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

10 In the Matter of the Accusation Against:

Case No. 4829

11 **CENTURY DISCOUNT PHARMACY,**
12 **INC., FARHAD D. SHARIM, JOSEPH**
13 **AMIN, Owners**
14 **18254 Sherman Way**
Reseda, CA 91335

OAH No. 2015090357

SECOND AMENDED ACCUSATION

15 **Permit No. PHY 39871**

16 **and**

17 **FARHAD D. SHARIM**
18 **P.O. Box 260771**
Encino, CA 91426

19 **Pharmacist License No. RPH 46183,**

20 **and**

21 **JONG AM KIM**
22 **P.O. Box 7282**
Mission Hills, CA 91346

23 **Pharmacist License No. RPH 45267**

24 **and**

25 **KATERINA URASOVA**
26 **5235 White Oak Avenue 3**
Encino, CA 91316

27 **Pharmacist License No. RPH 57944**
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and
DAVID PEZHMANNIA
17954 Hatton St.
Reseda, CA 91335

Pharmacist License No. RPH70233

Respondents.

Complainant alleges:

PARTIES

1. Virginia Herold ("Complainant") brings this Second Amended Accusation solely in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

2. On or about April 4, 1994, the Board of Pharmacy ("Board") issued Permit Number PHY 39871 to Century Discount Pharmacy, Inc., Farhad D. Sharim and Joseph Amin, Owners ("Respondent Century Discount Pharmacy" and/or "the pharmacy"). The Permit, which was in full force and effect at all times relevant to the charges brought herein, expired on April 1, 2017, and has not been renewed.

3. On or about May 3, 1993, the Board issued Pharmacist License Number RPH 46183 to Farhad D. Sharim ("Respondent Sharim"). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2018, unless renewed.

4. On or about April 3, 1992, the Board issued Pharmacist License Number RPH 45267 to Jong Am Kim ("Respondent Kim"). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2017, unless renewed.

5. On or about November 30, 2005, the Board issued Pharmacist License Number RPH 57944 to Katerina Urasova ("Respondent Urasova"). The Pharmacist License was in full force

1 and effect at all times relevant to the charges brought herein and will expire on August 31, 2019,
2 unless renewed.

3 6. On or about November 21, 2013, the Board issued Pharmacist License Number RPH
4 70233 to David Pezhmannia ("Respondent Pezhmannia"). The Pharmacist License was in full
5 force and effect at all times relevant to the charges brought herein and will expire on August 31,
6 2019, unless renewed.

7 **JURISDICTION**

8 7. This Second Amended Accusation is brought before the Board, Department of
9 Consumer Affairs, under the authority of the following laws. All section references are to the
10 Business and Professions Code unless otherwise indicated.

11 8. Section 4300.1 of the Code states:

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

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

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

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

22 "(1) Suspending judgment.

23 "(2) Placing him or her upon probation.

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

25 "(4) Revoking his or her license.

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

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1 10. Section 4307 states, in pertinent part:

2 "(a) Any person who has been denied a license or whose license has been revoked or is
3 under suspension, or who has failed to renew his or her license while it was under suspension, or
4 who has been a manager, administrator, owner, member, officer, director, associate, or partner of
5 any partnership, corporation, firm, or association whose application for a license has been denied
6 or revoked, is under suspension or has been placed on probation, and while acting as the manager,
7 administrator, owner, member, officer, director, associate, or partner had knowledge of or
8 knowingly participated in any conduct for which the license was denied, revoked, suspended, or
9 placed on probation, shall be prohibited from serving as a manager, administrator, owner,
10 member, officer, director, associate, or partner of a licensee as follows:

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

13 "(2) Where the license is denied or revoked, the prohibition shall continue until the license
14 is issued or reinstated."

15 **STATUTORY PROVISIONS**

16 11. Section 490 states, in pertinent part:

17 "(a) In addition to any other action that a board is permitted to take against a licensee, a
18 board may suspend or revoke a license on the ground that the licensee has been convicted of a
19 crime, if the crime is substantially related to the qualifications, functions, or duties of the business
20 or profession for which the license was issued.

21 "(b) Notwithstanding any other provision of law, a board may exercise any authority to
22 discipline a licensee for conviction of a crime that is independent of the authority granted under
23 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties
24 of the business or profession for which the licensee's license was issued.

25 "(c) A conviction within the meaning of this section means a plea or verdict of guilty or a
26 conviction following a plea of nolo contendere. Any action that a board is permitted to take
27 following the establishment of a conviction may be taken when the time for appeal has elapsed, or
28 the judgment of conviction has been affirmed on appeal, or when an order granting probation is

1 made suspending the imposition of sentence, irrespective of a subsequent order under the
2 provisions of Section 1203.4 of the Penal Code.”

3 12. Section 733 of the Code states, in pertinent part:

4 "(a) A licentiate shall not obstruct a patient in obtaining a prescription drug or device that
5 has been legally prescribed or ordered for that patient. A violation of this section constitutes
6 unprofessional conduct by the licentiate and shall subject the licentiate to disciplinary or
7 administrative action by his or her licensing agency.

8 "(b) Notwithstanding any other law, a licentiate shall dispense drugs and devices, as
9 described in subdivision (a) of Section 4024, pursuant to a lawful order or prescription unless one
10 of the following circumstances exists:

11 "(1) Based solely on the licentiate's professional training and judgment, dispensing
12 pursuant to the order or the prescription is contrary to law, or the licentiate determines that the
13 prescribed drug or device would cause a harmful drug interaction or would otherwise adversely
14 affect the patient's medical condition.

15 "(2) The prescription drug or device is not in stock. If an order, other than an order
16 described in Section 4019, or prescription cannot be dispensed because the drug or device is not
17 in stock, the licentiate shall take one of the following actions:

18 "(A) Immediately notify the patient and arrange for the drug or device to be delivered to
19 the site or directly to the patient in a timely manner.

20 "(B) Promptly transfer the prescription to another pharmacy known to stock the
21 prescription drug or device that is near enough to the site from which the prescription or order is
22 transferred, to ensure the patient has timely access to the drug or device.

23 "(C) Return the prescription to the patient and refer the patient. The licentiate shall make a
24 reasonable effort to refer the patient to a pharmacy that stocks the prescription drug or device that
25 is near enough to the referring site to ensure that the patient has timely access to the drug or
26 device.

27 "(3) The licentiate refuses on ethical, moral, or religious grounds to dispense a drug or
28 device pursuant to an order or prescription. A licentiate may decline to dispense a prescription

1 drug or device on this basis only if the licentiate has previously notified his or her employer, in
2 writing, of the drug or class of drugs to which he or she objects, and the licentiate's employer can,
3 without creating undue hardship, provide a reasonable accommodation of the licentiate's
4 objection. The licentiate's employer shall establish protocols that ensure that the patient has
5 timely access to the prescribed drug or device despite the licentiate's refusal to dispense the
6 prescription or order. For purposes of this section, "reasonable accommodation" and "undue
7 hardship" shall have the same meaning as applied to those terms pursuant to subdivision (l) of
8 Section 12940 of the Government Code."

9 13. Section 4024 of the Code states:

10 "(a) Except as provided in subdivision (b), "dispense" means the furnishing of drugs or
11 devices upon a prescription from a physician, dentist, optometrist, podiatrist, veterinarian, or
12 naturopathic doctor pursuant to Section 3640.7, or upon an order to furnish drugs or transmit a
13 prescription from a certified nurse-midwife, nurse practitioner, physician assistant, naturopathic
14 doctor pursuant to Section 3640.5, or pharmacist acting within the scope of his or her practice.

15 "(b) "Dispense" also means and refers to the furnishing of drugs or devices directly to a
16 patient by a physician, dentist, optometrist, podiatrist, or veterinarian, or by a certified nurse-
17 midwife, nurse practitioner, naturopathic doctor, or physician assistant acting within the scope of
18 his or her practice."

19 14. Section 4052.5 of the Code states, in pertinent part:

20 "In addition to the authority allowed under Section 4073, a pharmacist filling a prescription
21 order for a drug product may select a different form of medication with the same active chemical
22 ingredients of equivalent strength and duration of therapy as the prescribed drug product when the
23 change will improve the ability of the patient to comply with the prescribed drug therapy.

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25 "(f) This section shall not permit substitution between long-acting and short-acting forms of
26 a medication with the same chemical ingredients or between one drug product and two or more
27 drug products with the same chemical ingredients."

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1 15. Section 4059 of the Code states, in pertinent part:

2 “(a) A person may not furnish any dangerous drug, except upon the prescription of a
3 physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section
4 3640.7. A person may not furnish any dangerous device, except upon the prescription of a
5 physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section
6 3640.7.

7 16. Section 4081, subdivision (a) of the Code states, in pertinent part:

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

18 “(b) The owner, officer, and partner of any pharmacy, wholesaler, . . . shall be jointly
19 responsible, with the pharmacist-in-charge, responsible manager, or designated representative-in-
20 charge, for maintaining the records and inventory described in this section.”

21 17. Section 4105 of the Code states, in pertinent part:

22 “(a) All records or other documentation of the acquisition and disposition of dangerous
23 drugs and dangerous devices by any entity licensed by the board shall be retained on the licensed
24 premises in a readily retrievable form.

25 “(b) The licensee may remove the original records or documentation from the licensed
26 premises on a temporary basis for license-related purposes. However, a duplicate set of those
27 records or other documentation shall be retained on the licensed premises.

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

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4 "(e) (1) Notwithstanding subdivisions (a), (b), and (c), the board may, upon written request,
5 grant to a licensee a waiver of the requirements that the records described in subdivisions (a), (b),
6 and (c) be kept on the licensed premises.

7 "(f) When requested by an authorized officer of the law or by an authorized representative
8 of the board, the owner, corporate officer, or manager of an entity licensed by the board shall
9 provide the board with the requested records within three business days of the time the request
10 was made. The entity may request in writing an extension of this timeframe for a period not to
11 exceed 14 calendar days from the date the records were requested. . ."

12 18. Section 4113 of the Code states, in pertinent part:

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

16 “(d) Every pharmacy shall notify the board in writing, on a form designed by the board,
17 within 30 days of the date when a pharmacist-in-charge ceases to act as the pharmacist-in-charge,
18 and shall on the same form propose another pharmacist to take over as the pharmacist-in-charge.
19 The proposed replacement pharmacist-in-charge shall be subject to approval by the board. If
20 disapproved, the pharmacy shall propose another replacement within 15 days of the date of
21 disapproval and shall continue to name proposed replacements until a pharmacist-in-charge is
22 approved by the Board.”

23 19. Section 4116 of the Code states, in pertinent part:

24 “(a) No person other than a pharmacist, an intern pharmacist, an authorized officer of the
25 law, or a person authorized to prescribe shall be permitted in that area, place, or premises
26 described in the license issued by the board wherein controlled substances or dangerous drugs or
27 dangerous devices are stored, possessed, prepared, manufactured, derived, compounded,
28 dispensed, or repackaged. However, a pharmacist shall be responsible for any individual who

1 enters the pharmacy for the purposes of receiving consultation from the pharmacist or performing
2 clerical, inventory control, housekeeping, delivery, maintenance, or similar functions relating to
3 the pharmacy if the pharmacist remains present in the pharmacy during all times as the authorized
4 individual is present.

5 “(b) (1) The board may, by regulation, establish reasonable security measures consistent
6 with this section in order to prevent unauthorized persons from gaining access to the area, place,
7 or premises or to the controlled substances or dangerous drugs or dangerous devices therein.

8 “(2) The board shall, by regulation, establish conditions for the temporary absence of a
9 pharmacist for breaks and lunch periods pursuant to Section 512 of the Labor Code and the orders
10 of the Industrial Welfare Commission without closing the pharmacy and removing authorized
11 personnel from the pharmacy. These conditions shall ensure the security of the pharmacy and its
12 operations during the temporary absence of the pharmacist and shall allow, at the discretion of the
13 pharmacist, nonpharmacist personnel to remain and perform any lawful activities during the
14 pharmacist s temporary absence.”

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

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

19

20 "(d) The clearly excessive furnishing of controlled substances in violation of subdivision (a)
21 of Section 11153 of the Health and Safety Code.

22 “(e) The clearly excessive furnishing of controlled substances in violation of subdivision (a)
23 of Section 11153.5 of the Health and Safety Code. Factors to be considered in determining
24 whether the furnishing of controlled substances is clearly excessive shall include, but not be
25 limited to, the amount of controlled substances furnished, the previous ordering pattern of the
26 customer (including size and frequency of orders), the type and size of the customer, and where
27 and to whom the customer distributes its product.

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

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

6

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

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10 “(l) The conviction of a crime substantially related to the qualifications, functions, and
11 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
12 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
13 substances or of a violation of the statutes of this state regulating controlled substances or
14 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
15 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
16 The board may inquire into the circumstances surrounding the commission of the crime, in order
17 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
18 or dangerous drugs, to determine if the conviction is of an offense substantially related to the
19 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
20 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
21 of this provision. The board may take action when the time for appeal has elapsed, or the
22 judgment of conviction has been affirmed on appeal or when an order granting probation is made
23 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
24 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
25 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
26 indictment.

27 “(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
28 violation of or conspiring to violate any provision or term of this chapter or of the applicable

1 federal and state laws and regulations governing pharmacy, including regulations established by
2 the board or by any other state or federal regulatory agency.

3

4 “(q) Engaging in any conduct that subverts or attempts to subvert an investigation of the
5 board.”

6 21. Section 4305 provides, in pertinent part:

7 “(a) Failure by any pharmacist to notify the board in writing that he or she has ceased to
8 act as the pharmacist-in-charge of a pharmacy, or by any pharmacy to notify the board in writing
9 that a pharmacist-in-charge is no longer acting in that capacity, within the 30-day period specified
10 in Sections 4101 and 4113 shall constitute grounds for disciplinary action.

11 “(b) Operation of a pharmacy for more than 30 days without supervision or management
12 by a pharmacist-in-charge shall constitute grounds for disciplinary action.”

13 22. Health and Safety Code section 11153, subdivision (a) states:

14 "(a) A prescription for a controlled substance shall only be issued for a legitimate medical
15 purpose by an individual practitioner acting in the usual course of his or her professional practice.
16 The responsibility for the proper prescribing and dispensing of controlled substances is upon the
17 prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the
18 prescription. Except as authorized by this division, the following are not legal prescriptions:

19 (1) an order purporting to be a prescription which is issued not in the usual course of professional
20 treatment or in legitimate and authorized research; or (2) an order for an addict or habitual user of
21 controlled substances, which is issued not in the course of professional treatment or as part of an
22 authorized narcotic treatment program, for the purpose of providing the user with controlled
23 substances, sufficient to keep him or her comfortable by maintaining customary use."

24 23. Health and Safety Code section 11153.5, subdivision (a) states:

25 “(a) No wholesaler or manufacturer, or agent or employee of a wholesaler or manufacturer,
26 shall furnish controlled substances for other than legitimate medical purpose.

27 “(b) Anyone who violates this section knowingly, or having a conscious disregard for the
28 fact, that the controlled substances are for other than a legitimate medical purpose shall be

1 punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code, or in
2 a county jail not exceeding one year, or by fine not exceeding twenty thousand dollars (\$20,000),
3 or by both that fine and imprisonment.

4 “(c) Factors to be considered in determining whether a wholesaler or manufacturer, or
5 agent or employee of a wholesaler or manufacturer, furnished controlled substances knowing or
6 having a conscious disregard for the fact that the controlled substances are for other than
7 legitimate medical purpose shall include, but not be limited to, whether the use of controlled
8 substances was for purposes of increasing athletic ability or performance, the amount of
9 controlled substances furnished, the previous ordering pattern of the customer (including size and
10 frequency of orders), the type and size of the customer, and where and to whom the customer
11 distributes the product.”

12 24. Health and Safety Code section 11162.1 states, in pertinent part:

13 “(a) The prescription forms for controlled substances shall be printed with the following
14 features:

15

16 “(2) A watermark shall be printed on the backside of the prescription blank; the watermark
17 shall consist of the words “California Security Prescription.”

18

19 “(4) A feature printed in thermochromic ink.

20

21 “(6) A description of the security features shall be printed on the form . . .

22

23 “(b) Each batch of controlled substance prescription forms shall have the lot number printed
24 on the form and each form within that batch shall be numbered sequentially beginning with the
25 numeral one.”

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1 25. Health and Safety Code section 11164 provides, in relevant part:

2 “Except as provided in Section 11167, no person shall prescribe a controlled substance, nor
3 shall any person fill, compound, or dispense a prescription for a controlled substance, unless it
4 complies with the requirements of this section.

5 (a) Each prescription for a controlled substance classified in Schedule II, III, IV, or V,
6 except as authorized by subdivision (b), shall be made on a controlled substance prescription form
7 as specified in Section 11162.1 and shall meet the following requirements:

8 (1) The prescription shall be signed and dated by the prescriber in ink and shall contain the
9 prescriber's address and telephone number; the name of the ultimate user or research subject, or
10 contact information as determined by the Secretary of the United States Department of Health and
11 Human Services; refill information, such as the number of refills ordered and whether the
12 prescription is a first-time request or a refill; and the name, quantity, strength, and directions for
13 use of the controlled substance prescribed.

14 (2) The prescription shall also contain the address of the person for whom the controlled
15 substance is prescribed. If the prescriber does not specify this address on the prescription, the
16 pharmacist filling the prescription or an employee acting under the direction of the pharmacist
17 shall write or type the address on the prescription or maintain this information in a readily
18 retrievable form in the pharmacy.”

19 **REGULATORY PROVISIONS**

20 26. California Code of Regulations, title 16, section 1709.1 provides that: “(a) The
21 pharmacist-in-charge of a pharmacy shall be employed at that location and shall have
22 responsibility for the daily operation of the pharmacy.”

23 27. California Code of Regulations, title 16, section 1714, states in pertinent part:

24

25 "(b) Each pharmacy licensed by the board shall maintain its facilities, space, fixtures, and
26 equipment so that drugs are safely and properly prepared, maintained, secured and distributed.
27 The pharmacy shall be of sufficient size and unobstructed area to accommodate the safe practice
28 of pharmacy.

1 “(c) The pharmacy and fixtures and equipment shall be maintained in a clean and orderly
2 condition. The pharmacy shall be dry, well-ventilated, free from rodents and insects, and properly
3 lighted. The pharmacy shall be equipped with a sink with hot and cold running water for
4 pharmaceutical purposes.

5 “(d) Each pharmacist while on duty shall be responsible for the security of the prescription
6 department, including provisions for effective control against theft or diversion of dangerous
7 drugs and devices, and records for such drugs and devices. Possession of a key to the pharmacy
8 where dangerous drugs and controlled substances are stored shall be restricted to a pharmacist.

9 “(e) The pharmacy owner, the building owner or manager, or a family member of a
10 pharmacist owner (but not more than one of the aforementioned) may possess a key to the
11 pharmacy that is maintained in a tamper evident container for the purpose of 1) delivering the key
12 to a pharmacist or 2) providing access in case of emergency. An emergency would include fire,
13 flood or earthquake. The signature of the pharmacist-in-charge shall be present in such a way that
14 the pharmacist may readily determine whether the key has been removed from the container.”

15 28. California Code of Regulations, title 16, section 1715, states, in relevant part:

16 “(a) The pharmacist-in-charge of each pharmacy as defined under section 4029 or section
17 4037 of the Business and Professions Code shall complete a self-assessment of the pharmacy's
18 compliance with federal and state pharmacy law. The assessment shall be performed before July 1
19 of every odd-numbered year. The primary purpose of the self-assessment is to promote
20 compliance through self-examination and education.

21 “(b) In addition to the self-assessment required in subdivision (a) of this section, the
22 pharmacist-in-charge shall complete a self-assessment within 30 days whenever:

23

24 “(2) There is a change in the pharmacist-in-charge, and he or she becomes the new
25 pharmacist-in-charge of a pharmacy.

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1 “(c) The components of this assessment shall be on Form 17M-13 (Rev. 10/14) entitled
2 “Community Pharmacy Self-Assessment Hospital Outpatient Pharmacy Self-Assessment” and on
3 Form 17M-14 (Rev. 10/14) entitled “Hospital Pharmacy Self-Assessment” which are hereby
4 incorporated by reference to evaluate compliance with federal and state laws and regulations.

5 “(d) Each self-assessment shall be kept on file in the pharmacy for three years after it is
6 performed.”

7 29. California Code of Regulations, title 16, section 1716 provides that:

8 "Pharmacists shall not deviate from the requirements of a prescription except upon the prior
9 consent of the prescriber or to select the drug product in accordance with Section 4073 of the
10 Business and Professions Code.

