9
10 DATED: 5-20-24 Jay Amin
11 JAY AMIN
Respondent

12 I have read and fully discussed with Respondent Jay Amin the terms and conditions and
13 other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its
14 form and content.

15 DATED: 5-20-24 Jeffrey S. Kravitz, Esq.
16 JEFFREY S. KRAVITZ, ESQ.
Attorney for Respondent

17 **ENDORSEMENT**

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

20 DATED: 5/20/2024

21 Respectfully submitted,
22 ROB BONTA
Attorney General of California
23 GREGORY J. SALUTE
Supervising Deputy Attorney General

24 Nicole R. Trama
25 NICOLE R. TRAMA
26 Deputy Attorney General
27 Attorneys for Complainant
28

Exhibit A

Statement of Issues No. 7771

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Supervising Deputy Attorney General
3 NICOLE R. TRAMA
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13 In the Matter of the Statement of Issues
Against:

14 **JAY AMIN**

15 **Pharmacist Applicant**

16 Respondent.

Case No. 7771

STATEMENT OF ISSUES

17
18 **PARTIES**

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

22 2. On or about July 20, 2023, the Board received a Pharmacist Examination for
23 Licensure Application from Jay Amin (Respondent). On or about July 18, 2023, Respondent
24 certified under penalty of perjury to the truthfulness of all statements, answers, and
25 representations in the application. The Board denied the application on February 23, 2024.

26 ///

27 ///

28 ///

JURISDICTION

3. This Statement of Issues is brought before the Board of Pharmacy (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Code section 480 states in part:

(a) Notwithstanding any other provision of this code, a board may deny a license regulated by this code on the grounds that the applicant has been convicted of a crime or has been subject to formal discipline only if either of the following conditions are met:

...

(2) The applicant has been subjected to formal discipline by a licensing board in or outside California within the preceding seven years from the date of application based on professional misconduct that would have been cause for discipline before the board for which the present application is made and that is substantially related to the qualifications, functions, or duties of the business or profession for which the present application is made. However, prior disciplinary action by a licensing board within the preceding seven years shall not be the basis for denial of a license if the basis for that disciplinary action was a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.425 of the Penal Code or a comparable dismissal or expungement. Formal discipline that occurred earlier than seven years preceding the date of application may be grounds for denial of a license only if the formal discipline was for conduct that, if committed in this state by a physician and surgeon licensed pursuant to Chapter 5 (commencing with Section 2000) of Division 2, would have constituted an act of sexual abuse, misconduct, or relations with a patient pursuant to Section 726 or sexual exploitation as defined in subdivision (a) of Section 729.

...

5. Code section 4300 states in part:

...

(c) The board may refuse a license to any applicant guilty of unprofessional conduct. The board may, in its sole discretion, issue a probationary license to any applicant for a license who is guilty of unprofessional conduct and who has met all other requirements for licensure. The board may issue the license subject to any terms or conditions not contrary to public policy, including, but not limited to, the following:

- (1) Medical or psychiatric evaluation.
- (2) Continuing medical or psychiatric treatment.
- (3) Restriction of type or circumstances of practice.
- (4) Continuing participation in a board-approved rehabilitation program.

1 (5) Abstention from the use of alcohol or drugs.

2 (6) Random fluid testing for alcohol or drugs.

3 (7) Compliance with laws and regulations governing the practice of pharmacy.

4

5 6. Code section 4301 states in part:

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

8 . . .

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

12 (g) Knowingly making or signing any certificate or other document that falsely
13 represents the existence or nonexistence of a state of facts.

14 (h) The administering to oneself, of any controlled substance, or the use of any
15 dangerous drug or of alcoholic beverages to the extent or in a manner as to be
16 dangerous or injurious to oneself, to a person holding a license under this chapter, or
17 to any other person or to the public, or to the extent that the use impairs the ability of
18 the person to conduct with safety to the public the practice authorized by the license.

18 . . .

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

21 . . .

