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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  
Against:

14 **MEDS FOR VETS LLC; JANICE LEE**  
15 **ERICKSON, MEMBER**  
16 **9550 S. State Street**  
**Sandy, UT 84070**

17 **Original Non-Resident Pharmacy Sterile**  
18 **Compounding License Applicant**

19 Respondent.

Case No. 7023

**STATEMENT OF ISSUES**

20  
21  
22 **PARTIES**

23  
24 1. Anne Sodergren (Complainant) brings this Statement of Issues solely in her official  
25 capacity as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer  
26 Affairs.

27 2. On or about February 28, 2020, the Board received an application for a Non-Resident  
28 Pharmacy Sterile Compounding License from Meds for Vets LLC; Janice Lee Erickson, Member

1 (Respondent). Janice Lee Erickson is and has been the Pharmacist-in-Charge of Meds for Vets  
2 LLC since May 3, 2014.

3 3. On or about February 7, 2020, Janice Lee Erickson certified under penalty of perjury  
4 to the truthfulness of all statements, answers, and representations in the application. The Board  
5 denied the application on August 4, 2020.

6 **JURISDICTION**

7 4. This Statement of Issues is brought before the Board under the authority of the  
8 following laws. All section references are to the Business and Professions Code (Code) unless  
9 otherwise indicated.

10 5. Section 4300.1 of the Code states:

11 The expiration, cancellation, forfeiture, or suspension of a board-issued license  
12 by operation of law or by order or decision of the board or a court of law, the  
13 placement of a license on a retired status, or the voluntary surrender of a license by a  
14 licensee shall not deprive the board of jurisdiction to commence or proceed with any  
15 investigation of, or action or disciplinary proceeding against, the licensee or to render  
16 a decision suspending or revoking the license.

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

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

24 . . . .

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

26 **STATUTORY PROVISIONS**

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

28 The board shall take action against any holder of a license who is guilty of  
unprofessional conduct . . . Unprofessional conduct shall include, but is not limited to,  
any of the following:

. . . .

(n) The revocation, suspension, or other discipline by another state of a license  
to practice pharmacy, operate a pharmacy, or do any other act for which a license is  
required by this chapter that would be grounds for revocation, suspension, or other  
discipline under this chapter. Any disciplinary action taken by the board pursuant to

1 this section shall be coterminous with action taken by another state, except that the  
2 term of any discipline taken by the board may exceed that of another state, consistent  
with the board's enforcement guidelines. The evidence of discipline by another state  
is conclusive proof of unprofessional conduct.

3 **COST RECOVERY**

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

8 **CAUSE FOR DENIAL OF APPLICATION**

9 **(Acts Warranting Denial of Application: Accusation No. 7009)**

10 9. Respondent's application for a Non-Resident Pharmacy Sterile Compounding License  
11 is subject to denial pursuant to the Code, sections 4300, subdivision (c), and 4301, subdivision  
12 (n), in that Respondent's license to practice or operate a pharmacy has been disciplined by  
13 another state as follows:

14 a. Effective June 11, 2009, pursuant to the Consent Order in the matter entitled *In the*  
15 *Matter of Meds for Vets, Respondent*, in Case Number 2009-0062, the Oregon Board of Pharmacy  
16 imposed a \$5,000 civil penalty (with \$4,000 stayed pending no further violations of ORS 689.305  
17 for three years). Respondent must appropriately register with the Oregon Board prior to shipping  
18 prescriptions into Oregon without a nonresident pharmacy license.

19 b. Effective August 6, 2019, pursuant to the Agreed Board Order No. K-17-035 in the  
20 matter entitled *In the Matter of Meds for Vets LLC (Pharmacy License #25697)*, the Texas State  
21 Board of Pharmacy issued a \$1,000 fine to Respondent for operating without a Texas-licensed  
22 pharmacist-in-charge.