11 "Nothing in this regulation is intended to prohibit a pharmacist from exercising commonly-
12 accepted pharmaceutical practice in the compounding or dispensing of a prescription."

13 30. California Code of Regulations, title 16, section 1718 states:

14 "'Current Inventory' as used in Sections 4081 and 4332 of the Business and Professions
15 Code shall be considered to include complete accountability for all dangerous drugs handled by
16 every licensee enumerated in Sections 4081 and 4332.

17 "The controlled substances inventories required by Title 21, CFR, Section 1304 shall be
18 available for inspection upon request for at least 3 years after the date of the inventory."

19 31. California Code of Regulations, title 16, section 1761 states:

20 "(a) No pharmacist shall compound or dispense any prescription which contains any
21 significant error, omission, irregularity, uncertainty, ambiguity or alteration. Upon receipt of any
22 such prescription, the pharmacist shall contact the prescriber to obtain the information needed to
23 validate the prescription.

24 "(b) Even after conferring with the prescriber, a pharmacist shall not compound or dispense
25 a controlled substance prescription where the pharmacist knows or has objective reason to know
26 that said prescription was not issued for a legitimate medical purpose."

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1 32. California Code of Regulations, title 16, section 1770, states, in pertinent part:
2 “For the purpose of denial, suspension, or revocation of a personal or facility license
3 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
4 crime or act shall be considered substantially related to the qualifications, functions or duties of a
5 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
6 licensee or registrant to perform the functions authorized by his license or registration in a manner
7 consistent with the public health, safety, or welfare.”

8 **COST RECOVERY**

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

13 **CONTROLLED SUBSTANCES**

14 34. Alprazolam, the generic name for Xanax, is a Schedule IV controlled substance
15 pursuant to Health and Safety Code section 11057, subdivision (d)(1) and is a dangerous drug
16 pursuant to Code section 4022.

17 35. Hydrocodone/acetaminophen is a Schedule III controlled substance pursuant to
18 Health and Safety Code section 11056, subdivision (e)(4) and is a dangerous drug pursuant to
19 Code section 4022.

20 36. Oxycodone is a Schedule II controlled substance pursuant to Health and Safety Code
21 section 11055, subdivision (b)(1)(M) and is a dangerous drug pursuant to Code section 4022.

22 37. Carisoprodol, also known as Soma, is a Schedule IV controlled substance pursuant to
23 California Code of Regulations, title 21, section 1308.14, subdivision (c)(6), and is a dangerous
24 drug pursuant to Code section 4022.

25 38. Amphetamine, also known as Adderal, is a Schedule II controlled substance pursuant
26 to Health and Safety Code section 11055, subdivision (d)(1), and is a dangerous drug pursuant to
27 Code section 4022.

28 ///

1 39. Promethazine/codeine cough syrup, also known as Codeine, is a Schedule II
2 controlled substance pursuant to Health and Safety Code section 11055, subdivision (b)(1)(G),
3 and is a dangerous drug pursuant to Code section 4022.

4 **BACKGROUND RE BOARD INVESTIGATION ON JANUARY 30-31, 2013**

5 40. In 2013, the Board received consumer complaints regarding both Joseph Amin and
6 Respondent Sharim, co-owners of Respondent Century Discount Pharmacy, alleging poor
7 pharmacy practice with respect to controlled substances. Due to the potential for missing
8 controlled substances and records, the Board initiated on-site inspections of Respondent Century
9 Discount Pharmacy on January 30 and 31, 2013.

10 41. During the course of the inspections, drug usage reports were requested from the
11 pharmacy that were reviewed along with the pharmacy's drug inventory, DEA inventories,
12 patient prescription profiles, and acquisition records, among other documents.

13 42. Examination of prescription records for controlled substances raised many red flags
14 including a repeating pattern of prescriptions written by Drs. N.C. and E.R., and Nurse
15 Practitioner (NP) P.P. Each prescription had nearly identical handwriting with similar spacing.
16 In addition, most medical offices/clinics and patients were listed in either Compton or Los
17 Angeles, CA, yet Respondent Century Discount Pharmacy, the pharmacy issuing the
18 prescriptions, was located in Reseda, CA. More often than not, the patients traveled
19 approximately 73 miles to fill their prescriptions. Additionally, further examination of the
20 prescriptions revealed that the majority of patient names for both controlled and non-controlled
21 prescription records were of Middle Eastern descent.¹ Yet the vast majority of prescriptions
22 issued by Drs. N.C. and E.R., and NP P.P. were for patients of non-Middle Eastern descent.

23 43. Also during the inspection, a review of computer records revealed the existence of
24 seven medications with altered names that did not match National Drug Code numbers for any
25 known drugs. The names included: (1) NNNCODONE HCL 30 MG TAB; (2) NNNCODONE
26 HCL TAB; (3) NNNCODONE HCL" MG TAB; (4) NNNRAzolam 2 MG TAB; (5)

27 _____
28 ¹ Pharmacist Nouri Nourani advised inspectors that Respondent Century Discount Pharmacy
primarily services a Persian community.

1 NNNROCOD/APAP MG TAB; (6) NNNROCODONE/APAP MG TAB; and (7) NNYCODON'
2 HCL 30 MG TAB.

3 44. A Board inspector also requested computer records from the pharmacy's software
4 vendor for all medications filled and dispensed from 8-1-2011 to 1-31-2013. Additionally, the
5 Board inspector requested a Controlled Substance Utilization Review and Evaluation System
6 ("CURES") report for that date range. Examination of these records revealed that Respondent
7 had filled a total of 44,090 prescriptions. Of these prescriptions, 7,808 (or 17.71%) of the
8 prescriptions were for controlled substances. Of the controlled substance prescriptions, the most
9 dispensed prescriptions were alprazolam 2 mg, hydrocodone acetaminophen 10/325 mg,
10 oxycodone 30 mg, hydrocodone acetaminophen 5/500 mg, and zolpidem 10 mg. With the
11 exception of zolpidem 10 mg, these were the same medications with altered names in Respondent
12 Century Discount Pharmacy's computer records.

13 45. On or around February 6, 2013, a meeting was arranged with Respondent Sharim.
14 When asked what criteria he uses for evaluating a controlled substance prescription, he failed to
15 offer specific criteria. However, he indicated that he would notice people in pain while they were
16 in the pharmacy and he would also call the prescribers (often on their cell phones) to verify the
17 prescriptions. Respondent Sharim also noted that he had a limit of six prescriptions for
18 oxycodone per day. After filling six prescriptions, he would stop. Respondent Sharim did not
19 mention that he used any of the following methods to check the legitimacy of the prescriptions:
20 (1) drug utilization review of a patient's prescription history; (2) the distance between the
21 pharmacy and the prescriber; (3) the distance between the pharmacy and the residence of the
22 patient; and (4) how a legitimate medical purpose was determined.

23 46. On or about February 8, 2013, a Board investigator conducted an audit of certain
24 controlled substances that had been dispensed at Respondent Century Discount Pharmacy from 8-
25 1-2011 to 1-31-2013. The results of the audit were as follows:

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Drug Name and Strength	Initial Amount	Amount Ordered	Total Amount	Dispensed Amount	Amount to be Accounted	Stock on Hand	Amount Over	Amount Short
Hydrocodone/ Apap 10/500 mg	333	155,500	155,833	151,930	3903	109		-3794
Hydrocodone/ Apap 10/325 mg	1000	187,00	188,00	183,564	4436	190		-4246
Alprazolam 2 mg	1250	282,100	283,350	279,240	4110	418		-3692
Oxycodone 30 mg	1220 (from perpetua l inv.)	161,600	162,820	161,370	1450	10		-1440

47. Based on a review of the pharmacy's computer records and hard copy prescriptions, a Board investigator determined that prescriptions for Oxycontin 30 mg (oxycodone 30 mg extended release or long acting) prescribed by Drs. R.A., N.C., and E.R., and NP P.P. were filled with shorting acting oxycodone 30 mg. A total of 879 prescriptions were confirmed to have been erroneously filled. Of these prescriptions, 851 prescriptions had a tag with the initial "DS" for Respondent Sharim and 28 prescriptions had a tag with the initials "JK" for Respondent Kim.

48. In order to determine if Respondent Century Discount Pharmacy was dispensing an excessive amount of controlled substances, on or around February 25, 2013, letters were sent to certain prescribers along with a list of prescriptions dispensed by the pharmacy between August 1, 2011 and January 31, 2013. The prescribers were asked to review the list of patients and medications to determine if the patients were prescribed the medications for a legitimate medical purpose.

49. In March 2013, certain prescribers responded to letters from the Board investigator. NP P.P. indicated that she did not write any of the prescriptions for the medications that were listed in the letter. Dr. R.A. indicated that she had not seen the patients listed and did not prescribe any of the medications on the list. Drs. J.B., E.R., and M.S. also indicated that they did not write any of the prescriptions on the list. Conversely, Drs. E.C. and B.O. indicated that they did write the prescriptions. Drs. R.L. and N.C. did not reply.

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1 50. A Board investigator made a determination about the percentage of controlled
2 substance prescriptions versus non-controlled substance prescriptions that were allegedly written
3 by the prescribers to whom the investigator sent his letters. He also made a determination
4 regarding whether or not the prescriptions were paid with cash, i.e., insurance was bypassed. For
5 the time period July 1, 2010 to January 31, 2013 the results were: (1) 99.5% of the prescriptions
6 written by NP P.P. were controlled substances and 100% of the prescriptions bypassed insurance;
7 (2) 100% of the prescriptions written by Dr. R.A. were controlled substances and 100% of the
8 prescriptions bypassed insurance; (3) 100% of the prescriptions written by Dr. J.B. were for
9 controlled substances and 100% of the prescriptions bypassed insurance; (4) 76.72% of the
10 prescriptions written by Dr. M.S. were for controlled substances and 100% of the prescriptions
11 bypassed insurance; (5) 80% of the prescriptions written by Dr. E.C. were for controlled
12 substances and 100% of the prescriptions bypassed insurance; (6) 98.37% of the prescriptions
13 written by Dr. R.L. were for controlled substances and 100% of the prescriptions bypassed
14 insurance; (7) 97% of the prescriptions written by Dr. B.O. were for controlled substances and
15 99.43% of the prescriptions bypassed insurance; (8) 98.67% of the prescriptions written by Dr.
16 E.R. were for controlled substances and 100% of the prescriptions bypassed insurance; and (9)
17 100% of the prescriptions written by Dr. N.C. were for controlled substances and 100% of the
18 prescriptions bypassed insurance.

19 51. In a further effort to determine if Respondent Century Discount Pharmacy was
20 dispensing an excessive amount of controlled substances, the dispensing practices of the
21 pharmacy were compared to four other pharmacies located less than one mile away. Included
22 among the four pharmacies were two major retail chains.

23 52. The data showed that between July 1, 2010 and January 31, 2013, Respondent
24 Century Discount Pharmacy filled 344,672 more oxycodone 30 mg tablets versus a Walgreens
25 pharmacy down the street, and 358,169 more oxycodone 30 mg tablets versus the CVS pharmacy
26 down the street.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Violation of Corresponding Responsibility)**

3 53. Respondent Century Discount Pharmacy and Respondent Sharim are subject to
4 disciplinary action under Code section 4301, subdivisions (d) and (j), in conjunction with Health
5 and Safety Code section 11153, subdivision (a), in that they violated their corresponding
6 responsibility by excessively furnishing controlled substances. Respondent Sharim misused his
7 education and experience as a pharmacist and failed to implement his best professional judgment
8 by excessively dispensing controlled substances with a high potential for abuse despite multiple
9 clues of irregularity and uncertainty related to patient and prescriber factors. The facts and
10 circumstances are as follows:

11 (a) Drs. R.A., J.B. and E.R., and NP P.P. did not write or authorize prescriptions
12 for controlled substances that Respondent Century Discount Pharmacy dispensed under their
13 names. The number of illegitimate prescriptions for controlled substances for these prescribers
14 exceeded 4000.

15 (b) A high number of the prescriptions were paid for in cash. Specifically, for Drs.
16 R.A., J.B., M.S., E.C., R.L., E.R., and N.C., and NP P.P., 100% of the patients paid for controlled
17 substances in cash.

18 (c) Many patients did not reside in the Reseda area and drove long distances to
19 have their prescriptions filled at Respondent Century Discount Pharmacy. Similarly, many
20 patients drove long distances to obtain the prescriptions from the prescribers.

21 (d) The patient population receiving controlled substances was different from the
22 regular patient population of the pharmacy.

23 (e) Patients who received controlled substances rarely received medications other
24 than controlled substances.

25 (f) Despite a notation on the prescription that a representative of Respondent
26 Century Discount Pharmacy called the prescribers to verify the prescriptions, there was no name
27 of the person verifying the prescription, just a time, date, and "MD" or "NP."

28 (g) Drs. R.A., J.B., and E.R., and NP P.P. all denied writing the prescriptions.

1 (h) Some prescriptions contained doctors' cell phone numbers, which is highly
2 irregular, and other prescriptions contained multiple stamped telephone numbers overlapping
3 each other.

4 54. Complainant incorporates by reference paragraphs 40 through 52 as though fully set
5 forth herein.

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Operational Standards and Security)**

8 55. Respondent Century Discount Pharmacy is subject to disciplinary action under Code
9 section 4301, subdivision (o), in conjunction with California Code of Regulations, title 16,
10 section 1714, in that between August 1, 2011 and January 31, 2013, they could not account for
11 3,794 tablets of hydrocodone/acetaminophen 10/500 mg, 4,246 tablets of hydrocodone/
12 acetaminophen 10/325 mg, 3,692 tablets of alprazolam 2 mg and 1,440 tablets of oxycodone 30
13 mg. Complainant incorporates by reference paragraphs 40 through 52 above as though fully set
14 forth herein.

15 **THIRD CAUSE FOR DISCIPLINE**

16 **(Record Retention)**

17 56. Respondent Century Discount Pharmacy and Respondent Sharim are subject to
18 disciplinary action under Code section 4301, subdivision (o), in conjunction with Code section
19 4105, subdivisions (a), (b), and (c), in that a routine inspection conducted on January 30 and 31,
20 2013 revealed that records of acquisition and prescription hard copies of Schedule II controlled
21 substances were not maintained on the pharmacy premises. Respondent Sharim removed the
22 records from Respondent Century Discount Pharmacy and did not retain a duplicate copy or other
23 documentation. Complainant incorporates by reference paragraphs 40 through 52 above as
24 though fully set forth herein.

25 **FOURTH CAUSE FOR DISCIPLINE**

26 **(Variation from Prescriptions)**

27 57. Respondent Century Discount Pharmacy and Respondent Sharim are subject to
28 disciplinary action under Code section 4301, subdivision (o), in conjunction with Code section

1 4052.5, subdivision (f) and California Code of Regulations, title 16, section 1716, in that between
2 August 1, 2011 and January 31, 2013, Respondent Century Discount Pharmacy dispensed 879
3 prescriptions for the short-acting form of oxycodone 30 mg when the prescriber wrote a
4 prescription for the long-acting form of oxycodone 30 mg i.e., Oxycontin 30 mg. Complainant
5 incorporates by reference paragraphs 40 through 52 above as though fully set forth herein.

6 **FIFTH CAUSE FOR DISCIPLINE**

7 **(Variation from Prescriptions)**

8 58. Respondent Kim is subject to disciplinary action under Code section 4301,
9 subdivision (o), in conjunction with Code section 4052.5, subdivision (f) and California Code of
10 Regulations, title 16, section 1716, in that between August 1, 2011 and January 31, 2013,
11 Respondent Kim dispensed 28 prescriptions for the short acting form of oxycodone 30 mg when
12 the prescriber wrote a prescription for the long-acting form of oxycodone 30 mg i.e., Oxycontin
13 30 mg. The prescriptions at issue are as follows: 445958, 445957, 446010, 446009, 445944,
14 445945, 445972, 445973, 449068, 449050, 449067, 453085, 453101, 453098, 447673, 447672,
15 447678, 447679, 449039, 448998, 448996, 448997, 452140, 452138, 452145, 452147, 452360,
16 and 452361. Complainant incorporates by reference paragraphs 40 through 52 above as though
17 fully set forth herein.

18 **BACKGROUND RE: BOARD INVESTIGATION ON MARCH 10, 2015**

19 59. A Board inspection was conducted on or about March 10, 2015 at Century Discount
20 Pharmacy, in response to a letter/complaint it received on or about December 10, 2014 from
21 attorney J.M.², who represented Respondent Sharim, the owner of this pharmacy. The letter
22 alleged that, although he had not worked or been on the premises of the pharmacy for around two
23 years, due to a dispute with the co-owner of the pharmacy, Joseph Amin, he still received
24 information about occurrences at the pharmacy. On or about November 28, 2014, Sharim spoke
25 with staff pharmacist Nourani by telephone, and he stated that Amin had asked him to help
26 illegally sell oxycodone tablets from the pharmacy on the street to dealers. Nourani refused a

27 ² The initials of individuals are used in this Accusation to protect their right to privacy, but
28 upon a proper and timely discovery request from Respondent, documents will be produced which
reveal their identities.

1 request by Amin to fill the prescriptions for oxycodone because the patients were not present. An
2 inspection and drug audit did not substantiate the allegations set forth in J.M.'s letter/complaint,
3 but determined that other violations of pharmacy law had occurred, as set forth below.

4 60. Nourani was present during the Board's Inspection of the pharmacy on March 10,
5 2015. He estimated the pharmacy filled around 100-120 prescriptions per day. Nourani indicated
6 that he was the only full-time pharmacist and the pharmacist-in-charge, Respondent Urasova,
7 worked one day per week at the pharmacy.

8 61. When asked to provide the pharmacy's most recent self-assessment by the
9 pharmacist-in-charge, Nourani provided a self-assessment he had completed with his name listed
10 as the pharmacist-in-charge, even though he stated he was not the pharmacist-in-charge. Nourani
11 could not locate any self-assessment completed by Respondent Urasova, the pharmacist-in-
12 charge.

13 62. A Board inspector requested the most recent Drug Enforcement Administration
14 (DEA) Biennial Inventory, and Nourani produced a notebook containing two inventories dated
15 March 13, 2014 and August 14, 2013, which he had completed. Neither of these inventories
16 contained any entries for Schedule II (CII) controlled substances. Nourani indicated he did not
17 count the CII controlled substances because the pharmacy stopped carrying them for about two
18 years, and started re-ordering them again in October, 2014. The earliest date listed on a four-page
19 perpetual inventory for oxycodone 30 mg tablets was February 10, 2015. Nourani was not aware
20 of any inventories taken by Respondent Urasova.

21 63. When asked if there were any recent drug losses, Nourani said there were two armed
22 robberies at the pharmacy in the last two years where drugs were stolen from the pharmacy. On
23 March 11, 2013 and July 3, 2013, these incidents were reported to the DEA on DEA Form 106s,
24 as well as the Board.

25 64. Nourani denied ever seeing Amin take medications out of the pharmacy and stated he
26 could not recall if Amin ever asked him to fill a prescription which Nourani believed to be
27 illegitimate. Nourani added that "he did not want to get in trouble" with Amin. He denied seeing
28 Amin bring prescriptions into the pharmacy to fill, other than for himself or his family. Nourani

1 stated that Amin was able to order CII controlled substances, and believed Respondent Urasova
2 had power of attorney to order them, but in fact she did not. Nourani and Amin had keys to the
3 pharmacy, but Respondent Urasova did not.

4 65. During the inspection, Nourani counted the entire quantity of the following controlled
5 substances and recorded the counts on the "Stock on Hand" form, as follows: 68 oxycodone 30
6 mg tablets; 1,419 carisoprodol 350 mg tablets; 1,500 alprazolam 2mg tablets; and 1,070
7 hydrocodone/acetaminophen 10/325 mg, as Century Discount Pharmacy had generic tablets in
8 stock.

9 66. Nourani indicated that they had no records of disposition of the controlled substances,
10 other than the dispensing records. He expressed concern that the dispensing records would not be
11 complete, because he might not recall each manufacturer they had used. Consequently, it was
12 agreed that the pharmacy would request dispensing data from the software company, Cerner
13 Etreby, to ensure the records were complete.

14 67. Nourani stated the Controlled Substance Utilization Review and Evaluation System
15 records of controlled substances (CURES) dispensed by the pharmacy, showing many 6-10 day
16 periods over the last year with no controlled substance prescriptions dispensed, while other days
17 50-100 controlled substance prescriptions were filled by the pharmacy, sounded accurate. He
18 explained the pharmacy often did not pay their wholesalers in a timely manner, resulting in long
19 periods where the wholesalers would not deliver controlled substances, and there were many
20 prescriptions waiting to be filled, once a delivery was eventually made. The Board's inspector
21 also collected samples of invoices and DEA Form 222s from McKesson and AmerisourceBergen
22 and hard copy prescriptions, many of which were written by Dr. S.K.