22 (n) The revocation, suspension, or other discipline by another state of a license
23 to practice pharmacy, operate a pharmacy, or do any other act for which a license is
24 required by this chapter that would be grounds for revocation, suspension, or other
25 discipline under this chapter. Any disciplinary action taken by the board pursuant to
26 this section shall be coterminous with action taken by another state, except that the
27 term of any discipline taken by the board may exceed that of another state, consistent
28 with the board's enforcement guidelines. The evidence of discipline by another state
is conclusive proof of unprofessional conduct.

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

. . .

///

1 **DRUGS**

2 7. Azithromycin is an antibiotic and is a dangerous drug pursuant to Business and
3 Professions Code section 4022.

4 8. Promethazine with codeine syrup, is a controlled substance pursuant to Health and
5 Safety Code section 11058, subdivision (c)(1), and is a dangerous drug pursuant to Business and
6 Professions Code section 4022.

7 9. Xanax is a controlled substance pursuant to Health and Safety Code section 11057,
8 subdivision (d) and is a dangerous drug pursuant to Business and Professions Code section 4022.

9 **FACTUAL ALLEGATIONS**

10 10. On August 17, 2011, the Board issued Pharmacist License No. 65778 to Respondent.
11 On October 6, 2015, in the case entitled, *In the Matter of the Accusation Against Jay Amin*, Board
12 of Pharmacy Case Number 5529, an Accusation was filed against Respondent for unprofessional
13 conduct for dishonest acts, use of controlled substances in a dangerous manner, violating statutes
14 regulating controlled substances, violating laws governing pharmacy, and making and signing a
15 document that falsely represents the facts.

16 11. The circumstances that led to that action are as follows: Respondent was employed as
17 a pharmacist-in-charge (PIC) at CVS from March 2014 through May 2015. CVS investigated a
18 complaint regarding fraudulent promethazine with codeine prescriptions by a pharmacy
19 technician, TW, who worked at the same CVS store as Respondent. TW admitted to obtaining
20 prescriptions for narcotics without seeing or speaking to the alleged prescriber, Dr. KP, a former
21 employer. She admitted to consuming and sharing drugs that she obtained. TW admitted to
22 sharing approximately 20 tablets with Respondent in February and April 2015, stating that
23 Respondent asked her for them because he was experiencing stress. TW also admitted to
24 obtaining a prescription for the controlled substance, promethazine with codeine, after
25 Respondent told her he was ill and asked her to get a prescription for him, even though he was
26 never seen by Dr. KP for that prescription. Respondent admitted to asking TW for help in getting
27 a prescription called into CVS for his cough, that he was never a patient of Dr. KP and that he
28 knew his actions were wrong. Respondent also admitted to writing a prescription for himself for

1 the dangerous drug, azithromycin, because he was not feeling well and did not want to miss work
2 to see a doctor. He stated he wrote the prescription on the “call-in prescription pad,” gave it to a
3 technician to type up, and then filled and verified it himself. Respondent admitted that he wrote
4 that Physician Assistant, CB, authorized the prescription, when in fact, he had not. Respondent
5 also admitted to “borrowing” Xanax, a controlled substance, from TW due to stress, knowing he
6 did not have a prescription for it.

7 12. On December 23, 2015, the Board adopted a Stipulated Surrender of License and
8 Order, wherein Respondent surrendered his pharmacist license and agreed to pay \$3,573.50 prior
9 to the issuance of a new license. The Stipulation further provides that all of the charges and
10 allegations in Accusation Case No. 5529 are deemed to be true, correct, and admitted by
11 Respondent when the Board determines whether to grant or deny a new application for licensure.
12 That Decision and Order became effective January 22, 2016.