23 c. On or about October 21, 2019, pursuant to the Stipulation and Order in the matter  
24 entitled *In the Matter of the Licenses of: Meds for Vets, License Nos: 6769850-1703, and*  
25 *6769850-8913 to Practice as a Pharmacy and to Dispense Controlled Substances in the State of*  
26 *Utah*, the Division of Occupational and Professional Licensing Department of Commerce of the  
27 State of Utah (DOPL) placed Respondent on probation for two years, with terms and conditions.

28

1 Respondent neither admitted nor denied the following, but agreed that DOPL might find the  
2 following:

3 i. On or about October 10, 2017, the DOPL conducted Class A, sterile and non-sterile  
4 inspections at Respondent's place of business. The inspection noted violations related to uneven  
5 staffing ratios for pharmacy technicians and pharmacists, misplaced labels and/or labeling errors,  
6 failure to adhere to current good manufacturing practices for sterile and non-sterile compounding,  
7 and missing documentation for staff training and sanitation procedures.

8 ii. The terms and conditions of probation included, but were not limited to submission of  
9 a Written Practice Plan for DOPL approval, undergo periodic inspections by a DOPL-approved  
10 inspector, and pay a \$15,000 fine (with \$7,500 stayed pending successful completion of  
11 probation), pursuant to Utah Code Ann. Section 58-17b-504. On or about January 13, 2020,  
12 Respondent paid the required \$7,500 portion of the \$15,000 fine.

13 d. Effective December 11, 2019, pursuant to the Consent Order issued in the matter  
14 entitled *In the Matter of Jan Erickson d/b/a/ Meds for Vets, Louisiana Pharmacy Permit No 6258*,  
15 Case No. 18-0348, under La. R.S. 37:1241(A)(6), the Louisiana State Board of Pharmacy  
16 suspended Respondent's Pharmacy Permit No. 6258 until October 21, 2021, stayed the  
17 suspension, and placed Respondent on probation for two years. The Louisiana Board also  
18 assessed Respondent a \$250 fine, as a reciprocal action to the Utah DOPL disciplinary order  
19 issued on October 21, 2019.

20 e. Effective February 18, 2020, pursuant to the Consent Order issued in the matter  
21 entitled *In the Matter of: Meds for Vets, LLC, Non-Resident Pharmacy Permit Number: 112999*,  
22 Case No. 19-L-0151, the Alabama State Board of Pharmacy found that Respondent violated Code  
23 of Alabama sections 34-23-22(2) and (13) [via Alabama Board Rule 680-X-2.22(2)(d)], 34-23-  
24 34, 34-23-92(12), 20-2-213(e), and 41-22-12. The Alabama Board placed Respondent on  
25 probation until October 15, 2021, subject to the same terms and conditions as the Utah Board  
26 Stipulation and Order. The discipline was based on the above-referenced disciplinary actions by  
27 the Texas and Oregon State Boards of Pharmacy, as well as the Utah DOPL order. The Alabama  
28 Board also assessed Respondent a \$10,000 administrative fine.

1 f. Effective March 12, 2020, pursuant to the Order of Mandatory Suspension in the  
2 matter entitled *In re: Meds for Vets*, Registration No. 0214-001210, Case No. 202896, the  
3 Virginia Department of Health Professions suspended Respondent's license. Pursuant to Virginia  
4 Code section 54.1-2409, the Virginia Board suspended Respondent's license as a reciprocal  
5 action to Louisiana Board Case Number 18-0348. Respondent's Virginia license remained on  
6 suspension as of a July 22, 2020, search of the Virginia Board's website.

7  
8 **PRAYER**

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

- 11 1. Denying the application of Meds for Vets LLC; Janice Lee Erickson, Member for a  
12 Non-Resident Pharmacy Sterile Compounding License; and  
13 2. Taking such other and further action as deemed necessary and proper.

14  
15 DATED: 9/19/2020

*Anne Sodergren*

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16 ANNE SODERGREN  
17 Executive Officer  
18 Board of Pharmacy  
19 Department of Consumer Affairs  
20 State of California  
21 *Complainant*

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