23 68. Nourani indicated that he called and spoke with Dr. S.K.'s office staff and verified
24 that Dr. S.K. wrote the prescriptions, but that he never did so by speaking directly to Dr. S.K.
25 Sometimes large groups of people arrived at the pharmacy and dropped off their prescriptions.
26 Nourani did not have any specific information about Dr. S.K.'s medical practice or if he had a
27 specialty. Nourani did not have access to the CURES database to review a patient's prior
28 prescription history, but sometimes checked a patient's driver's license to confirm their identity

1 when filling their prescription. Nourani stated the focus of his evaluation of the prescription was
2 if the prescriber actually wrote it.

3 69. On or about March 11, 2015, a Board inspector interviewed Respondent Urasova by
4 telephone, who said she agreed to become the pharmacist-in-charge of Century Discount
5 Pharmacy a “few months ago”, as a favor to her friend, Nourani, who had an issue with his
6 California pharmacist license. Respondent Urasova worked at the pharmacy once per week. She
7 thought she might have completed a self-assessment for the pharmacy, with Nourani’s assistance
8 and a Board inspector requested that Respondent Urasova locate the self-assessment, or complete
9 one, and provide her with the first and last page.

10 70. Furthermore, a Board inspector asked Respondent Urasova if she had completed a
11 DEA biennial inventory, and she replied that she would have to ask Nourani if such an inventory
12 had been completed. To her knowledge, only the owner of the pharmacy could order CII
13 controlled substances. Respondent Urasova had not seen Dr. S.K.’s prescriptions and stated she
14 was not very familiar with retail pharmacy practice because she worked in a hospital setting.
15 Nourani told Respondent Urasova there was nothing unusual about the prescriptions at the
16 pharmacy.

17 71. Respondent Urasova said she did not have any suspicions about Amin, but she did not
18 have a key to the pharmacy and did not work there often. The pharmacy staff verified the
19 legitimacy of prescriptions by asking the patients about the indications of their prescriptions.
20 Nourani would call the prescriber to verify every prescription for a CII controlled substance.

21 72. On or about March 16, 2015, a Board inspector spoke with Respondent Urasova, who
22 told her she visited the pharmacy to discuss the inspection with Nourani. Respondent Urasova
23 said she resigned her position with the pharmacy in August of 2014 and disassociated as
24 pharmacist-in-charge with the Board. Recently, Nourani requested that she return to her position
25 as pharmacist-in-charge and further requested that she tell the Board she had not disassociated in
26 August, but had continued to function as pharmacist-in-charge since then. Respondent Urasova
27 agreed to Nourani’s request, contacted the Board to retract her disassociation letter and stated that
28 she had been the responsible pharmacist-in-charge since her original association. Respondent

1 Urasova stated that, during the fall and winter of 2014, she was not actually acting as the
2 pharmacist-in-charge of Century Discount Pharmacy. Respondent Urasova stated she no longer
3 wanted to be pharmacist-in-charge of the pharmacy.

4 73. On or about March 16, 2015 and March 22, 2015, the Board's inspector received
5 emails from Respondent Urasova, stating she became the pharmacist-in-charge in May or June
6 2014, but could have been the pharmacist-in-charge as early as April 2014. Respondent Urasova
7 had been promised that it was a temporary position and they were looking for someone else to
8 assume the pharmacist-in-charge position. When she was paid in July, she was "mad" and told
9 Amin to stop depositing money in her account because she did not have time to manage the
10 pharmacy. Respondent Urasova sent an email dated August 21, 2014 to "picstatus@dca.ca.gov"
11 stating that she would like to resign her PIC position from the pharmacy. Starting on August 21st,
12 she was not performing pharmacist-in-charge duties, but Amin continued to pay her for them
13 anyway. At the end of December, Nourani contacted her and asked her to continue in the
14 pharmacist-in-charge position until April or May, when he would regain the ability to assume the
15 position. She therefore sent another email to the Board, to "picstatus@dca.ca.gov" indicating that
16 she had been ". . . performing PIC responsibilities at Century Discount Pharmacy . . . without any
17 interruptions . . . Please renew my PIC status from 8/21/14."

18 74. On April 2, 2015, a Board inspector sent a fax to the pharmacy with additional
19 questions related to the inspection and, on April 13, 2015, Nourani told her by telephone that he
20 would send the responses soon.

21 75. On April 15, 2015, Respondent Urasova faxed a response to the questions to the
22 Board's inspector, including a statement reiterating that the pharmacy had no records of
23 disposition other than dispensing records for the following controlled substances, from March 14,
24 2014 to March 10, 2015: oxycodone 30 mg tablets; carisoprodol 350 mg tablets; alprazolam 2mg
25 tablets; and hydrocodone/acetaminophen 10/325 mg tablets. Furthermore, Respondent Urasova's
26 answers to the questionnaire indicate that no drugs were returned to the wholesaler, sent to a
27 reverse distributor, or in any way sold without a prescription. In addition, if a note was made
28 about a patient or prescription, it would be made on the hard copy of the prescription. The

1 pharmacy had a policy to dispense controlled substance prescriptions only from doctors who are
 2 in the area and the “[m]ajority of patients are from the area (all).”

3 76. After the inspection, a Board inspector gathered records from wholesalers McKesson
 4 and AmerisourceBergen related to the sales of brand and generic forms of oxycodone 30 mg
 5 tablets, carisoprodol 350 mg tablets, and alprazolam 2mg tablets, to perform an audit. The audit
 6 showed the following:

7 Subject: Century Discount Pharmacy
 8 Time Period: 03/13/2014 (Close of business) to 03/10/2015
 9 11:16 am
 10 Address: 18245 Sherman Way, Reseda, CA 91335
 License Number: PHY 39871
 RPH: Nouri Noorani (RPH 58760)

Drug Name and Strength	Initial Amount	Amount Ordered WLS (A)	Total Amount (I+A)=T	Amount Dispensed or sold (D)	Amt to be Accounted for (T-D)	Stock on Hand (S)	Amount Over $S \geq T-D$	Amount Short $S \leq T-D$
Oxycodone 30 mg	0	M: 7,100 ABC: 18,000	25,100	25,190	-90	68	158	
Carisoprodol 350 mg	441	M:4,000 ABC: 6,000	10,441	8,783*	1,658	1,419		239
Alprazolam 2 mg	333	M:15,500 ABC: 49,000	64,833	92,144	-27,311	1,500	28,811	
Hydrocodone/Acetaminophen 10/325 mg	499	M:40,500 ABC: 134,000	174,500	173,051	1,449	1,070		379

19
 20 77. The audit showed variances in all four audited drugs, including an overage of 28,211
 21 alprazolam 2 mg tablets during the query period. Century Discount Pharmacy’s records of
 22 disposition showed they dispensed more tablets than they possessed (based upon their acquisition
 23 records and inventory records) during the query period, and the pharmacy was unable to account
 24 for this discrepancy and, therefore, was not accountable for a current inventory of all dangerous
 25 drugs.

26 78. On April 20, 2015, Nourani stated in a telephone conversation with a Board inspector
 27 that the pharmacy ordered alprazolam 2 mg tablets from AmerisourceBergen and McKesson only.

28 ///

1 79. On May 20, 2015, a Board inspector contacted B.C., a DEA Diversion Investigator,
2 who indicated the Automation of Reports and Consolidated Orders System (ARCOS) showed that
3 the pharmacy only ordered controlled substances from AmerisourceBergen and McKesson.

4 80. Between January 2, 2013 and March 9, 2015, the two most commonly filled
5 medications were: hydrocodone/APAP 10-325 mg tablets - 1,284 prescriptions, which constituted
6 2.86% of the total medications filled, and alprazolam 2 mg tablets – 1,091 prescriptions, which
7 constituted 2.43% of the total medications filled. The dispensing data indicated that 86.91% of
8 the prescriptions processed during this period of time were billed to prescription insurance while
9 13.09% of the prescriptions were paid for with cash.

10 81. A Board inspector reviewed the prescription profiles of several of the most common
11 prescribers at the pharmacy, and identified irregularities in the prescribing patterns of Drs. S.K.,
12 R.G. and W.S. Dr. S.K.'s prescribing profile at Century Discount Pharmacy during the query
13 period from January 2, 2013 to March 9, 2015 showed the following irregularities:

- 14 • 100% of the 1,383 prescriptions dispensed for Dr. S.K.'s patients showed cash (not
15 prescription insurance) as the payment method.
- 16 • 96.75% or 1338 out of 1,383 prescriptions dispensed for Dr. S.K.'s patients were for
17 controlled substances.
- 18 • 76.8% of Dr. S.K.'s prescriptions were for either hydrocodone/acetaminophen 10/325 mg
19 or alprazolam 2 mg, two medications with high abuse potential.
- 20 • Dr. S.K.'s self-reported areas of practice were Internal Medicine, Complementary and
21 Alternative Medicine, and Family Medicine, according to the online records for his
22 California physician's license. Given the wide variety of conditions treated by internal
23 medicine and family medicine practitioners, a much more varied prescribing profile would
24 be expected.
- 25 • The frequent prescribing of hydrocodone/acetaminophen, a pain reliever, with alprazolam,
26 an anti-anxiety medication, was irregular because it was unlikely that Dr. S.K.'s patients
27 suffered from the same ailments necessitating the same combination of medications.
- 28 • The pharmacy filled many prescriptions written by Dr. S.K. on certain days.
- During the query period, the pharmacy filled an average of 80.3 prescriptions per day.
When compared with the daily counts for Dr. S.K.'s prescriptions, which ranged from 47
prescriptions to 129 prescriptions on a daily basis, this was a highly irregular prescribing
pattern which was unlikely for the pharmacy not to have noticed.

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1 82. A Board inspector also reviewed the patient information for the 599 patients who
2 received prescriptions written by Dr. S.K., which showed that 17 patients had the last name
3 “Mason”; 17 patients had the last name “Smith”; 18 patients had the last name “Willis” and 11
4 patients had the last name “Wells”. The record contained entries of patients with nearly identical
5 names, but with different addresses.

6 83. The Board’s inspector reviewed the dispensing records for prescriptions written by
7 D.R., PA, a physician assistant working under Dr. S.K., which were filled by Century Discount
8 Pharmacy during the query period from January 2, 2013 to March 9, 2015³. These prescriptions
9 showed the following irregularities:

- 10 • All 653 prescriptions written by D.R., PA during the query period showed cash as the
11 payment method.
- 12 • 98.93% of the prescriptions written by D.R., PA (all but 7 prescriptions for promethazine
13 liquid) were written for controlled substances.
- 14 • 96.32% of the prescriptions written by D.R., PA were for hydrocodone/acetaminophen
15 10/325 mg, alprazolam 2 mg, or promethazine with codeine syrup, three commonly
16 abused controlled substances.
- 17 • D.R.’s limited prescribing for a physician (Dr. S.K.) with self-reported areas of practice in
18 Internal Medicine, Complementary and Alternative Medicine, and Family Medicine, of
19 almost exclusively controlled substances, was not consistent with the expected prescribing
20 profile of an internal medicine or family medicine practitioner.

21 84. A Board inspector reviewed the dispensing records for prescriptions written by Dr.
22 R.G., which were filled at Century Discount Pharmacy during the query period from January 2,
23 2013 to March 9, 2015⁴. These prescriptions show the following irregularities:

- 24 • All 272 prescriptions written by Dr. R.G. during the query period were paid in cash.
- 25 • All 272 prescriptions written by Dr. R.G. during the query period were for controlled
26 substances.
- 27 • 94.85% (or 258 out of 272 prescriptions) written by Dr. R.G. during the query period were
28 for alprazolam 2 mg tablets or hydrocodone/acetaminophen 10/325 mg tablets.

³ The earliest prescription written by D.R. was filled on May 2, 2014.

⁴ The earliest prescription written by Dr. R.G. was filled on December 26, 2014.

- 1 • Dr. R.G.'s self-reported areas of practice included Family Medicine and Pain Medicine. The prescribing pattern of a family medicine practitioner or pain management specialist would typically be much more varied than Dr. R.G.'s profile at Century Discount Pharmacy.
- 2
- 3 • Due to numerous different types of pain treated by pain specialists, the prescribing pattern of pain specialists is typically varied and could include oral anti-inflammatories (e.g. ibuprofen and naproxen), topical anti-inflammatories (e.g. Voltaren gel), medications treating neuropathic pain (e.g. gabapentin and Lyrica), numbing agents (e.g. lidocaine gel), non-controlled substance muscle relaxants (e.g. baclofen), in addition to opioid agonists (e.g. hydrocodone and oxycodone) and controlled substance muscle relaxants (e.g. carisoprodol).
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- 8 • The majority of Dr. R.G.'s patients received prescriptions for a combination of hydrocodone/acetaminophen 10/325 mg and alprazolam 2 mg, which was irregular because it was unlikely that all of his patients would receive the same treatment.
- 9
- 10 • All of the prescriptions written by Dr. R.G. were filled between 12/16/2014 and 03/09/2015 and Century Discount Pharmacy filled many prescriptions for Dr. R.G.'s patients on the same days. Dr. R.G.'s highly irregular prescribing pattern should have been obvious to pharmacists at Century Discount Pharmacy when filling many prescriptions for the same combination of hydrocodone/acetaminophen 10/325 mg tablets and alprazolam 2 mg tablets in one day.
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14 85. A Board inspector reviewed the dispensing records for medications dispensed under
 15 Dr. W.S.'s prescribing authority at Century Discount Pharmacy during the query period from
 16 January 2, 2013 to March 9, 2015. The dispensing records show the following:

- 17 • All of the 101 prescriptions written by Dr. W.S. and filled at the pharmacy during the query period showed "Cash" as the payment method.
- 18
- 19 • All of the prescriptions written by Dr. W.S. and filled at the pharmacy during the query period were for controlled substances.
 - 20 ○ The dispensing profile consisted of only four medications: alprazolam 2 mg tablets, hydrocodone/acetaminophen 10/325 mg tablets, oxycodone 30 mg tablets, and promethazine/codeine syrup.
 - 21
 - 22
 - 23 • In addition to Dr. W.S.'s patients receiving only controlled substances and paying only with cash, the distance between Dr. W.S.'s office and the pharmacy was another factor of irregularity. Dr. W.S.'s prescription blank contained two addresses:
 - 24 ○ 14075 Hesperia Road, Suite 205 & 207, Victorville, CA 92395 and 109 East 11th Dr. W.S., Corona, CA 92879
 - 25
 - 26 ■ Century Discount Pharmacy processed these prescriptions with Dr. W.S.'s Victorville address recorded in the dispensing software.
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- On 07/06/2015, a Board inspector accessed Google Maps and searched for directions from Dr. W.S.'s Victorville office to Century Discount Pharmacy according to Google Maps indicated Dr. W.S.'s office was 92.9 miles away from Century Discount Pharmacy.

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- Dr. W.S.'s self-reported areas of practice were Anesthesiology and Pain Medicine. Also, Dr. W.S.'s publically-available online license information disclosed an accusation and petition to revoke filed against Dr. W.S.'s license on 12/08/2014 by the Medical Board of California (MBC).⁵ The accusation document indicated MBC was attempting to revoke Dr. W.S.'s medical license due to improper prescribing of controlled substances.
 - Once filed, accusations are included with a physician's license information on MBC's website and are visible to the public. Century Discount Pharmacy filled 79 prescriptions written by Dr. W.S. in the portion of the query period after 12/08/2014.

10 86. A Board inspector reviewed the prescription documents written by Dr. S.K. and the
11 handwriting and signatures appeared inconsistent with the prescriptions. The prescription
12 documents listed D.R., PA-C as an alternate prescriber on many of the prescriptions documents,
13 and did not contain any reference to the nature of Dr. S.K.'s practice. Moreover, the majority of
14 the prescriptions had as a diagnosis "DX: L/S HNP" (either herniated nucleus pulposus of the
15 lumbar spine or a herniated intervertebral disc which causes back pain) or "DX: chronic LBP
16 (chronic low back pain). It would be unusual for a physician not specializing in spinal pain or
17 injuries to diagnose most of his patients with lower back pain. Additionally, neither of these
18 diagnoses address why alprazolam 2 mg tablets were prescribed.

19 87. Despite Respondent Urasova's statement to a Board inspector that prescription
20 verifications were documented on the prescription, there were no notations on the prescriptions or
21 documents showing the staff at Century Discount Pharmacy had in fact verified the prescriptions.

22 88. On April 1, 2015, a Board inspector sent letters to Drs. S.K., W.S., and R.G., and
23 D.R., PA, enclosing a list of prescriptions filled at Century Discount Pharmacy under each
24 prescriber's authority, and requesting that each prescriber indicate if they had prescribed each of

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27 ⁵ The accusation can be read online by doing a license search at MBC's website at:
28 <http://www.mbc.ca.gov/>. The MBC issued an order adopting a stipulated surrender of Dr. W.S.'s
physician's license, effective on April 13, 2016.

1 the prescriptions. No response to the Board's inspector's letter was received from Drs. W.S. and
2 R.G., or D.R., PA.

3 89. On April 10, 2015, Dr. S.K. responded in an email to the Board's inspector's April 1,
4 2015 letter that he did not recognize Century Discount Pharmacy and "All Rx's provided in your
5 list are forgeries based on the date written and medication quantity listed." Furthermore, Dr. S.K.
6 stated the signatures were forged, and he believed former employees had ordered prescription
7 pads without his knowledge and the forged prescriptions were brought to his attention recently by
8 a number of pharmacies. On April 21, 2015, Dr. S.K. attested to the truth and accuracy of the
9 information in his email under penalty of perjury.

10 90. The dispensing data for complete dispensing data for the pharmacy from January 2,
11 2013 to March 9, 2015 showed that hydrocodone/acetaminophen 10/325 mg (1,284 prescriptions
12 representing 2.86% of the total prescriptions) and alprazolam 2 mg tablets (1,091 prescriptions
13 representing 2.43% of the total prescriptions) were the two medications the pharmacy most
14 commonly dispensed during the query period.

15 **BACKGROUND RE BOARD INVESTIGATION ON JUNE 15, 2015**

16 91. A Board investigation was conducted on or about June 15, 2015 in response to a
17 consumer ("S.S.") complaint that was submitted to the Board on or about April 9, 2015, which
18 alleged that Respondent Century Discount Pharmacy had caused a significant delay in the
19 dispensing of her mother's ("E.P.") prescriptions. According to S.S., the pharmacy "took about 10
20 days" to dispense some of E.P.'s prescriptions. In addition to investigating the April 9, 2015
21 complaint, additional information was obtained which related to the Board's prior investigation of
22 March 10, 2015.

23 92. The Board's investigation revealed that Respondent Century Discount Pharmacy
24 processed E.P.'s prescriptions through "MediCal" on March 26, 2015. S.S. contacted and verified
25 with "MediCal" all medications were covered. In particular, Respondent Century Discount
26 Pharmacy did not provide E.P. her prescribed Advair diskus inhaler until April 3, 2015, eight (8)
27 days from the date Respondent Century Discount Pharmacy processed the prescription. During
28 the eight (8) day waiting period, E.P. developed a mild asthma attack. In the interim, S.S.

1 contacted Respondent Century Discount Pharmacy to find out why they have not received ANY
2 medications, but was not provided with a clear answer to her question.

3 93. When S.S. and E.P. subsequently went to Respondent Century Discount Pharmacy to
4 pick up E.P.'s prescriptions, they requested an opportunity to speak with the pharmacist about the
5 unexplained delay E.P. endured for her prescriptions to be filled. However, the pharmacist would
6 not come forward to the front counter to speak to them.

7 94. Thereafter, when S.S. called the owner of Respondent Century Discount Pharmacy,
8 Joseph Amin, in an effort to speak to him about what had occurred, she was told that Amin did
9 not have time to speak with her.

10 95. The Board's investigation ultimately determined that Respondent Century Discount
11 Pharmacy had failed to dispense E.P.'s prescription for an Advair 500/50 diskus inhaler in a
12 timely manner. The investigation further revealed that during the time Respondent Century
13 Discount Pharmacy did not have the Advair 500/50 diskus inhaler in stock, they failed to
14 inform E.P. about the situation immediately, and failed to dispense the Advair 500/50 diskus
15 inhaler until eight (8) days after E.P.'s prescription was submitted to be filled without ever
16 providing an explanation as to the reason for the delay.