13 13. Respondent is also licensed as a pharmacist in Arizona. On or about March 21, 2019,
14 in the action entitled, *In the Matter of Jay Amin, Holder of License No. S021262 As A Licensed*
15 *Pharmacist in the State of Arizona*, Arizona State Board of Pharmacy (Arizona Board) Case No.
16 18-0484, Respondent’s pharmacist license was disciplined pursuant to the Consent Agreement for
17 Civil Penalty, Continuing Education and Audit. The circumstances that led to that action are that
18 on September 7, 2018, Respondent filed an application for license renewal and marked the
19 answer “Yes” to the question asking about compliance with continuing education requirements,
20 thereby attesting that he had completed the required 30 continuing education hours. However, at
21 the time of his application for renewal, Respondent had only completed 21.50 of continuing
22 education hours, therefore, he was short 8.5 hours. The Arizona Board found that Respondent’s
23 conduct constituted unprofessional conduct for failing to comply with the continuing education
24 requirements established by the Board and for knowingly filing an application or renewal that
25 contained false or misleading information. As a result, Respondent was ordered to pay the
26 Arizona Board \$850, complete a total of 45 continuing education hours, and was subject to a
27 mandatory audit of his continuing education requirements.

28 ///

1 **FIRST CAUSE FOR DENIAL**

2 **(Unprofessional Conduct - Dishonesty, Fraud, Deceit, or Corruption)**

3 14. Respondent’s application is subject to denial under Code section 4300, subdivision
4 (c) for unprofessional conduct as defined under Code section 4301, subdivision (f), for
5 dishonesty, fraud, deceit or corruption, as set forth in paragraphs 10 through 13, above,
6 incorporated herein.

7 **SECOND CAUSE FOR DENIAL**

8 **(Unprofessional Conduct - Making or Signing a Document that Falsely Represents Facts)**

9 15. Respondent’s application is subject to denial under Code section 4300, subdivision
10 (c) for unprofessional conduct as defined under Code section 4301, subdivision (g), for
11 knowingly making or signing any certificate or other document that falsely represents the
12 existence of a state of facts, as set forth in paragraphs 10 through 13, above, incorporated herein.

13 **THIRD CAUSE FOR DENIAL**

14 **(Unprofessional Conduct – Dangerous Use of Controlled Substance)**

15 16. Respondent’s application is subject to denial under Code section 4300, subdivision
16 (c) for unprofessional conduct as defined under Code section 4301, subdivision (h), for the
17 administration to himself of a controlled substance in a dangerous manner, as set forth in
18 paragraphs 10 through 13, above, incorporated herein.

19 **FOURTH CAUSE FOR DENIAL**

20 **(Unprofessional Conduct – Violation of Statutes Regulating Controlled Substances and
21 Dangerous Drugs)**

22 17. Respondent’s application is subject to denial under Code section 4300, subdivision
23 (c) for unprofessional conduct as defined under Code section 4301, subdivision (j), for violation
24 of statutes regulating controlled substances and dangerous drugs, as set forth in paragraphs 10
25 through 13, above, incorporated herein.

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1 **FIFTH CAUSE FOR DENIAL**

2 **(Unprofessional Conduct – Violation of Laws and Regulations Governing Pharmacy)**

3 18. Respondent’s application is subject to denial under Code section 4300, subdivision
4 (c) for unprofessional conduct as defined under Code section 4301, subdivision (o), for violation,
5 or assisting in or abetting the violation of or conspiring to violate state laws and regulations
6 governing pharmacy, including regulations established by the board or by any other state, as set
7 forth in paragraphs 10 through 13, above, incorporated herein.

8 **SIXTH CAUSE FOR DENIAL**

9 **(Arizona State Board Discipline Against Respondent’s Arizona Pharmacist License)**

10 19. Respondent’s application is subject to denial under Code section 480, subdivision
11 (a)(2) and Code section 4300, subdivision (c) for unprofessional conduct as defined under Code
12 section 4301, subdivision (n), in that Respondent’s pharmacist license was disciplined by the
13 Arizona Board on March 21, 2019, for misconduct that would have been cause for discipline
14 before the Board and that is substantially related to the qualifications, functions, or duties of a
15 pharmacist, as set forth in paragraph 13, above, incorporated herein.

16 **PRAYER**

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

- 19 1. Denying the Pharmacist Examination for Licensure Application from Jay Amin;
20 2. Taking such other and further action as deemed necessary and proper.

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22 DATED: 4/28/2024

Sodergren,
Anne@DCA  Digitally signed by
Sodergren, Anne@DCA
Date: 2024.04.28 17:52:50
-07'00'

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

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