17 96. The Board's consumer complaint investigation and related inspection of Respondent
18 Century Discount Pharmacy on or about June 15, 2015 also revealed that the owner of
19 Respondent Century Discount Pharmacy failed to retain and have available for inspection at all
20 times during business hours, records of acquisition of (bulk) dangerous drugs. The Board
21 inspection revealed that another pharmacy, Century Pharmacy (Santa Monica), was routinely
22 physically transferring dangerous drugs to Respondent Century Discount Pharmacy without any
23 record of these acquisitions ever being generated by Respondent Century Discount Pharmacy
24 and/or maintained on its licensed premises. Furthermore, the Board's records confirmed that
25 Respondent Century Discount Pharmacy did not have an approved waiver from the Board of its
26 obligation to maintain such records of acquisition physically located on its licensed premises.

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1 97. The Board's inspection of Respondent Century Discount Pharmacy's premises on or
2 about June 15, 2015 also found that Respondent Century Discount Pharmacy had failed to
3 maintain a clean and orderly work area.

4 98. During an interview with Nourani on June 15, 2015, he stated the pharmacy could
5 only afford a certain dollar amount of medications. When the pharmacy failed to pay its
6 wholesalers, they would not make deliveries due to the outstanding balances owed to them.
7 There was a delay in dispensing prescriptions when the pharmacy ran out of medications.
8 Nourani indicated that Century Discount Pharmacy would transfer medications from Century
9 Pharmacy. Nourani stated that Amin handled the transfer of drugs from Century Pharmacy to
10 Century Discount Pharmacy and, therefore, Nourani was unaware of any records for acquisition
11 of medication from Century Pharmacy.

12 99. When Amin was interviewed by a Board inspector, he said they did maintain such
13 records. However, Amin was unable to locate any such records, including but not limited to
14 records physically stored at Century Discount Pharmacy. Amin presented an Anda Invoice for a
15 delivery of drugs to Century Pharmacy, which he explained was taken, unopened to Century
16 Discount Pharmacy. The Board's inspector informed Amin the record of drug acquisition must
17 be stored in the licensed premises and should reflect the transfer of drugs from the source to the
18 receiving pharmacy. The Board's inspector gave Mr. Amin until 06/22/2015 to gather and submit
19 Century Discount Pharmacy's records of drug acquisition from Century Pharmacy. Amin further
20 indicated that prescriptions were transferred to Century Pharmacy to be filled and then the
21 finished prescriptions were delivered to Century Discount Pharmacy to be picked up.
22 Occasionally, Amin said that he would order medications from Century Pharmacy and bring them
23 over to Century Discount Pharmacy. Although a Board inspector made numerous attempts to
24 obtain records of drug acquisitions Century Discount Pharmacy from Amin, between June 23,
25 2015 and July 13, 2015, Amin submitted a duplicate copy of the previously-submitted Anda
26 Invoice and duplicate copies of a credit memorandum from Anda to Century Discount Pharmacy,
27 which were not acceptable as records of drug acquisition. Amin provided only two records of
28 drug acquisition, which were not commensurate with Nourani's statement that medications were

1 commonly obtained for Century Discount Pharmacy from Century Pharmacy. Although Amin
2 was the owner of Century Pharmacy, he also failed to provide records of the delivery of the
3 finished prescriptions to Century Discount Pharmacy in Reseda, CA.

4 100. A Board inspector asked Nourani for two “books” of prescriptions documents of
5 recent prescriptions for non-controlled substances for Century Discount Pharmacy, including for
6 brand name medications. She also obtained hard copies of Dr. R.G.’s prescriptions from Nourani,
7 because she had not collected these documents during the inspection on March 10, 2015.

8 101. Nourani explained he would fax the prescriptions to Dr. R.G.’s office and they would
9 fax them back with “OK” written in the center. The header at the top of all but three of the 18
10 pages of faxed verifications identify Dr. R.G. with the date of April 28, 2015, at 12:35 p.m. and a
11 fax number of 714-744-0049. This 714-744-0049 fax number is the same fax number listed for
12 Dr. S.K.’s Anaheim office on the hard copies of faxed prescriptions collected during the March
13 10, 2015 inspection.

14 102. The Board’s inspector reviewed all of the 31 prescriptions written by Dr. R.G., and 27
15 of these prescriptions were for Norco 10/325 mg and Xanax 2 mg. Two California identification
16 cards were collected by the inspector, which matched two names on the prescription documents.
17 The identification cards had addresses in Lancaster, which were 58.5 miles and 57.4 miles away
18 from the pharmacy.

19 103. The pharmacy labels affixed to the back of the prescription documents indicated
20 Nourani filled all of these prescriptions. Except for one prescription document, the prescriptions
21 did not conform to Health and Safety Code section 11162.1, for the following reasons:

- 22 • The prescription documents did not have a watermark consisting of the words,
23 “California Security Prescription.”
- 24 • The prescription documents listed safety features, including “thermochromic ink”, but
25 did not have a feature printed in thermochromic ink.
- 26 • The prescription documents listed safety features, including, “microprint lines”, but
27 did not contain microprint lines.

28

- 1 • The prescription documents printed in black did contain lot numbers and sequential
2 batch numbers.
- 3 • The prescription documents printed in blue contained only one four-digit number
4 representing a lot or batch number.

5 104. The Board’s inspectors explained to Nourani and Amin why the prescriptions did not
6 meet the requirements of Health and Safety Code section 11162.1 and were not valid
7 prescriptions. In addition, they discussed the results of the audit from the previous inspection
8 with Nourani and Amin, and told them it showed the pharmacy had dispensed more alprazolam 2
9 mg than they had ordered. When asked if there were any other sources of acquisitions for this
10 medication, other than McKesson and AmerisourceBergen, Nourani stated he was not aware of
11 any but would research this after the inspection. Amin was asked if it was possible the
12 medication was ordered at Century Pharmacy and transferred to Century Discount Pharmacy, to
13 which he replied “Absolutely not”. The Board’s inspector asked Nourani, verbally and in her
14 inspection report, to fax or email records of the acquisition of alprazolam 2 mg from any source
15 other than AmerisourceBergen and McKesson to her attention, by June 19, 2015.

16 105. The Board’s inspector followed up on her request for records of acquisition from
17 other wholesalers, besides AmerisourceBergen and McKesson, via a telephone call with Nourani,
18 who stated he was unable to locate any such records. He agreed to provide the inspector with a
19 written statement confirming the lack of additional wholesaler records. The inspector also faxed
20 a request to Nourani for the front and signature pages of the self-assessment completed by
21 pharmacist-in-charge Respondent Urasova, to be sent to her by July 13, 2015.

22 106. Nourani did not cooperate with the Board’s inspector in timely providing the
23 requested written statement or providing the self-assessment. Having not received Respondent
24 Urasova’s self-assessment or Nourani’s statement by July 13, 2015, the Board’s inspector
25 followed-up with Nourani by telephone on July 15, 2015, July 17, 2015 and July 20, 2015. On
26 July 20, 2015, Nourani stated he sent the statement on July 16, 2015. The inspector asked him to
27 re-fax his statement and the front and signature pages of Respondent Urasova’s self-assessment.
28 On July 24, 2015, the Board’s inspector received a statement from Nourani which had been sent

1 to the Board’s Sacramento office, and stamped as received on July 17, 2015, on which Nourani
2 wrote, “I didn’t or couldn’t find any alprazolam 2 mg bought from ABC Bergen or McKesson or
3 any other company bought more than it shows.” The inspector did not receive a copy of the self-
4 assessment completed by Respondent Urasova as she had requested, despite her calls to Nourani
5 on three occasions to remind him of her request.

6 107. On July 13, 2015, a Board inspector accessed the Department of Consumer Affairs’
7 licensing database and determined that Respondent Urasova had disassociated as pharmacist-in-
8 charge of Century Discount Pharmacy on March 19, 2015, but the records did not reflect the
9 appointment of a new pharmacist-in-charge. The Board’s licensing department provided the
10 following information about whether the pharmacy had submitted either an application to appoint
11 a new pharmacist-in-charge or an interim pharmacist-in-charge:

Date	Action
03/19/2015	PIC Urasova disassociated as pharmacist-in-charge of Century Discount Pharmacy.
04/20/2015	The Board of Pharmacy received a “Change of Pharmacist-in-Charge” form from Century Discount Pharmacy. Ms. R. stated, “The form was a copy of a fax.”
06/03/2015	The Board of Pharmacy sent a letter requesting a new “Change of Pharmacist-in-Charge” form with original inked signatures to be submitted within 30 days.
06/11/2015	The Board of Pharmacy received another “Change of Pharmacist-in-Charge” form, nominating a different pharmacist-in-charge. According to Ms. R., the form was incomplete in that it did not contain the previous pharmacist-in-charge’s information.
06/17/2015	The Board of Pharmacy sent a letter requesting a new “Change of Pharmacist-in-Charge” form, fully completed, to be received by the Board within 30 days of the letter’s date.
07/20/2015	An email from Ms. R. confirming she had not received a response to the deficiency letter sent 06/17/2015.

22 108. The Board’s investigation showed that Century Discount Pharmacy operated without
23 a pharmacist-in-charge from 03/20/2015 until at least 07/20/2015. Additionally, Century
24 Discount Pharmacy failed to respond to the deficiency notice sent 06/17/2015 within 30 days of
25 the letter’s date. The emails provided by Respondent Urasova indicated she provided false
26 information to the Board when she claimed she was acting as pharmacist-in-charge at Century
27 Discount Pharmacy from August 22, 2014 to February 4, 2015.

1 109. The pharmacy's records of disposition showed they dispensed more tablets than they
2 possessed (based on their acquisition records and inventory records) during the query period. The
3 audit showed variances of all four audited drugs, including an overage of 28,811 alprazolam 2 mg
4 tablets. The pharmacy was unable to account for this discrepancy and was not accountable for a
5 current inventory of all dangerous drugs.

6 110. The dispensing data and prescription documents collected showed that Century
7 Discount Pharmacy failed to fulfill its corresponding responsibility by dispensing excessive
8 amounts of controlled substances, pursuant to prescriptions with many objective red flags.
9 Objective factors pointing to the illegitimacy of these prescriptions included the following:

- 10 1. Dispensing profiles consisting entirely of prescriptions paid in cash (not billed to
11 insurance) for Drs. S.K., R.G. and W.S., and PA, D.R.
- 12 2. Dispensing profiles consisting almost entirely of controlled substances for the
13 prescribers listed above.
- 14 3. Highly irregular prescribing patterns for the prescribers listed above. For each
15 prescriber, two to four frequently abused controlled substances accounted for the vast
16 majority of dispensing at the pharmacy.
- 17 4. Highly irregular pattern of the majority of patients of Drs. S.K. and R.G. receiving the
18 combination of hydrocodone/acetaminophen 10/325 mg tablets and alprazolam 2 mg
19 tablets with the same quantity and directions.
- 20 5. Large numbers of prescriptions for hydrocodone/acetaminophen 10/325 mg tablets
21 and alprazolam 2 mg tablets with the same quantity and directions filled on the same
22 day, often consecutively.
- 23 6. Patients travelling a driving distance of 92 miles (one way) between Dr. W.S.'s office
24 and Century Discount Pharmacy in order to fill prescriptions for controlled substances.

25 111. The investigation did not find evidence of substantive attempts to confer with the
26 prescribers of these irregular controlled substance prescriptions to attempt to determine their
27 medical legitimacy. Nourani's statements indicated his efforts to verify prescriptions were
28 limited to attempts to determine if a prescriber actually wrote the prescription and not to attempts
to address red flags or determine if the prescription was appropriately written for a legitimate
medical need. While Nourani's statement indicated he attempted to confirm prescribers actually

1 wrote the prescriptions in question, he failed to identify the 1,383 prescriptions filled under Dr.
2 S.K.'s prescribing authority which Dr. S.K. denied prescribing.

3 112. The verifications of Dr. R.G.'s prescriptions collected during the inspection on June
4 15, 2015 indicated Nourani faxed images of prescriptions to Dr. R.G.'s office, on at least one
5 occasion, in an attempt to determine if Dr. R.G. wrote the prescriptions. However, Nourani's
6 statements indicated he did not speak with Dr. R.G. or anyone in his office regarding his highly
7 irregular prescribing pattern.

8 113. The dispensing record listed Nourani as the pharmacist who filled the vast majority of
9 the prescriptions during the audit period. Additionally, Nourani's statements indicated he was the
10 only pharmacist working consistently on a full time basis during this time. While Respondent
11 Urasova was pharmacist-in-charge for only part of the audit period, she was the pharmacist-in-
12 charge when almost all of the prescriptions written by Drs. S.K., R.G., and W.S., and PA, D.R.
13 were filled.

14 114. On July 22, 2015, a Board inspector sent Written Notices for the various violations
15 described above with letters soliciting any mitigating information the subjects wished to provide
16 to Century Discount Pharmacy, Nourani and Respondent Urasova.

17 115. On August 1, 2015, the Board's inspector received an email from Respondent
18 Urasova which stated: "I did faxed (sic) the self-assessment form as you requested on 03/17/2015.
19 Please see attachment. The first page is the proof from fax." Respondent Urasova attached a
20 PDF file containing a self-assessment she completed, signed and dated on March 17, 2015. The
21 file also contained a confirmation page indicating the document was faxed March 17, 2015. The
22 result of the fax was listed as "NO ANSWER".

23 116. On August 2, 2015, the Board's inspector responded to Respondent Urasova's email.
24 Respondent Urasova's email indicated she did attempt to send the self-assessment as requested
25 during the inspection. However, the self-assessment was dated March 17, 2015, indicating it was
26 completed after the inspection occurred.

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1 117. On August 4, 2015, the Board’s inspector received two emails from Nourani. One of
2 the emails contained no content but an attachment titled, “board letter.odt”, which she was unable
3 to open. The second email stated the following:

4 “TO WHOM IT MAY CONCERN,
5 I BELIVE Ms. NOELLE RANDALL COUNT FOR ALPRAZOLAM 2MG IS
6 INCORRECT. PLEASE GIVE US MORE TIME TO RECALCULATE AND SEND
7 YOU OUR FINDING. FOR EXTRA OXYCODONE 30 MG WE VARIFIED THE
8 PRESCRIPTION AND WE ASKED FOR ID DIDN’T MATCH SO WE FORGOT TO
9 DELETE THE PRESCRIPTION. FOR SHORTAGE OF CARISOPRODOL 350 MG IT
10 WAS ESTIMATED NOT EXACT COUNT. SAME THING FOR
11 HYDROCODONE/ACETAMINOPHEN 10/325 MG WAS ESTIMATED WHICH WAS
12 C3. AT THAT TIME.
13 SINCERELY YOURS
14 NOURI NOURANI”

15 118. On August 4, 2015, the Board’s inspector replied via email, stating she could not
16 open the first attachment and instructed Nourani to resend it in a different form if it contained
17 information other than what was included in the second email. The inspector also extended the
18 deadline to provide mitigating information until August 10, 2015.

19 119. On August 5, 2015, the Board’s inspector received another email from Nourani,
20 stating the following:

- 21 • “Dear pharmacist Noelle Randall,
22 The policy of our pharmacy Century Discount Pharmacy is to fill prescription for the
23 patient who lives near which their doctor may be far from the pharmacy, Or the doctor’s
24 office is near by and Patient may live far from the pharmacy. These doctors (S.K., R.G.
25 and W.S.), They are pain management. All the prescription (sic) were verified.
26 Thank you
27 Nouri Nourani”

28 120. On August 6, 2015, the Board’s inspector replied to Nourani via email. On August 7,
2015, the inspector received a fax from Nourani with a letter and supporting documents. Details
of the letter included the following:

- Nourani calculated Century Discount Pharmacy dispensed 91,839 tablets of alprazolam 2 mg during the audit period.
- Nourani stated Century Discount Pharmacy purchased 51 bottles of alprazolam 2 mg containing 500 tablets each from McKesson.
- Nourani stated Century Discount Pharmacy purchased 128 bottles of alprazolam 2 mg containing 500 tablets each from Amerisource Bergen.

1 • Nourani wrote, “128 + 51 = 179 bottles of 500 = 179 x 500 = 89,500 tab purchased.
2 91,839 (etreby) – 89,500(purchased) = 2,334

3 • Nourani wrote, “We had 845 tab on shelf on 03/13/14”

4 120. Supporting documents from Nourani included the following:

5 • Drug usage report for controlled substances dispensed from March 10, 2014 to March 10,
6 2015.

7 • Report (presumably from McKesson) showing orders and purchases of Item Number
8 2713055 from March 1, 2014 to March 31, 2015.

9 • Purchase History Report (presumably from Amerisource Bergen) for alprazolam 2 mg
10 from September 11, 2013 to August 4, 2015.

11 121. The Board’s investigation revealed the following inaccuracies in the accounting for
12 the acquisition and disposition of medications by Century Discount Pharmacy:

13 • Nourani stated Century Discount Pharmacy had 845 tablets in stock on March 13, 2014,
14 but the DEA biennial inventory stated there were 333 tablets in stock.

15 • Nourani stated Century Discount Pharmacy purchased 51 500-count bottles of alprazolam
16 2 mg tablets from McKesson during the audit period.

17 ○ The report he provided only showed purchases of one item number while the
18 certified records from McKesson showed McKesson sold alprazolam tablets with
19 three item numbers to Century Discount Pharmacy.

20 ○ The report Nourani provided showed purchases from March 1, 2014 to March 31,
21 2015 while the audit period was March 13, 2014 (at the close of business) to
22 March 10, 2015.

23 ○ Nourani asserted the report indicated 51 bottles were ordered. The report also
24 showed only 22 bottles were actually “filled” by McKesson. The certified records
25 provided by McKesson also showed 22 bottles of alprazolam 2 mg, with the item
26 number used to generate Nourani’s report, were sold to Century Discount
27 Pharmacy during the audit period.

28 • Nourani stated Century Discount Pharmacy purchased 128 bottles of 500 tablets each
from Amerisource Bergen; however, the certified records from Amerisource Bergen
showed 98 bottles sold during the audit period.

○ The additional bottles reflected in Nourani’s report were sold before or after the
audit period.

- Nourani’s report showed 98 bottles sold during the audit period, which is the same amount reflected on the certified records provided by Amerisource Bergen.
- Nourani stated 91,839 tablets of alprazolam 2 mg were dispensed during the audit period. The dispensing records showed 92,144 tablets dispensed. Nourani used a different audit period, from March 10, 2014 to March 10, 2015. Additionally, his total included dispensing for lorazepam 2 mg and diazepam 2 mg.
 - Even if Nourani’s slightly lower dispensing amount was used, the audit result still showed a significant overage of alprazolam 2 mg tablets.

SUBSEQUENT BOARD INVESTIGATION SET FORTH IN
INVESTIGATION REPORT OF DECEMBER 19, 2015

122. Additional investigation was conducted by a Board inspector, subsequent to the June 15, 2015 inspection, relating to collecting information and documents pertaining to Century Discount Pharmacy’s failure to maintain records of acquisition, disposition and transfer of drugs from Century Pharmacy to Century Discount Pharmacy. The subsequent investigation was described in an investigation report dated December 19, 2015.

123. On or about September 4, 2015, Amin’s attorney mailed the Board’s inspector additional documents in response to the written notice of noncompliance issued to Century Discount Pharmacy and Century pharmacy for not having proper records of drug acquisition and disposition, respectively. In light of the new documents, the Board’s inspector issued a written notice of noncompliance to Century Discount Pharmacy and Nourani for the delay in dispensing EP’s medications.

124. On October 13, 2015, a Board inspector returned to Century Discount Pharmacy to collect evidence of the presence of filled and verified prescriptions from Century Pharmacy and to determine whether or not the two pharmacies shared a common electronic file. A pharmacist-in-charge candidate who was on duty informed the Board’s inspector that the pharmacies could not electronically access each other’s prescription files. The prescription transfers between the pharmacies were conducted by phone and this information was transferred on a “Prescription Transfer Information” report, which was then faxed to the pharmacy requesting the transfer.

125. On October 13, 2015, a Board inspector also attempted to determine if Century Discount Pharmacy’s computer system could generate a report of transferred-out prescriptions

1 between April 1, 2015 and July 31, 2015. A report was generated, but it lacked the identity of the
2 receiving pharmacists. The inspector asked the pharmacist-in-charge candidate to continue
3 working with his software vendor to generate a report with the *receiving pharmacy field* and send
4 it to him by October 16, 2015. Furthermore, the inspector also collected records/list of
5 transferred prescriptions filled by Century Pharmacy then brought to Century Discount Pharmacy
6 for dispensing; documentation of patient pick-up at Century Discount Pharmacy of prescriptions
7 filled by Century Pharmacy; a sample of a "Prescription Transfer Information" report; and the
8 pharmacist-in-charge candidate's written statement regarding Century Discount Pharmacy's lack
9 of access to Century Pharmacy's computer system. The earliest date on the delivery receipts for
10 prescriptions received from Century Pharmacy by Century Discount Pharmacy was July 24, 2015,
11 which was the start date of the recordkeeping system at Century Discount Pharmacy.

12 126. On November 24, 2015, a Board inspector updated the written notice of
13 noncompliance to Century Discount Pharmacy to indicate failure to maintain proper records of
14 drug acquisition of *bulk dangerous drugs*, instead of finished prescriptions, received from
15 Century Pharmacy. The inspector did not receive any additional information from Century
16 Discount Pharmacy in response to this updated written notice.

17 **SIXTH CAUSE FOR DISCIPLINE**

18 **(Records of Acquisition and Disposition)**

19 127. Respondents Century Discount Pharmacy and Urasova are subject to disciplinary
20 action under Code section 4301, subdivision (o), in conjunction with Code sections 4081,
21 subdivision (a) and 4105, subdivisions (a) and (c) and California Code of Regulations, title 16,
22 section 1718, in that between March 14, 2014 and March 10, 2015, Respondents could not
23 account for inventory overages (physical count which exceeded total accountable inventory) of
24 158 oxycodone 30 mg tablets and 28,811 alprazolam 2 mg tablets and inventory shortages of 239
25 carisoprodol 350 mg tablets and 379 hydrocodone/acetaminophen 10/325 mg tablets. Urasova
26 was the pharmacist-in-charge of Century Discount Pharmacy from March 27, 2014 to March 19,
27 2015, encompassing 349 days of the 362-day audit period. Complainant incorporates by
28 reference paragraphs 36-37, and 59-121 above as though fully set forth herein.

1 **SEVENTH CAUSE FOR DISCIPLINE**

2 **(Violation of Corresponding Responsibility to Verify Prescriptions)**

3 128. Respondents Century Discount Pharmacy and Urasova are subject to disciplinary
4 action under Code section 4301, subdivisions (d) and (j), in conjunction with Health and Safety
5 Code section 11153, subdivision (a) and California Code of Regulations, title 16, section 1761,
6 subdivisions (a) and (b), in that they violated their corresponding responsibility by excessively
7 furnishing controlled substances. Respondent Urasova, as pharmacist-in-charge, misused her
8 education and experience as a pharmacist and failed to implement her best professional judgment
9 by excessively dispensing controlled substances with a high potential for abuse, despite multiple
10 clues of irregularity and uncertainty related to patient and prescriber factors, and by failing to
11 confer with the prescribers, and/or by failing to ensure that the staff of Century Discount
12 Pharmacy who were filling prescriptions for controlled substances were verifying that they were
13 issued for a legitimate medical reason. The facts and circumstances are as follows:

14 (a) The prescriptions for controlled substances written by Drs. S.K., R.G., and
15 W.S., and PA, D.R. were paid for in cash.

16 (b) Dispensing profiles consisted almost entirely of controlled substances for the
17 prescribers listed in (a) above.

18 (c) There were highly irregular prescribing patterns for the prescribers listed in (a)
19 above. For each prescriber, two to four frequently abused controlled substances accounted for the
20 majority of dispensing at Century Discount Pharmacy.

21 (d) There were highly irregular prescribing patterns for the prescribers listed in (a)
22 above, in that the majority of patients received the same combination of hydrocodone/
23 acetaminophen 10/325 mg tablets and alprazolam 2 mg tablets with the same quantity and
24 directions.

25 (e) Large quantities of prescriptions for hydrocodone/acetaminophen 10/325 mg
26 tablets and alprazolam 2 mg tablets with the same quantity and directions were filled on the same
27 day, often consecutively.

28

1 (f) Some patients travelled a driving distance of 92 miles (one way) between Dr.
2 W.S.'s office and Century Discount Pharmacy to fill their prescriptions for controlled substances.

3 (g) Dr. S.K. denied writing the prescriptions.

4 Complainant incorporates by reference paragraphs 59-60, 64, 67-75, 80-90, 100-102, 110-
5 113, and 119 above as though fully set forth herein.

6 **EIGHTH CAUSE FOR DISCIPLINE**

7 **(Dispensing Controlled Substances Pursuant to Noncompliant Prescriptions)**

8 129. Respondent Century Discount Pharmacy is subject to disciplinary action under Code
9 section 4301, subdivision (j) and/or (o) for violating California Health and Safety Code section
10 11164, in that on or about between March 19, 2015 and April 27, 2015, the pharmacy filled 30
11 prescriptions written by Dr. R.G. on prescriptions forms which did not conform to the
12 requirements of Health and Safety Code sections 11162.1, in that they did not have a watermark
13 on the back with the words "California Security Prescription"; did not have a feature printed in
14 thermochromic ink; did not include a description of the features on each prescription form; did
15 not have the lot number printed on the form; and each form within a batch was not numbered
16 sequentially beginning with the numeral one, as more fully set forth in paragraphs 100-104 above
17 and incorporated herein.

18 **NINTH CAUSE FOR DISCIPLINE**

19 **(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)**

20 130. Respondent Urasova is subject to disciplinary action under sections 4301, subdivision
21 (f) (a), in that on February 4, 2015, she sent an email to picstatus@dca.ca.gov stating she had
22 been pharmacist-in-charge of Century Discount Pharmacy from August 22, 2014 to February 4,
23 2015, but subsequently sent an email on March 16, 2015, stating she was not actually acting as
24 pharmacist-in-charge and was not responsible for the daily operation of the pharmacy during this
25 period of time, as more fully set forth in paragraphs 60, 69, and 72-73 above, and incorporated
26 herein.

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1 **TENTH CAUSE FOR DISCIPLINE**

2 **(Failure to Timely Notify the Board of a Designated Pharmacist-in-Charge)**

3 131. Respondent Century Discount Pharmacy is subject to disciplinary action under
4 section 4113, subdivision (a), in that Respondent failed to timely notify the Board in writing
5 within 30 days of designation, of the identity and license number of the designated pharmacist-in-
6 charge and the date of designation. Respondent operated from approximately March 20, 2015 to
7 at least July 20, 2015 without the supervision of a pharmacist-in-charge. In addition, Respondent
8 submitted two incomplete forms to propose a new pharmacist-in-charge and failed to respond
9 within 30 days to a letter from the Board notifying the pharmacy of deficiencies in one of the
10 forms. Complainant incorporates by reference paragraphs 107-108 above as though fully set
11 forth herein.

12 **ELEVENTH CAUSE FOR DISCIPLINE**

13 **(Failure to Complete a Pharmacy Self-Assessment)**

14 132. Respondent Urasova is subject to disciplinary action under sections 4301, subdivision
15 (o) and 4113, subdivision (c) of the Code, and California Code of Regulations, title 16, section
16 1715, subdivisions (a), (b)(2), (c) and (d) in that the required self-assessment of the pharmacy's
17 compliance with federal and state pharmacy law completed by Respondent Urasova was not
18 available during an inspection by the Board on March 10, 2015, and the self-assessment which
19 was provided by Respondent Urasova on March 17, 2015 was more than 30 days after she
20 became the pharmacist-in-charge of Century Discount Pharmacy. The circumstances of this
21 conduct are more fully set forth above in paragraphs 59-61, 69, 106-106, and 115-116 as though
22 fully set forth herein.

23 **TWELFTH CAUSE FOR DISCIPLINE**

24 **(Unprofessional Conduct – Obstructing Patient in**
25 **Obtaining Prescription Drug or Device)**

26 133. Respondent Century Discount Pharmacy is subject to disciplinary action under Code
27 section 733, subdivisions (a) and (b), in that pursuant to the Board's investigation conducted on
28 June 15, 2015, Respondent Century Discount Pharmacy failed to dispense E.P.'s prescription for

1 an Advair 500/50 diskus inhaler in a timely manner. During the time the Respondent Century
2 Discount Pharmacy did not have such medication in stock, it failed to immediately inform the
3 patient about the situation and had the patient wait for eight (8) days before delivering the
4 medication, without ever providing the patient or the consumer-complainant (the patient's
5 daughter) the reason for the delay. Complainant incorporates by reference paragraphs 91-95
6 above as though fully set forth herein.

7 **THIRTEENTH CAUSE FOR DISCIPLINE**

8 **(Failure to Maintain and Retain Records of Dangerous Drugs on Licensed Premises)**

9 134. Respondent Century Discount Pharmacy is subject to disciplinary action under Code
10 sections 4081, subdivision (a), 4105, subdivision (a), and 4105, subdivision (e)(1), in that
11 pursuant to the Board's investigation conducted on June 15, 2015, the owner of Respondent
12 Century Discount Pharmacy failed to retain and have available for inspection at all times during
13 business hours, records of acquisition of (bulk) dangerous drugs, without an approved waiver
14 from the Board of its obligation to maintain such records of acquisition on the its licensed
15 premises. Complainant incorporates by reference paragraphs 96, 98-99, and 122-126 above as
16 though fully set forth herein.

17 **FOURTEENTH CAUSE FOR DISCIPLINE**

18 **(Failure to Maintain Pharmacy and Fixtures in a Clean and Orderly Condition)**

19 135. Respondent Century Discount Pharmacy is subject to disciplinary action under
20 California Code of Regulations, title 16, section 1714, subdivisions (b) and (c), in that pursuant to
21 the Board's investigation and inspection conducted on June 15, 2015, the owner of Respondent
22 Century Discount Pharmacy failed to maintain a clean and orderly work area. Complainant
23 incorporates by reference paragraph 97 above as though fully set forth herein.

24 **INVESTIGATION REPORT OF NOVEMBER 1, 2016 - HUMANA COMPLAINT**

25 136. On June 28, 2016, the Board received a complaint from E.W., an employee of
26 Humana Health Insurance (Humana). E.W. alleged that Respondent Century Discount Pharmacy
27 billed Humana for "services notrendered" and that a desktop audit had revealed 16 discrepancies
28 in prescriptions, of which 14 were unauthorized refills. E.W. also identified a negative variance

1 indicating Respondent Century Discount Pharmacy sold more than they purchased from Humana
 2 between May 4, 2014 and June 24, 2015 in regard to the 5 drugs listed below.

Medication from Humana desk audit showing negative variance			
Drug Name	Qty. Purchased	Qty. Billed	Difference
Janumet 50-1,000mg tablet	1140	1560	-420
Lovaza 1 GM capsule	3240	4080	-840
Nasonex 50 mcg nasal spray	391	442	-51
Restasis 0.05% eye drops	2520	3510	-990
Zenpep DR 20,000 unit capsule	900	990	-90

9 137. Drug utilization reports from January 1, 2014 to December 31, 2015 for the five drugs
 10 were identified by the Board's inspector for purposes of establishing dispensing trends prior to,
 11 during and after the Humana audit, referenced in paragraph 133 above. The date range for this
 12 audit was expanded to include the periods six months before and after the period covered by
 13 Humana's audit in order to obtain an accurate assessment. The data clearly shows during the
 14 expanded date range, there did not appear to be a change in the dispensing trends for these drugs.
 15 This date range was utilized for the Board's audit, and the purchase records from wholesalers
 16 were reviewed for these specific National Drug Code's dispensed by Respondent Century
 17 Discount Pharmacy, as reflected in the chart below.

Drug utilization reports from 01/01/2014 to 12/31/15		
Drug Description/NDC code	Total RXs.	Total Dispense Qty.
Janumet 50-1,000mg tablet/00006-0577-61	40	2,400 tablets
Lovaza 1 GM capsule/00173-0783-02	134	12,780 capsules
Nasonex 50 mcg nasal spray (17gm/box)/00085-1288-01	113	1,921 (113 boxes)
Restasis 0.05% eye drops (30/box)/ 00023-9163-30	239	10,830
Zenpep DR 20,000 unit capsule/ 42865-0103-02	14	1,260

24 138. The audit performed by E.W. at Humana did not have complete dispensing history or
 25 wholesaler invoices reflecting a fixed time frame. Therefore, the Board's audit was used to
 26 determine any violations of pharmacy laws based on following parameters:

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- In addition to the dispensing history, the purchase records provided by Respondent Century Discount Pharmacy from the 5 wholesalers from whom the purchase summaries were obtained were included in the Board’s audit. Sterling Pharmaceutical Wholesale Corporation (SP) was excluded because the invoices provided to Humana were not for Respondent Century Discount Pharmacy. This wholesaler (SP) was no longer in business, and Respondent PIC Pezhmannia was unable to provide purchase records from SP.
- The Board’s audit only included the NDCs of the five specific drugs whose dispensing reports were gathered from Respondent Century Discount Pharmacy on October 10, 2016.
- The Board’s audit specifically covered the date range of January 1, 2014 to December 31, 2015 for purposes of capturing the drug utilization activity before and after the Humana audit range of May 4, 2014 to June 24, 2015.
- A zero based audit for the beginning and end inventories was conducted, since no on hand quantity were available. The purchase and dispensing records did not show a huge movement for these drugs before, during and after the Humana audit range.

139. According to Respondent Century Discount Pharmacy, the following table represents the alleged sources of the subject drugs.

Purchases Summary for the wholesalers CDP from 1/1/14 to 12/31/15 for the specific NDC identified on the dispensing reports obtained from CDP.								
	Top RX	IPC	Anda	Amerisource	McKesson	PSP	SP	Total
Janumet 50-1,000mg tablet (#60/bottle) tablets NDC: 00006-0577-61	0	0	0	660	900	480	120	2,160
Lovaza 1 GM capsule (#120/bottle) capsules NDC: 00173-0783-02	0	0	0	240	1,800	1,320	120	3,480
Nasonex 50 mcg nasal spray (17 gm/box) NDC: 00085-1288-01	0	0	0	136	272	51	51	510
Restasis 0.05% eye drops (30 vials/box) NDC: 00023-9163-30	0	0	0	1,350	1,560	150	60	3,120
Zenpep DR 20,000 U capsules (#100/bottle) NDC: 42865-0103-02	0	100	0	100	600	0	0	800

140. The table below shows the acquisition and disposition summary for the date range of January 1, 2014 to December 31, 2015. The acquisition totals, less disposition totals, equal the variance. A positive variance indicates a shortage (purchases/acquisitions greater than sales/disposition). A negative variance indicates an overage (sold more than purchased). The Board's audit still showed significant variances where Respondent Discount Pharmacy dispensed more than they purchased from all their wholesalers. The invoices subsequently provided from PSP and SP made little impact to the audit results. In the initial Board audit, the variances totaled 21,473 for all five drugs. The variance total in the table below is 19,121 with the updated invoices - a difference of 2,352 doses, indicating the invoices which were subsequently provided did not significantly impact the Board's audit results (-11%). Accordingly, Respondent Century Discount Pharmacy still showed a significant variance in what they sold of these products compared to what was purchased during the investigation timeframe.

The Board's audit results for five specific NDCs dispensed by CDP from 1/1/14 to 12/31/15 from all wholesalers disclosed by Respondent Century Discount Pharmacy							
Drug	Begin Inv.	Five WLS (ACQ)	ACQ TOTAL	Disposition	End Inv.	DISPO TOTAL	Variance
Janumet 50-1,000mg tablet (#60/bottle) tablets; NDC: 00006-0577-61	0	2,160	2,160	2,400	0	2,400	-240
Lovaza 1 GM capsule (#120/bottle) capsules; NDC: 00173-0783-02	0	3,480	3,480	12,780	0	12,780	-9,300
Nasonex 50 mcg nasal spray (17 gm/box) ; NDC:00085-1288-01	0	510	510	1,921	0	1,921	-1,411
Restasis 0.05% eye drops (30 units/box) ; NDC: 00023-9163-30	0	3,120	3,120	10,830	0	10,830	-7,710
Zenpep DR 20,000 unit capsule (#100/bottle) 42865-0103-02 NDC: 42865-0103-02	0	800	800	1,260	0	1,260	-460

141. In addition to the above, the Board inspector determined that from on or about March 19, 2015 to on or about June 4, 2015, Respondent Century Discount Pharmacy was operating without a pharmacist-in-charge (PIC) for more than 30 days. Respondent Urasova disassociated as PIC on March 19, 2015, and the new PIC, Respondent Pezhmannia was not identified until June 5, 2015.

1 142. In summary, the Board received a complaint from an insurance company accusing
2 Respondent Century Discount Pharmacy of medication shortages and services not rendered to its
3 clients. The Board's investigation substantiated some of these allegations. In addition, other
4 violations related to records retention and other acts of unprofessional conduct were also
5 identified by the Board inspector as a result of this investigation.

6 **FIFTEENTH CAUSE FOR DISCIPLINE**

7 **(Furnishing Dangerous Drugs without a Prescriptions)**

8 143. Respondents Century Discount Pharmacy and Urasova are subject to disciplinary
9 action pursuant to Code section 4059, subdivision (a), in that on 7 instances between on or about
10 June 12, 2014 and on or about December 31, 2015, they filled prescriptions for dangerous drugs
11 which were not authorized by the prescriber. Complainant incorporates by reference paragraphs
12 136-142 above as though fully set forth herein.

13 **SIXTEENTH CAUSE FOR DISCIPLINE**

14 **(Unprofessional Conduct – Unlawful Refilling of Prescription and Billing Fraud)**

15 144. Respondents Century Discount Pharmacy, Urasova, and Sharim are subject to
16 disciplinary action under Code section 4301, subdivisions (f) and (g), in that between on or about
17 June 12, 2014 and on or about December 31, 2015, Respondent Century Discount Pharmacy
18 created prescription records for dangerous drugs for patients, and subsequently refilled them
19 without authorizations from the prescribers. Additionally, the patient never received the
20 medication for any of these prescriptions, and Respondent Century Discount Pharmacy billed a
21 third party insurance provider for these prescriptions. Complainant incorporates by reference
22 paragraphs 136-142 above as though fully set forth herein.

23 **SEVENTEENTH CAUSE FOR DISCIPLINE**

24 **(Records of Acquisition and Disposition)**

25 145. Respondents Century Discount Pharmacy, Urasova, Pezhmannia and Sharim, are
26 subject to disciplinary action under Code section 4301, subdivision (o), in conjunction with
27 sections 4081, subdivision (a), and 4105, subdivisions (a) and (c), and California Code of
28 Regulations, title 16, section 1718, in that according to the findings of an audit conducted by the

1 Board, between on or about January 1, 2014 and on or about December 31, 2015, these
2 Respondents showed an overage for five drugs audited totaling 19,121 doses, and failed to have
3 complete records of acquisition to account for the inventory dispensed. Complainant incorporates
4 by reference paragraphs 136-142 above as though fully set forth herein.

5 **EIGHTEENTH CAUSE FOR DISCIPLINE**

6 **(Record Retention)**

7 146. Respondents Century Discount Pharmacy, Pezhmannia, Urasova, and Sharim are
8 subject to disciplinary action under Code section 4301, subdivision (o), in conjunction with
9 section 4105, subdivisions (a), and (c), in that between on or about July 15, 2014 to about
10 September/October 2015, Respondent Century Discount Pharmacy used SP to purchase
11 dangerous drugs and failed to retain the records of acquisition on the licensed premises for a
12 period of 3 years. Complainant incorporates by reference paragraphs 136-142 above as though
13 fully set forth herein.

14 **NINETEENTH CAUSE FOR DISCIPLINE**

15 **(Operation of Pharmacy Without Supervision)**

16 147. Respondents Century Discount Pharmacy and Sharim are subject to disciplinary
17 action under Code sections 4301, subdivision (o), and 4305, subdivision (b), in that from on or
18 about March 19, 2015 to on or about June 4, 2015, Respondent Century Discount Pharmacy was
19 operating without a pharmacist-in-charge (PIC) for more than 30 days. Respondent Urasova
20 disassociated as PIC on March 19, 2015, and the new PIC, Respondent Pezhmannia was not
21 identified until June 5, 2015. Complainant incorporates by reference paragraph 141 above as
22 though fully set forth herein.

23 **TWENTIETH CAUSE FOR DISCIPLINE**

24 **(Variation in Prescriptions)**

25 148. Respondent Century Discount Pharmacy is subject to disciplinary action pursuant to
26 Code section 4301, subdivision (o), in conjunction with Code section 4052.5, subdivision (f) and
27 California Code of Regulations, title 16, section 1716, in that between on or about January 1,
28 2014 and on or about December 31, 2015, Respondent Century Discount Pharmacy's pharmacist,

1 Nouri Nourani deviated from a prescription order and completed 36 fills of various prescriptions
2 without authorization from the prescriber. Complainant incorporates by reference paragraphs
3 136-142 above as though fully set forth herein.

4 **TWENTY FIRST CAUSE FOR DISCIPLINE**

5 **(Operational Standards and Security)**

6 149. Respondents Pezhmannia, Urasova, and Sharim are subject to disciplinary action
7 under Code section 4301, subdivision (o), in conjunction with California Code of Regulations,
8 title 16, section 1714, subdivision (d), in that according to an audit conducted by the Board, they
9 failed to secure records of acquisition, and otherwise were unable to account for an overage of
10 five drugs on the dates below:

11 (a) Respondent Pezhmannia, as pharmacist in charge, for dates 6/5/15 – 12/21/15.

12 (b) Respondent Urasova, as pharmacist in charge, for dates 3/27/14 – 3/19/15.

13 (c) Respondent Sharim, as pharmacist owner, for dates 1/1/14 – 3/27/14.

14 Complainant incorporates by reference paragraphs 136-142 above as though fully set forth
15 herein.

16 **BOARD INVESTIGATION REPORT DATED NOVEMBER 1, 2016 RE DRUG AUDIT**

17 150. In or around June of 2016, a Board inspector conducted audits of controlled
18 substances at Respondent Century Discount Pharmacy and determined that from on or about June
19 5, 2015 to June 10, 2016, Respondents Century Discount Pharmacy and Pezhmannia could not
20 account for an inventory shortage of 291 amphetamine 30 mg tablets. Additionally, the Board
21 inspector determined that from on or about December 7, 2015 to on or about May 17, 2016,
22 Respondents Century Discount Pharmacy and Pezhmannia could not account for an inventory
23 shortage of 6,691 mL of promethazine/codeine syrup. These shortages are further detailed in the
24 tables below.

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Drug Name and Strength	Initial Amount	Amount Ordered WLS (A)	Total Amount (I+A)=T	Amount Dispensed or sold (D)	Amount to be Accounted for (T-D)	Stock on Hand (S)	Amount Over $S \geq T-D$	Amount Short $S \leq T-D$
Amphetamine 30 mg	81	300	381	90	291	0		291

Drug Name and Strength	Initial Amount	Amount Ordered WLS (A)	Total Amount (I+A)=T	Amount Dispensed or sold (D)	Amount to be Accounted for (T-D)	Final Amount (S)	Amount Over $S \geq T-D$	Amount Short $S \leq T-D$
Promethazine/codeine syrup	0 mL	35,002 mL	35,002 mL	28,311 mL	6, 691mL	0 mL		6, 691 mL

TWENTY SECOND CAUSE FOR DISCIPLINE

(Operational Standards and Security)

151. Respondents Century Discount Pharmacy and Pezhmannia are subject to disciplinary action under Code section 4301, subdivision (o), in conjunction with title 16, California Code of Regulations, section 1714, subdivisions (b) and (d), in that they failed to maintain security of the prescription department at Respondent Century Discount Pharmacy, or make provisions for effective control against theft or diversion of dangerous drugs and devices, and records for such drugs and devices fro, on or about June 5, 2015 to on or about June 10, 2016. Complainant incorporates by reference paragraph 150 above as though fully set forth herein.

TWENTY THIRD CAUSE FOR DISCIPLINE

(Failure to Maintain a Current Inventory)

152. Respondents Century Discount Pharmacy and Pezhmannia are subject to disciplinary action under Code section 4301, subdivision (o), in conjunction with California Code of Regulations, title 16, section 1718, requiring complete accountability for all inventory, and that all records of manufacture and of sale, acquisition, receipt, shipment, or disposition of dangerous drugs or dangerous devices shall be at all times during business hours open to inspection by authorized officers of the law, and shall be preserved for at least three years from the date of making, in that an audit of controlled substances conducted by the Board determined that from on or about June 5, 2015 to June 10, 2016, Respondents Century Discount Pharmacy and

1 Pezhmannia could not account for an inventory shortage of 291 amphetamine 30 mg tablets.
2 Additionally, an audit by the Board of promethazine/codeine syrup determined that from on or
3 about February 7, 2015 to on or about May 17, 2016, Respondent Century Discount Pharmacy
4 could not account for an inventory shortage of 6,691 mL of promethazine/codeine syrup.
5 Complainant incorporates by reference paragraph 150 above as though fully set forth herein.

6 **TWENTY FOURTH CAUSE FOR DISCIPLINE**

7 **(Conviction of a Substantially Related Crime)**

8 153. Respondent Sharim is subject to disciplinary action under Code sections 490 and
9 4301, subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770,
10 in that Respondent Sharim was convicted of a crime substantially related to the qualifications,
11 functions, or duties of a pharmacist.

12 a. On or about May 1, 2017, Respondent Sharim was convicted of one felony count of
13 violating 18 U.S.C. section 371, in conjunction with 18 U.S.C. section 1347 [Conspiracy to
14 Commit Health Care Fraud] in in the criminal proceeding entitled *United States of America v.*
15 *Farhad N. Dany Sharim* (Central Dist. Ct., Western Div. 2013, No. CR 13-7450-ODW). The
16 court sentenced Respondent Sharim to serve thirty (30) months in federal prison, and pay
17 restitution collectively totaling \$1,901,779.79 to the victims in connection with that criminal case.

18 b. The circumstances surrounding the conviction, according to the single count in the
19 Information filed against Respondent on or about October 16, 2013 in that case, are as follows:
20 Beginning in or about January 2004, and continuing until in or about June 2009, Respondent
21 Sharim, who was a co-owner of Century Discount Pharmacy throughout that time period, and
22 others knowingly combined, conspired, and agreed to commit the following offense against the
23 United States: Health Care Fraud, in violation of Title 18, United States Code, section 1347.
24 Respondent Sharim and other persons obtained prescriptions for drugs in the names of patients
25 whom Respondent Sharim knew had not been seen by a physician or other medical professional
26 with the authority to write prescriptions for drugs. Respondent Sharim would then submit and
27 cause to be submitted to health care benefit providers false and fraudulent claims for prescription
28 drugs for the patients whose names had been provided by another, even though Respondent

1 Sharim knew that Century Discount Pharmacy had not filled these prescriptions and had not
2 dispensed the drugs to these patients. The health care benefit program would then reimburse
3 Century Discount Pharmacy for the claim by making an electronic payment or by mailing a check
4 for deposit into their account.

5 **TWENTY FIFTH CAUSE FOR DISCIPLINE**

6 **(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)**

7 154. Respondent Sharim is subject to disciplinary action under Code section 4301,
8 subdivisions (a) and (f), in that Respondent committed acts of dishonesty, fraud, deceit, or
9 corruption. Complainant refers to, and by this reference incorporates the allegations set forth in
10 paragraph 153 above, as though set forth fully.

11 **BOARD INVESTIGATION REPORT DATED JUNE 14, 2017**

12 155. Between April 19, 2017 and June 9, 2017, a Board investigation conducted in regard
13 to Respondent Century Discount Pharmacy determined that while employed at Respondent
14 Century Discount Pharmacy, pharmacy technician R.R. was in possession of a key which
15 unlocked a portion of said pharmacy. The same investigation also revealed that pharmacy
16 technician R.R. accessed the will call area of said pharmacy and sold prescriptions there when a
17 pharmacist was not on duty.

18 **TWENTY SIXTH CAUSE FOR DISCIPLINE**

19 **(Possession of Pharmacy Key Restricted to a Pharmacist)**

20 156. Respondent Century Discount Pharmacy is subject to disciplinary action under
21 California Code of Regulations, title 16, section 1714, subdivisions (d) and (e), in that while
22 employed at Respondent Century Discount Pharmacy, pharmacy technician R.R. was in
23 possession of a key which unlocked a portion of said pharmacy. Complainant refers to, and by
24 this reference incorporates the allegations set forth in paragraph 155 above, as though set forth
25 fully.

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1 **TWENTY SEVENTH CAUSE FOR DISCIPLINE**

2 **(Staff Access to Pharmacy Under Pharmacist's Discretion)**

3 157. Respondent Century Discount Pharmacy is subject to disciplinary action under Code
4 section 4116, subdivisions (a) and (b), in that while employed at Respondent Century Discount
5 Pharmacy, pharmacy technician R.R. accessed the will call area of said pharmacy and sold
6 prescriptions there when a pharmacist was not on duty. Complainant refers to, and by this
7 reference incorporates the allegations set forth in paragraph 155 above, as though set forth fully.

8 **DISCIPLINE CONSIDERATIONS**

9 158. To determine the degree of discipline, if any, to be imposed on Respondent Century
10 Discount Pharmacy, Complainant alleges that on or about June 27, 2014, the Board issued
11 Citation No. CI 2013 58602 to Respondent Century Discount Pharmacy for violating California
12 Code of Regulations, title 16, section 1714 subdivision (b) when an audit conducted for the period
13 8-14-2013 to 9-6-2013 revealed a shortage of 312 tablets of alprazolam 2 mg. which could not be
14 accounted for. That Citation is now final and is incorporated by reference as if fully set forth
15 herein.

16 **OTHER MATTERS**

17 159. Pursuant to section 4307, if discipline is imposed on Pharmacy Permit Number PHY
18 39871 issued to Century Discount Pharmacy, Inc., doing business as Century Discount Pharmacy,
19 Century Discount Pharmacy, Inc. shall be prohibited from serving as a manager, administrator,
20 owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy
21 Permit Number PHY 39871 is placed on probation or until Pharmacy Permit Number PHY 39871
22 is reinstated if the license is revoked.

23 160. Pursuant to section 4307, if discipline is imposed on Pharmacy Permit Number PHY
24 39871 issued to Century Discount Pharmacy, Inc., doing business as Century Discount Pharmacy,
25 while Farhad D. Sharim and/or Joseph Amin have been an officer or owner, and had knowledge
26 of, or knowingly participated in, any conduct for which Century Discount Pharmacy, Inc. was
27 disciplined, Farhad D. Sharim and/or Joseph Amin shall be prohibited from serving as a manager,
28 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if

1 Pharmacy Permit Number PHY 39871 is placed on probation or until Pharmacy Permit Number
2 PHY 39871 is reinstated if the license is revoked.

3 **PRAYER**

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

6 1. Revoking or suspending Permit Number PHY 39871, issued to Century Discount
7 Pharmacy, Inc., Farhad D. Sharim, Joseph Amin;

8 2. Prohibiting Farhad D. Sharim and Joseph Amin from serving as a manager,
9 administrator, owner, member, officer, director, associate, or partner of a licensee for five years
10 if Pharmacy Permit Number PHY 39871 is placed on probation or until Pharmacy Permit
11 Number PHY 39871 is reinstated if Pharmacy Permit Number PHY 39871 issued to Century
12 Discount Pharmacy, Inc., doing business as Century Discount Pharmacy is revoked;

13 3. Revoking or suspending Pharmacist License Number RPH 46183, issued to Farhad
14 D. Sharim;

15 4. Prohibiting Farhad D. Sharim from serving as a manager, administrator, owner,
16 member, officer, director, associate, or partner of a licensee for five years if Pharmacist License
17 Number RPH 46183 is placed on probation or until Pharmacist License Number RPH 46183 is
18 reinstated if Pharmacist License Number RPH issued to 46183 Farhad D. Sharim is revoked;

19 5. Revoking or suspending Pharmacist License Number RPH 45267, issued to Jong Am
20 Kim;

21 6. Revoking or suspending Pharmacist License Number RPH 57944, issued to Katerina
22 Urasova;

23 7. Revoking or suspending Pharmacist License Number RPH 70233, issued to David
24 Pezhmannia;

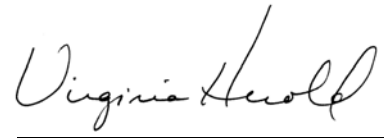
25 8. Ordering Farhad D. Sharim, Joseph Amin, Jong Am Kim, Katerina Urasova, and
26 David Pezhmannia to pay the Board of Pharmacy the reasonable costs of the investigation and
27 enforcement of this case, pursuant to Business and Professions Code section 125.3; and

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

DATED: December 21, 2017



VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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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:

Case No. 4829

13 **CENTURY DISCOUNT PHARMACY,**
14 **INC., FARHAD D. SHARIM, JOSEPH**
15 **AMIN, Owners**
16 **18254 Sherman Way**
17 **Reseda, CA 91335**

OAH No. 2015090357

FIRST AMENDED ACCUSATION

18 **Permit No. PHY 39871**

19 **and**

20 **FARHAD D. SHARIM**
21 **P.O. Box 260771**
22 **Encino, CA 91426**

23 **Pharmacist License No. RPH 46183,**

24 **and**

25 **JONG AM KIM**
26 **P.O. Box 7282**
27 **Mission Hills, CA 91346**

28 **Pharmacist License No. RPH 45267**

and

KATERINA URASOVA
5235 White Oak Avenue 3
Encino, CA 91316

Pharmacist License No. RPH 57944

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and
DAVID PEZHMANNIA
17954 Hatton St.
Reseda, CA 91335

Pharmacist License No. RPH70233

Respondents.

Complainant alleges:

PARTIES

1. Virginia Herold ("Complainant") brings this First Amended Accusation solely in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

2. On or about April 4, 1994, the Board of Pharmacy ("Board") issued Permit Number PHY 39871 to Century Discount Pharmacy, Inc., Farhad D. Sharim and Joseph Amin, Owners ("Respondent Century Discount Pharmacy" and/or "the pharmacy"). The Permit was in full force and effect at all times relevant to the charges brought herein and will expire on April 1, 2017, unless renewed.

3. On or about May 3, 1993, the Board issued Pharmacist License Number RPH 46183 to Farhad D. Sharim ("Respondent Sharim"). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2018, unless renewed.

4. On or about April 3, 1992, the Board issued Pharmacist License Number RPH 45267 to Jong Am Kim ("Respondent Kim"). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2017, unless renewed.

5. On or about November 30, 2005, the Board issued Pharmacist License Number RPH 57944 to Katerina Urasova ("Respondent Urasova"). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2017, unless renewed.

1 STATUTORY PROVISIONS

2 10. Section 733 of the Code states, in pertinent part:

3 "(a) A licentiate shall not obstruct a patient in obtaining a prescription drug or device that
4 has been legally prescribed or ordered for that patient. A violation of this section constitutes
5 unprofessional conduct by the licentiate and shall subject the licentiate to disciplinary or
6 administrative action by his or her licensing agency.

7 "(b) Notwithstanding any other law, a licentiate shall dispense drugs and devices, as
8 described in subdivision (a) of Section 4024, pursuant to a lawful order or prescription unless one
9 of the following circumstances exists:

10 "(1) Based solely on the licentiate's professional training and judgment, dispensing
11 pursuant to the order or the prescription is contrary to law, or the licentiate determines that the
12 prescribed drug or device would cause a harmful drug interaction or would otherwise adversely
13 affect the patient's medical condition.

14 "(2) The prescription drug or device is not in stock. If an order, other than an order
15 described in Section 4019, or prescription cannot be dispensed because the drug or device is not
16 in stock, the licentiate shall take one of the following actions:

17 "(A) Immediately notify the patient and arrange for the drug or device to be delivered to
18 the site or directly to the patient in a timely manner.

19 "(B) Promptly transfer the prescription to another pharmacy known to stock the
20 prescription drug or device that is near enough to the site from which the prescription or order is
21 transferred, to ensure the patient has timely access to the drug or device.

22 "(C) Return the prescription to the patient and refer the patient. The licentiate shall make a
23 reasonable effort to refer the patient to a pharmacy that stocks the prescription drug or device that
24 is near enough to the referring site to ensure that the patient has timely access to the drug or
25 device.

26 "(3) The licentiate refuses on ethical, moral, or religious grounds to dispense a drug or
27 device pursuant to an order or prescription. A licentiate may decline to dispense a prescription
28 drug or device on this basis only if the licentiate has previously notified his or her employer, in

1 writing, of the drug or class of drugs to which he or she objects, and the licentiate's employer can,
2 without creating undue hardship, provide a reasonable accommodation of the licentiate's
3 objection. The licentiate's employer shall establish protocols that ensure that the patient has
4 timely access to the prescribed drug or device despite the licentiate's refusal to dispense the
5 prescription or order. For purposes of this section, "reasonable accommodation" and "undue
6 hardship" shall have the same meaning as applied to those terms pursuant to subdivision (l) of
7 Section 12940 of the Government Code."

8 11. Section 4024 of the Code states:

9 "(a) Except as provided in subdivision (b), "dispense" means the furnishing of drugs or
10 devices upon a prescription from a physician, dentist, optometrist, podiatrist, veterinarian, or
11 naturopathic doctor pursuant to Section 3640.7, or upon an order to furnish drugs or transmit a
12 prescription from a certified nurse-midwife, nurse practitioner, physician assistant, naturopathic
13 doctor pursuant to Section 3640.5, or pharmacist acting within the scope of his or her practice.

14 "(b) "Dispense" also means and refers to the furnishing of drugs or devices directly to a
15 patient by a physician, dentist, optometrist, podiatrist, or veterinarian, or by a certified nurse-
16 midwife, nurse practitioner, naturopathic doctor, or physician assistant acting within the scope of
17 his or her practice."

18 12. Section 4052.5 of the Code states, in pertinent part:

19 "In addition to the authority allowed under Section 4073, a pharmacist filling a prescription
20 order for a drug product may select a different form of medication with the same active chemical
21 ingredients of equivalent strength and duration of therapy as the prescribed drug product when the
22 change will improve the ability of the patient to comply with the prescribed drug therapy.

23

24 "(f) This section shall not permit substitution between long-acting and short-acting forms of
25 a medication with the same chemical ingredients or between one drug product and two or more
26 drug products with the same chemical ingredients."

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1 13. Section 4059 of the Code states, in pertinent part:

2 “(a) A person may not furnish any dangerous drug, except upon the prescription of a
3 physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section
4 3640.7. A person may not furnish any dangerous device, except upon the prescription of a
5 physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section
6 3640.7.

7 14. Section 4081, subdivision (a) of the Code states, in pertinent part:

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

18 “(b) The owner, officer, and partner of any pharmacy, wholesaler, . . . shall be jointly
19 responsible, with the pharmacist-in-charge, responsible manager, or designated representative-in-
20 charge, for maintaining the records and inventory described in this section.”

21 15. Section 4105 of the Code states, in pertinent part:

22 “(a) All records or other documentation of the acquisition and disposition of dangerous
23 drugs and dangerous devices by any entity licensed by the board shall be retained on the licensed
24 premises in a readily retrievable form.

25 “(b) The licensee may remove the original records or documentation from the licensed
26 premises on a temporary basis for license-related purposes. However, a duplicate set of those
27 records or other documentation shall be retained on the licensed premises.

28

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

3

4 (e) (1) Notwithstanding subdivisions (a), (b), and (c), the board may, upon written request,
5 grant to a licensee a waiver of the requirements that the records described in subdivisions (a), (b),
6 and (c) be kept on the licensed premises.

7 (f) When requested by an authorized officer of the law or by an authorized representative
8 of the board, the owner, corporate officer, or manager of an entity licensed by the board shall
9 provide the board with the requested records within three business days of the time the request
10 was made. The entity may request in writing an extension of this timeframe for a period not to
11 exceed 14 calendar days from the date the records were requested. . ."

12 16. Section 4113, subdivisions (c) and (d), state:

13

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

16 “(d) Every pharmacy shall notify the board in writing, on a form designed by the board,
17 within 30 days of the date when a pharmacist-in-charge ceases to act as the pharmacist-in-charge,
18 and shall on the same form propose another pharmacist to take over as the pharmacist-in-charge.
19 The proposed replacement pharmacist-in-charge shall be subject to approval by the board. If
20 disapproved, the pharmacy shall propose another replacement within 15 days of the date of
21 disapproval and shall continue to name proposed replacements until a pharmacist-in-charge is
22 approved by the Board.”

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

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

27

28

1 "(d) The clearly excessive furnishing of controlled substances in violation of subdivision (a)
2 of Section 11153 of the Health and Safety Code.

3 "(e) The clearly excessive furnishing of controlled substances in violation of subdivision (a)
4 of Section 11153.5 of the Health and Safety Code. Factors to be considered in determining
5 whether the furnishing of controlled substances is clearly excessive shall include, but not be
6 limited to, the amount of controlled substances furnished, the previous ordering pattern of the
7 customer (including size and frequency of orders), the type and size of the customer, and where
8 and to whom the customer distributes its product.

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

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

14

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

17

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

22

23 "(q) Engaging in any conduct that subverts or attempts to subvert an investigation of the
24 board."

25 18. Section 4305 provides, in pertinent part:

26 "(a) Failure by any pharmacist to notify the board in writing that he or she has ceased to
27 act as the pharmacist-in-charge of a pharmacy, or by any pharmacy to notify the board in writing
28

1 that a pharmacist-in-charge is no longer acting in that capacity, within the 30-day period specified
2 in Sections 4101 and 4113 shall constitute grounds for disciplinary action.

3 “(b) Operation of a pharmacy for more than 30 days without supervision or management
4 by a pharmacist-in-charge shall constitute grounds for disciplinary action.”

5 19. Health and Safety Code section 11153, subdivision (a) states:

6 “(a) A prescription for a controlled substance shall only be issued for a legitimate medical
7 purpose by an individual practitioner acting in the usual course of his or her professional practice.
8 The responsibility for the proper prescribing and dispensing of controlled substances is upon the
9 prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the
10 prescription. Except as authorized by this division, the following are not legal prescriptions:

11 (1) an order purporting to be a prescription which is issued not in the usual course of professional
12 treatment or in legitimate and authorized research; or (2) an order for an addict or habitual user of
13 controlled substances, which is issued not in the course of professional treatment or as part of an
14 authorized narcotic treatment program, for the purpose of providing the user with controlled
15 substances, sufficient to keep him or her comfortable by maintaining customary use.”

16 20. Health and Safety Code section 11153.5, subdivision (a) states:

17 “(a) No wholesaler or manufacturer, or agent or employee of a wholesaler or manufacturer,
18 shall furnish controlled substances for other than legitimate medical purpose.

19 “(b) Anyone who violates this section knowingly, or having a conscious disregard for the
20 fact, that the controlled substances are for other than a legitimate medical purpose shall be
21 punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code, or in
22 a county jail not exceeding one year, or by fine not exceeding twenty thousand dollars (\$20,000),
23 or by both that fine and imprisonment.

24 “(c) Factors to be considered in determining whether a wholesaler or manufacturer, or
25 agent or employee of a wholesaler or manufacturer, furnished controlled substances knowing or
26 having a conscious disregard for the fact that the controlled substances are for other than
27 legitimate medical purpose shall include, but not be limited to, whether the use of controlled
28 substances was for purposes of increasing athletic ability or performance, the amount of

1 controlled substances furnished, the previous ordering pattern of the customer (including size and
2 frequency of orders), the type and size of the customer, and where and to whom the customer
3 distributes the product.”

4 21. Health and Safety Code section 11162.1 states, in pertinent part:

5 “(a) The prescription forms for controlled substances shall be printed with the following
6 features:

7

8 “(2) A watermark shall be printed on the backside of the prescription blank; the watermark
9 shall consist of the words “California Security Prescription.”

10

11 “(4) A feature printed in thermochromic ink.

12

13 “(6) A description of the security features shall be printed on the form . . .

14

15 “(b) Each batch of controlled substance prescription forms shall have the lot number
16 printed on the form and each form within that batch shall be numbered sequentially beginning
17 with the numeral one.”

18 22. Health and Safety Code section 11164 provides, in relevant part:

19 “Except as provided in Section 11167, no person shall prescribe a controlled substance, nor
20 shall any person fill, compound, or dispense a prescription for a controlled substance, unless it
21 complies with the requirements of this section.

22 (a) Each prescription for a controlled substance classified in Schedule II, III, IV, or V,
23 except as authorized by subdivision (b), shall be made on a controlled substance prescription form
24 as specified in Section 11162.1 and shall meet the following requirements:

25 (1) The prescription shall be signed and dated by the prescriber in ink and shall contain the
26 prescriber's address and telephone number; the name of the ultimate user or research subject, or,
27 contact information as determined by the Secretary of the United States Department of Health and
28 Human Services; refill information, such as the number of refills ordered and whether the

1 prescription is a first-time request or a refill; and the name, quantity, strength, and directions for
2 use of the controlled substance prescribed.

3 (2) The prescription shall also contain the address of the person for whom the controlled
4 substance is prescribed. If the prescriber does not specify this address on the prescription, the
5 pharmacist filling the prescription or an employee acting under the direction of the pharmacist
6 shall write or type the address on the prescription or maintain this information in a readily
7 retrievable form in the pharmacy.”

8 REGULATORY PROVISIONS

9 23. California Code of Regulations, title 16, section 1709.1 provides that: “(a) The
10 pharmacist-in-charge of a pharmacy shall be employed at that location and shall have
11 responsibility for the daily operation of the pharmacy.”

12 24. California Code of Regulations, title 16, section 1714, states in pertinent part:

13

14 "(b) Each pharmacy licensed by the board shall maintain its facilities, space, fixtures, and
15 equipment so that drugs are safely and properly prepared, maintained, secured and distributed.
16 The pharmacy shall be of sufficient size and unobstructed area to accommodate the safe practice
17 of pharmacy.

18 "(c) The pharmacy and fixtures and equipment shall be maintained in a clean and orderly
19 condition. The pharmacy shall be dry, well-ventilated, free from rodents and insects, and properly
20 lighted. The pharmacy shall be equipped with a sink with hot and cold running water for
21 pharmaceutical purposes.

22 "(d) Each pharmacist while on duty shall be responsible for the security of the prescription
23 department, including provisions for effective control against theft or diversion of dangerous
24 drugs and devices, and records for such drugs and devices. Possession of a key to the pharmacy
25 where dangerous drugs and controlled substances are stored shall be restricted to a pharmacist."

26 25. California Code of Regulations, title 16, section 1715, states, in relevant part:

27 "(a) The pharmacist-in-charge of each pharmacy as defined under section 4029 or section
28 4037 of the Business and Professions Code shall complete a self-assessment of the pharmacy's

1 compliance with federal and state pharmacy law. The assessment shall be performed before July 1
2 of every odd-numbered year. The primary purpose of the self-assessment is to promote
3 compliance through self-examination and education.

4 “(b) In addition to the self-assessment required in subdivision (a) of this section, the
5 pharmacist-in-charge shall complete a self-assessment within 30 days whenever:

6

7 “(2) There is a change in the pharmacist-in-charge, and he or she becomes the new
8 pharmacist-in-charge of a pharmacy.

9

10 “(c) The components of this assessment shall be on Form 17M-13 (Rev. 10/14) entitled
11 “Community Pharmacy Self-Assessment Hospital Outpatient Pharmacy Self-Assessment” and on
12 Form 17M-14 (Rev. 10/14) entitled “Hospital Pharmacy Self-Assessment” which are hereby
13 incorporated by reference to evaluate compliance with federal and state laws and regulations.

14 “(d) Each self-assessment shall be kept on file in the pharmacy for three years after it is
15 performed.”

16 26. California Code of Regulations, title 16, section 1716 provides that:

17 "Pharmacists shall not deviate from the requirements of a prescription except upon the prior
18 consent of the prescriber or to select the drug product in accordance with Section 4073 of the
19 Business and Professions Code.

20 "Nothing in this regulation is intended to prohibit a pharmacist from exercising commonly-
21 accepted pharmaceutical practice in the compounding or dispensing of a prescription."

22 27. California Code of Regulations, title 16, section 1718 states:

23 "'Current Inventory' as used in Sections 4081 and 4332 of the Business and Professions
24 Code shall be considered to include complete accountability for all dangerous drugs handled by
25 every licensee enumerated in Sections 4081 and 4332.

26 "The controlled substances inventories required by Title 21, CFR, Section 1304 shall be
27 available for inspection upon request for at least 3 years after the date of the inventory."

28

1 28. California Code of Regulations, title 16, section 1761 states:

2 "(a) No pharmacist shall compound or dispense any prescription which contains any
3 significant error, omission, irregularity, uncertainty, ambiguity or alteration. Upon receipt of any
4 such prescription, the pharmacist shall contact the prescriber to obtain the information needed to
5 validate the prescription.

6 "(b) Even after conferring with the prescriber, a pharmacist shall not compound or dispense
7 a controlled substance prescription where the pharmacist knows or has objective reason to know
8 that said prescription was not issued for a legitimate medical purpose."

9 **COST RECOVERY**

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

14 **CONTROLLED SUBSTANCES**

15 30. Alprazolam, the generic name for Xanax, is a Schedule IV controlled substance
16 pursuant to Health and Safety Code section 11057, subdivision (d)(1) and is a dangerous drug
17 pursuant to Code section 4022.

18 31. Hydrocodone/acetaminophen is a Schedule III controlled substance pursuant to
19 Health and Safety Code section 11056, subdivision (e)(4) and is a dangerous drug pursuant to
20 Code section 4022

21 32. Oxycodone is a Schedule II controlled substance pursuant to Health and Safety Code
22 section 11055, subdivision (b)(1)(M) and is a dangerous drug pursuant to Code section 4022.

23 33. Carisoprodol, also known as Soma, is a Schedule IV controlled substance pursuant to
24 California Code of Regulations, title 21, section 1308.14, subdivision (c)(6), and is a dangerous
25 drug pursuant to Code section 4022.

26 34. Amphetamine, also known as Adderal, is a Schedule II controlled substance pursuant
27 to Health and Safety Code section 11055, subdivision (d)(1), and is a dangerous drug pursuant to
28 Code section 4022.

1 35. Promethazine/codeine cough syrup, also known as Codeine, is a Schedule II
2 controlled substance pursuant to Health and Safety Code section 11055, subdivision (b)(1)(G),
3 and is a dangerous drug pursuant to Code section 4022.

4 **BACKGROUND RE BOARD INVESTIGATION ON JANUARY 30-31, 2013**

5 36. In 2013, the Board received consumer complaints regarding both Joseph Amin and
6 Respondent Sharim, co-owners of Respondent Century Discount Pharmacy, alleging poor
7 pharmacy practice with respect to controlled substances. Due to the potential for missing
8 controlled substances and records, the Board initiated on-site inspections of Respondent Century
9 Discount Pharmacy on January 30 and 31, 2013.

10 37. During the course of the inspections, drug usage reports were requested from the
11 pharmacy that were reviewed along with the pharmacy's drug inventory, DEA inventories,
12 patient prescription profiles, and acquisition records, among other documents.

13 38. Examination of prescription records for controlled substances raised many red flags
14 including a repeating pattern of prescriptions written by Drs. N.C. and E.R., and Nurse
15 Practitioner (NP) P.P. Each prescription had nearly identical handwriting with similar spacing.
16 In addition, most medical offices/clinics and patients were listed in either Compton or Los
17 Angeles, CA, yet Respondent Century Discount Pharmacy, the pharmacy issuing the
18 prescriptions, was located in Reseda, CA. More often than not, the patients traveled
19 approximately 73 miles to fill their prescriptions. Additionally, further examination of the
20 prescriptions revealed that the majority of patient names for both controlled and non-controlled
21 prescription records were of Middle Eastern descent.¹ Yet the vast majority of prescriptions
22 issued by Drs. N.C. and E.R., and NP P.P. were for patients of non-Middle Eastern descent.

23 39. Also during the inspection, a review of computer records revealed the existence of
24 seven medications with altered names that did not match National Drug Code numbers for any
25 known drugs. The names included: (1) NNNCODONE HCL 30 MG TAB; (2) NNNCODONE
26 HCL TAB; (3) NNNCODONE HCL" MG TAB; (4) NNNRAzolam 2 MG TAB; (5)

27 ¹ Pharmacist Nouri Nourani advised inspectors that Respondent Century Discount Pharmacy
28 primarily services a Persian community.

1 NNNROCOD/APAP MG TAB; (6) NNNROCODONE/APAP MG TAB; and (7) NNYCODON'
2 HCL 30 MG TAB.

3 40. A Board inspector also requested computer records from the pharmacy's software
4 vendor for all medications filled and dispensed from 8-1-2011 to 1-31-2013. Additionally, the
5 Board inspector requested a Controlled Substance Utilization Review and Evaluation System
6 ("CURES") report for that date range. Examination of these records revealed that Respondent
7 had filled a total of 44,090 prescriptions. Of these prescriptions, 7,808 (or 17.71%) of the
8 prescriptions were for controlled substances. Of the controlled substance prescriptions, the most
9 dispensed prescriptions were alprazolam 2 mg, hydrocodone acetaminophen 10/325 mg,
10 oxycodone 30 mg, hydrocodone acetaminophen 5/500 mg, and zolpidem 10 mg. With the
11 exception of zolpidem 10 mg, these were the same medications with altered names in Respondent
12 Century Discount Pharmacy's computer records.

13 41. On or around February 6, 2013, a meeting was arranged with Respondent Sharim.
14 When asked what criteria he uses for evaluating a controlled substance prescription, he failed to
15 offer specific criteria. However, he indicated that he would notice people in pain while they were
16 in the pharmacy and he would also call the prescribers (often on their cell phones) to verify the
17 prescriptions. Respondent Sharim also noted that he had a limit of six prescriptions for
18 oxycodone per day. After filling six prescriptions, he would stop. Respondent Sharim did not
19 mention that he used any of the following methods to check the legitimacy of the prescriptions:
20 (1) drug utilization review of a patient's prescription history; (2) the distance between the
21 pharmacy and the prescriber; (3) the distance between the pharmacy and the residence of the
22 patient; and (4) how a legitimate medical purpose was determined.

23 42. On or about February 8, 2013, a Board investigator conducted an audit of certain
24 controlled substances that had been dispensed at Respondent Century Discount Pharmacy from 8-
25 1-2011 to 1-31-2013. The results of the audit were as follows:

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Drug Name and Strength	Initial Amount	Amount Ordered	Total Amount	Dispensed Amount	Amount to be Accounted	Stock on Hand	Amount Over	Amount Short
Hydrocodone/ Apap 10/500 mg	333	155,500	155,833	151,930	3903	109		-3794
Hydrocodone/ Apap 10/325 mg	1000	187,00	188,00	183,564	4436	190		-4246
Alprazolam 2 mg	1250	282,100	283,350	279,240	4110	418		-3692
Oxycodone 30 mg	1220 (from perpetual inv.)	161,600	162,820	161,370	1450	10		-1440

43. Based on a review of the pharmacy's computer records and hard copy prescriptions, a Board investigator determined that prescriptions for Oxycontin 30 mg (oxycodone 30 mg extended release or long acting) prescribed by Drs. R.A., N.C., and E.R., and NP P.P. were filled with shorting acting oxycodone 30 mg. A total of 879 prescriptions were confirmed to have been erroneously filled. Of these prescriptions, 851 prescriptions had a tag with the initial "DS" for Respondent Sharim and 28 prescriptions had a tag with the initials "JK" for Respondent Kim.

44. In order to determine if Respondent Century Discount Pharmacy was dispensing an excessive amount of controlled substances, on or around February 25, 2013, letters were sent to certain prescribers along with a list of prescriptions dispensed by the pharmacy between August 1, 2011 and January 31, 2013. The prescribers were asked to review the list of patients and medications to determine if the patients were prescribed the medications for a legitimate medical purpose.

45. In March 2013, certain prescribers responded to letters from the Board investigator. NP P.P. indicated that she did not write any of the prescriptions for the medications that were listed in the letter. Dr. R.A. indicated that she had not seen the patients listed and did not prescribe any of the medications on the list. Drs. J.B., E.R., and M.S. also indicated that they did not write any of the prescriptions on the list. Conversely, Drs. E.C. and B.O. indicated that they did write the prescriptions. Drs. R.L. and N.C. did not reply.

46. A Board investigator made a determination about the percentage of controlled substance prescriptions versus non-controlled substance prescriptions that were allegedly written

1 by the prescribers to whom the investigator sent his letters. He also made a determination
2 regarding whether or not the prescriptions were paid with cash, i.e., insurance was bypassed. For
3 the time period July 1, 2010 to January 31, 2013 the results were: (1) 99.5% of the prescriptions
4 written by NP P.P. were controlled substances and 100% of the prescriptions bypassed insurance;
5 (2) 100% of the prescriptions written by Dr. R.A. were controlled substances and 100% of the
6 prescriptions bypassed insurance; (3) 100% of the prescriptions written by Dr. J.B. were for
7 controlled substances and 100% of the prescriptions bypassed insurance; (4) 76.72% of the
8 prescriptions written by Dr. M.S. were for controlled substances and 100% of the prescriptions
9 bypassed insurance; (5) 80% of the prescriptions written by Dr. E.C. were for controlled
10 substances and 100% of the prescriptions bypassed insurance; (6) 98.37% of the prescriptions
11 written by Dr. R.L. were for controlled substances and 100% of the prescriptions bypassed
12 insurance; (7) 97% of the prescriptions written by Dr. B.O. were for controlled substances and
13 99.43% of the prescriptions bypassed insurance; (8) 98.67% of the prescriptions written by Dr.
14 E.R. were for controlled substances and 100% of the prescriptions bypassed insurance; and (9)
15 100% of the prescriptions written by Dr. N.C. were for controlled substances and 100% of the
16 prescriptions bypassed insurance.

17 47. In a further effort to determine if Respondent Century Discount Pharmacy was
18 dispensing an excessive amount of controlled substances, the dispensing practices of the
19 pharmacy were compared to four other pharmacies located less than one mile away. Included
20 among the four pharmacies were two major retail chains.

21 48. The data showed that between July 1, 2010 and January 31, 2013, Respondent
22 Century Discount Pharmacy filled 344,672 more oxycodone 30 mg tablets versus a Walgreens
23 pharmacy down the street, and 358,169 more oxycodone 30 mg tablets versus the CVS pharmacy
24 down the street.

FIRST CAUSE FOR DISCIPLINE

(Violation of Corresponding Responsibility)

27 49. Respondent Century Discount Pharmacy and Respondent Sharim are subject to
28 disciplinary action under Code section 4301, subdivisions (d) and (j), in conjunction with Health

1 and Safety Code section 11153, subdivision (a), in that they violated their corresponding
2 responsibility by excessively furnishing controlled substances. Respondent Sharim misused his
3 education and experience as a pharmacist and failed to implement his best professional judgment
4 by excessively dispensing controlled substances with a high potential for abuse despite multiple
5 clues of irregularity and uncertainty related to patient and prescriber factors. The facts and
6 circumstances are as follows:

7 (a) Drs. R.A., J.B. and E.R., and NP P.P. did not write or authorize prescriptions
8 for controlled substances that Respondent Century Discount Pharmacy dispensed under their
9 names. The number of illegitimate prescriptions for controlled substances for these prescribers
10 exceeded 4000.

11 (b) A high number of the prescriptions were paid for in cash. Specifically, for Drs.
12 R.A., J.B., M.S., E.C., R.L., E.R., and N.C., and NP P.P., 100% of the patients paid for controlled
13 substances in cash.

14 (c) Many patients did not reside in the Reseda area and drove long distances to
15 have their prescriptions filled at Respondent Century Discount Pharmacy. Similarly, many
16 patients drove long distances to obtain the prescriptions from the prescribers.

17 (d) The patient population receiving controlled substances was different from the
18 regular patient population of the pharmacy.

19 (e) Patients who received controlled substances rarely received medications other
20 than controlled substances.

21 (f) Despite a notation on the prescription that a representative of Respondent
22 Century Discount Pharmacy called the prescribers to verify the prescriptions, there was no name
23 of the person verifying the prescription, just a time, date, and "MD" or "NP."

24 (g) Drs. R.A., J.B., and E.R., and NP P.P. all denied writing the prescriptions.

25 (h) Some prescriptions contained doctors' cell phone numbers, which is highly
26 irregular, and other prescriptions contained multiple stamped telephone numbers overlapping
27 each other.

28

1 prescription for the long-acting form of oxycodone 30 mg i.e., Oxycontin 30 mg. Complainant
2 incorporates by reference paragraphs 36 through 48 above as though fully set forth herein.

3 **FIFTH CAUSE FOR DISCIPLINE**

4 **(Variation from Prescriptions)**

5 54. Respondent Kim is subject to disciplinary action under Code section 4301,
6 subdivision (o), in conjunction with Code section 4052.5, subdivision (f) and California Code of
7 Regulations, title 16, section 1716, in that between August 1, 2011 and January 31, 2013,
8 Respondent Kim dispensed 28 prescriptions for the short acting form of oxycodone 30 mg when
9 the prescriber wrote a prescription for the long-acting form of oxycodone 30 mg i.e., Oxycontin
10 30 mg. The prescriptions at issue are as follows: 445958, 445957, 446010, 446009, 445944,
11 445945, 445972, 445973, 449068, 449050, 449067, 453085, 453101, 453098, 447673, 447672,
12 447678, 447679, 449039, 448998, 448996, 448997, 452140, 452138, 452145, 452147, 452360,
13 and 452361. Complainant incorporates by reference paragraphs 36 through 48 above as though
14 fully set forth herein.

15 **BACKGROUND RE: BOARD INVESTIGATION ON MARCH 10, 2015**

16 55. A Board inspection was conducted on or about March 10, 2015 at Century Discount
17 Pharmacy, in response to a letter/complaint it received on or about December 10, 2014 from
18 attorney J.M.², who represented Respondent Sharim, the owner of this pharmacy. The letter
19 alleged that, although he had not worked or been on the premises of the pharmacy for around two
20 years, due to a dispute with the co-owner of the pharmacy, Joseph Amin, he still received
21 information about occurrences at the pharmacy. On or about November 28, 2014, Sharim spoke
22 with staff pharmacist Nourani by telephone, and he stated that Amin had asked him to help
23 illegally sell oxycodone tablets from the pharmacy on the street to dealers. Nourani refused a
24 request by Amin to fill the prescriptions for oxycodone because the patients were not present. An
25

26
27 ² The initials of individuals are used in this Accusation to protect their right to privacy, but
28 upon a proper and timely discovery request from Respondent, documents will be produced which
reveal their identities.

1 inspection and drug audit did not substantiate the allegations set forth in J.M.'s letter/complaint,
2 but determined that other violations of pharmacy law had occurred, as set forth below.

3 56. Nourani was present during the Board's Inspection of the pharmacy on March 10,
4 2015. He estimated the pharmacy filled around 100-120 prescriptions per day. Nourani indicated
5 that he was the only full-time pharmacist and the pharmacist-in-charge, Respondent Urasova,
6 worked one day per week at the pharmacy.

7 57. When asked to provide the pharmacy's most recent self-assessment by the
8 pharmacist-in-charge, Nourani provided a self-assessment he had completed with his name listed
9 as the pharmacist-in-charge, even though he stated he was not the pharmacist-in-charge. Nourani
10 could not locate any self-assessment completed by Respondent Urasova, the pharmacist-in-
11 charge.

12 58. A Board inspector requested the most recent Drug Enforcement Administration
13 (DEA) Biennial Inventory, and Nourani produced a notebook containing two inventories dated
14 March 13, 2014 and August 14, 2013, which he had completed. Neither of these inventories
15 contained any entries for Schedule II (CII) controlled substances. Nourani indicated he did not
16 count the CII controlled substances because the pharmacy stopped carrying them for about two
17 years, and started re-ordering them again in October, 2014. The earliest date listed on a four-page
18 perpetual inventory for oxycodone 30 mg tablets was February 10, 2015. Nourani was not aware
19 of any inventories taken by Respondent Urasova.

20 59. When asked if there were any recent drug losses, Nourani said there were two armed
21 robberies at the pharmacy in the last two years where drugs were stolen from the pharmacy. On
22 March 11, 2013 and July 3, 2013, these incidents were reported to the DEA on DEA Form 106s,
23 as well as the Board.

24 60. Nourani denied ever seeing Amin take medications out of the pharmacy and stated he
25 could not recall if Amin ever asked him to fill a prescription which Nourani believed to be
26 illegitimate. Nourani added that "he did not want to get in trouble" with Amin. He denied seeing
27 Amin bring prescriptions into the pharmacy to fill, other than for himself or his family. Nourani
28 stated that Amin was able to order CII controlled substances, and believed Respondent Urasova

1 had power of attorney to order them, but in fact she did not. Nourani and Amin had keys to the
2 pharmacy, but Respondent Urasova did not.

3 61. During the inspection, Nourani counted the entire quantity of the following controlled
4 substances and recorded the counts on the "Stock on Hand" form, as follows: 68 oxycodone 30
5 mg tablets; 1,419 carisoprodol 350 mg tablets; 1,500 alprazolam 2mg tablets; and 1,070
6 hydrocodone/acetaminophen 10/325 mg, as Century Discount Pharmacy had generic tablets in
7 stock.

8 62. Nourani indicated that they had no records of disposition of the controlled substances,
9 other than the dispensing records. He expressed concern that the dispensing records would not be
10 complete, because he might not recall each manufacturer they had used. Consequently, it was
11 agreed that the pharmacy would request dispensing data from the software company, Cerner
12 Etreby, to ensure the records were complete.

13 63. Nourani stated the Controlled Substance Utilization Review and Evaluation System
14 records of controlled substances (CURES) dispensed by the pharmacy, showing many 6-10 day
15 periods over the last year with no controlled substance prescriptions dispensed, while other days
16 50-100 controlled substance prescriptions were filled by the pharmacy, sounded accurate. He
17 explained the pharmacy often did not pay their wholesalers in a timely manner, resulting in long
18 periods where the wholesalers would not deliver controlled substances, and there were many
19 prescriptions waiting to be filled, once a delivery was eventually made. The Board's inspector
20 also collected samples of invoices and DEA Form 222s from McKesson and AmerisourceBergen
21 and hard copy prescriptions, many of which were written by Dr. S.K.

22 64. Nourani indicated that he called and spoke with Dr. S.K.'s office staff and verified
23 that Dr. S.K. wrote the prescriptions, but that he never did so by speaking directly to Dr. S.K.
24 Sometimes large groups of people arrived at the pharmacy and dropped off their prescriptions.
25 Nourani did not have any specific information about Dr. S.K.'s medical practice or if he had a
26 specialty. Nourani did not have access to the CURES database to review a patient's prior
27 prescription history, but sometimes checked a patient's driver's license to confirm their identity
28

1 when filling their prescription. Nourani stated the focus of his evaluation of the prescription was
2 if the prescriber actually wrote it.

3 65. On or about March 11, 2015, a Board inspector interviewed Respondent Urasova by
4 telephone, who said she agreed to become the pharmacist-in-charge of Century Discount
5 Pharmacy a "few months ago", as a favor to her friend, Nourani, who had an issue with his
6 California pharmacist license. Respondent Urasova worked at the pharmacy once per week. She
7 thought she might have completed a self-assessment for the pharmacy, with Nourani's assistance
8 and a Board inspector requested that Respondent Urasova locate the self-assessment, or complete
9 one, and provide her with the first and last page.

10 66. Furthermore, a Board inspector asked Respondent Urasova if she had completed a
11 DEA biennial inventory, and she replied that she would have to ask Nourani if such an inventory
12 had been completed. To her knowledge, only the owner of the pharmacy could order CII
13 controlled substances. Respondent Urasova had not seen Dr. S.K.'s prescriptions and stated she
14 was not very familiar with retail pharmacy practice because she worked in a hospital setting.
15 Nourani told Respondent Urasova there was nothing unusual about the prescriptions at the
16 pharmacy.

17 67. Respondent Urasova said she did not have any suspicions about Amin, but she did not
18 have a key to the pharmacy and did not work there often. The pharmacy staff verified the
19 legitimacy of prescriptions by asking the patients about the indications of their prescriptions.
20 Nourani would call the prescriber to verify every prescription for a CII controlled substance.

21 68. On or about March 16, 2015, a Board inspector spoke with Respondent Urasova, who
22 told her she visited the pharmacy to discuss the inspection with Nourani. Respondent Urasova
23 said she resigned her position with the pharmacy in August of 2014 and disassociated as
24 pharmacist-in-charge with the Board. Recently, Nourani requested that she return to her position
25 as pharmacist-in-charge and further requested that she tell the Board she had not disassociated in
26 August, but had continued to function as pharmacist-in-charge since then. Respondent Urasova
27 agreed to Nourani's request, contacted the Board to retract her disassociation letter and stated that
28 she had been the responsible pharmacist-in-charge since her original association. Respondent

1 Urasova stated that, during the fall and winter of 2014, she was not actually acting as the
2 pharmacist-in-charge of Century Discount Pharmacy. Respondent Urasova stated she no longer
3 wanted to be pharmacist-in-charge of the pharmacy.

4 69. On or about March 16, 2015 and March 22, 2015, the Board's inspector received
5 emails from Respondent Urasova, stating she became the pharmacist-in-charge in May or June
6 2014, but could have been the pharmacist-in-charge as early as April 2014. Respondent Urasova
7 had been promised that it was a temporary position and they were looking for someone else to
8 assume the pharmacist-in-charge position. When she was paid in July, she was "mad" and told
9 Amin to stop depositing money in her account because she did not have time to manage the
10 pharmacy. Respondent Urasova sent an email dated August 21, 2014 to "picstatus@dca.ca.gov"
11 stating that she would like to resign her PIC position from the pharmacy. Starting on August 21st,
12 she was not performing pharmacist-in-charge duties, but Amin continued to pay her for them
13 anyway. At the end of December, Nourani contacted her and asked her to continue in the
14 pharmacist-in-charge position until April or May, when he would regain the ability to assume the
15 position. She therefore sent another email to the Board, to "picstatus@dca.ca.gov" indicating that
16 she had been "... performing PIC responsibilities at Century Discount Pharmacy ... without any
17 interruptions ... Please renew my PIC status from 8/21/14."

18 70. On April 2, 2015, a Board inspector sent a fax to the pharmacy with additional
19 questions related to the inspection and, on April 13, 2015, Nourani told her by telephone that he
20 would send the responses soon.

21 71. On April 15, 2015, Respondent Urasova faxed a response to the questions to the
22 Board's inspector, including a statement reiterating that the pharmacy had no records of
23 disposition other than dispensing records for the following controlled substances, from March 14,
24 2014 to March 10, 2015: oxycodone 30 mg tablets; carisoprodol 350 mg tablets; alprazolam 2mg
25 tablets; and hydrocodone/acetaminophen 10/325 mg tablets. Furthermore, Respondent Urasova's
26 answers to the questionnaire indicate that no drugs were returned to the wholesaler, sent to a
27 reverse distributor, or in any way sold without a prescription. In addition, if a note was made
28 about a patient or prescription, it would be made on the hard copy of the prescription. The

1 pharmacy had a policy to dispense controlled substance prescriptions only from doctors who are
 2 in the area and the “[m]ajority of patients are from the area (all).”

3 72. After the inspection, a Board inspector gathered records from wholesalers McKesson
 4 and AmerisourceBergen related to the sales of brand and generic forms of oxycodone 30 mg
 5 tablets, carisoprodol 350 mg tablets, and alprazolam 2mg tablets, to perform an audit. The audit
 6 showed the following:

7 Subject: Century Discount Pharmacy
 8 Time Period: 03/13/2014 (Close of business) to 03/10/2015
 9 11:16 am
 10 Address: 18245 Sherman Way, Reseda, CA 91335
 11 License Number: PHY 39871
 12 RPH: Nouri Noorani (RPH 58760)

Drug Name and Strength	Initial Amount	Amount Ordered WLS (A)	Total Amount (I+A)=T	Amount Dispensed or sold (D)	Amount to be Accounted for (T-D)	Stock on Hand (S)	Amount Over S≥T-D	Amount Short S≤T-D
Oxycodone 30 mg	0	M: 7,100 ABC: 18,000	25,100	25,190	-90	68	158	
Carisoprodol 350 mg	441	M:4,000 ABC: 6,000	10,441	8,783*	1,658	1,419		239
Alprazolam 2 mg	333	M:15,500 ABC: 49,000	64,833	92,144	-27,311	1,500	28,811	
Hydrocodone/Acetaminophen 10/325 mg	499	M:40,500 ABC: 134,000	174,500	173,051	1,449	1,070		379

26
 27 73. The audit showed variances in all four audited drugs, including an overage of 28,211
 28 alprazolam 2 mg tablets during the query period. Century Discount Pharmacy’s records of

1 disposition showed they dispensed more tablets than they possessed (based upon their acquisition
2 records and inventory records) during the query period, and the pharmacy was unable to account
3 for this discrepancy and, therefore, was not accountable for a current inventory of all dangerous
4 drugs.

5 74. On April 20, 2015, Nourani stated in a telephone conversation with a Board inspector
6 that the pharmacy ordered alprazolam 2 mg tablets from AmerisourceBergen and McKesson only.

7 75. On May 20, 2015, a Board inspector contacted B.C., a DEA Diversion Investigator,
8 who indicated the Automation of Reports and Consolidated Orders System (ARCOS) showed that
9 the pharmacy only ordered controlled substances from AmerisourceBergen and McKesson.

10 76. Between January 2, 2013 and March 9, 2015, the two most commonly filled
11 medications were: hydrocodone/APAP 10-325 mg tablets - 1,284 prescriptions, which constituted
12 2.86% of the total medications filled, and alprazolam 2 mg tablets - 1,091 prescriptions, which
13 constituted 2.43% of the total medications filled. The dispensing data indicated that 86.91% of
14 the prescriptions processed during this period of time were billed to prescription insurance while
15 13.09% of the prescriptions were paid for with cash.

16 77. A Board inspector reviewed the prescription profiles of several of the most common
17 prescribers at the pharmacy, and identified irregularities in the prescribing patterns of Drs. S.K.,
18 R.G. and W.S. Dr. S.K.'s prescribing profile at Century Discount Pharmacy during the query
19 period from January 2, 2013 to March 9, 2015 showed the following irregularities:

- 20 • 100% of the 1,383 prescriptions dispensed for Dr. S.K.'s patients showed cash (not
21 prescription insurance) as the payment method.
- 22 • 96.75% or 1338 out of 1,383 prescriptions dispensed for Dr. S.K.'s patients were for
23 controlled substances.
- 24 • 76.8% of Dr. S.K.'s prescriptions were for either hydrocodone/acetaminophen 10/325 mg
25 or alprazolam 2 mg, two medications with high abuse potential.
- 26 • Dr. S.K.'s self-reported areas of practice were Internal Medicine, Complementary and
27 Alternative Medicine, and Family Medicine, according to the online records for his
28 California physician's license. Given the wide variety of conditions treated by internal
29 medicine and family medicine practitioners, a much more varied prescribing profile would
30 be expected.

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- The frequent prescribing of hydrocodone/acetaminophen, a pain reliever, with alprazolam, an anti-anxiety medication, was irregular because it was unlikely that Dr. S.K.'s patients suffered from the same ailments necessitating the same combination of medications.
- The pharmacy filled many prescriptions written by Dr. S.K. on certain days.
- During the query period, the pharmacy filled an average of 80.3 prescriptions per day. When compared with the daily counts for Dr. S.K.'s prescriptions, which ranged from 47 prescriptions to 129 prescriptions on a daily basis, this was a highly irregular prescribing pattern which was unlikely for the pharmacy not to have noticed.

78. A Board inspector also reviewed the patient information for the 599 patients who received prescriptions written by Dr. S.K., which showed that 17 patients had the last name "Mason"; 17 patients had the last name "Smith"; 18 patients had the last name "Willis" and 11 patients had the last name "Wells". The record contained entries of patients with nearly identical names, but with different addresses.

79. The Board's inspector reviewed the dispensing records for prescriptions written by D.R., PA, a physician assistant working under Dr. S.K., which were filled by Century Discount Pharmacy during the query period from January 2, 2013 to March 9, 2015³. These prescriptions showed the following irregularities:

- All 653 prescriptions written by D.R., PA during the query period showed cash as the payment method.
- 98.93% of the prescriptions written by D.R., PA (all but 7 prescriptions for promethazine liquid) were written for controlled substances.
- 96.32% of the prescriptions written by D.R., PA were for hydrocodone/acetaminophen 10/325 mg, alprazolam 2 mg, or promethazine with codeine syrup, three commonly abused controlled substances.
- D.R.'s limited prescribing for a physician (Dr. S.K.) with self-reported areas of practice in Internal Medicine, Complementary and Alternative Medicine, and Family Medicine, of almost exclusively controlled substances, was not consistent with the expected prescribing profile of an internal medicine or family medicine practitioner.

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³ The earliest prescription written by D.R. was filled on May 2, 2014.

1 80. A Board inspector reviewed the dispensing records for prescriptions written by Dr.
2 R.G., which were filled at Century Discount Pharmacy during the query period from January 2,
3 2013 to March 9, 2015⁴. These prescriptions show the following irregularities:

- 4 • All 272 prescriptions written by Dr. R.G. during the query period were paid in cash.
- 5 • All 272 prescriptions written by Dr. R.G. during the query period were for controlled
6 substances.
- 7 • 94.85% (or 258 out of 272 prescriptions) written by Dr. R.G. during the query period were
8 for alprazolam 2 mg tablets or hydrocodone/acetaminophen 10/325 mg tablets.
- 9 • Dr. R.G.'s self-reported areas of practice included Family Medicine and Pain Medicine.
10 The prescribing pattern of a family medicine practitioner or pain management specialist
11 would typically be much more varied than Dr. R.G.'s profile at Century Discount
12 Pharmacy.
- 13 • Due to numerous different types of pain treated by pain specialists, the prescribing pattern
14 of pain specialists is typically varied and could include oral anti-inflammatories (e.g.
15 ibuprofen and naproxen), topical anti-inflammatories (e.g. Voltaren gel), medications
16 treating neuropathic pain (e.g. gabapentin and Lyrica), numbing agents (e.g. lidocaine
17 gel), non-controlled substance muscle relaxants (e.g. baclofen), in addition to opioid
18 agonists (e.g. hydrocodone and oxycodone) and controlled substance muscle relaxants
19 (e.g. carisprodol).
- 20 • The majority of Dr. R.G.'s patients received prescriptions for a combination of
21 hydrocodone/acetaminophen 10/325 mg and alprazolam 2 mg, which was irregular
22 because it was unlikely that all of his patients would receive the same treatment.
- 23 • All of the prescriptions written by Dr. R.G. were filled between 12/16/2014 and
24 03/09/2015 and Century Discount Pharmacy filled many prescriptions for Dr. R.G.'s
25 patients on the same days. Dr. R.G.'s highly irregular prescribing pattern should have
26 been obvious to pharmacists at Century Discount Pharmacy when filling many
27 prescriptions for the same combination of hydrocodone/acetaminophen 10/325 mg tablets
28 and alprazolam 2 mg tablets in one day.

81. A Board inspector reviewed the dispensing records for medications dispensed under
Dr. W.S.'s prescribing authority at Century Discount Pharmacy during the query period from
January 2, 2013 to March 9, 2015. The dispensing records show the following:

- All of the 101 prescriptions written by Dr. W.S. and filled at the pharmacy during the
query period showed "Cash" as the payment method.

⁴ The earliest prescription written by Dr. R.G. was filled on December 26, 2014.

- 1
- All of the prescriptions written by Dr. W.S. and filled at the pharmacy during the query period were for controlled substances.
- 2
- The dispensing profile consisted of only four medications: alprazolam 2 mg
- 3
- tablets, hydrocodone/acetaminophen 10/325 mg tablets, oxycodone 30 mg tablets,
- 4
- and promethazine/codeine syrup.
- 5
- In addition to Dr. W.S.'s patients receiving only controlled substances and paying only with cash, the distance between Dr. W.S.'s office and the pharmacy was another factor of irregularity. Dr. W.S.'s prescription blank contained two addresses:
- 6
- 14075 Hesperia Road, Suite 205 & 207, Victorville, CA 92395 and 109 East 11th
- 7
- Dr. W.S., Corona, CA 92879
- 8
- Century Discount Pharmacy processed these prescriptions with Dr. W.S.'s
- 9
- Victorville address recorded in the dispensing software.
- 10
- On 07/06/2015, a Board inspector accessed Google Maps and searched for
- 11
- directions from Dr. W.S.'s Victorville office to Century Discount
- 12
- Pharmacy according to Google Maps indicated Dr. W.S.'s office was 92.9
- 13
- miles away from Century Discount Pharmacy.
- 14
- Dr. W.S.'s self-reported areas of practice were Anesthesiology and Pain Medicine. Also,
- 15
- Dr. W.S.'s publically-available online license information disclosed an accusation and
- 16
- petition to revoke filed against Dr. W.S.'s license on 12/08/2014 by the Medical Board of
- 17
- California (MBC).⁵ The accusation document indicated MBC was attempting to revoke
- 18
- Dr. W.S.'s medical license due to improper prescribing of controlled substances.
- 19
- Once filed, accusations are included with a physician's license information on MBC's
- 20
- website and are visible to the public. Century Discount Pharmacy filled 79 prescriptions
- 21
- written by Dr. W.S. in the portion of the query period after 12/08/2014.

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82. A Board inspector reviewed the prescription documents written by Dr. S.K. and the handwriting and signatures appeared inconsistent with the prescriptions. The prescription documents listed D.R., PA-C as an alternate prescriber on many of the prescriptions documents, and did not contain any reference to the nature of Dr. S.K.'s practice. Moreover, the majority of the prescriptions had as a diagnosis "DX: L/S HNP" (either herniated nucleus pulposus of the lumbar spine or a herniated intervertebral disc which causes back pain) or "DX: chronic LBP (chronic low back pain). It would be unusual for a physician not specializing in spinal pain or

⁵ The accusation can be read online by doing a license search at MBC's website at: <http://www.mbc.ca.gov/>. The MBC issued an order adopting a stipulated surrender of Dr. W.S.'s physician's license, effective on April 13, 2016.

1 injuries to diagnose most of his patients with lower back pain. Additionally, neither of these
2 diagnoses address why alprazolam 2 mg tablets were prescribed.

3 83. Despite Respondent Urasova's statement to a Board inspector that prescription
4 verifications were documented on the prescription, there were no notations on the prescriptions or
5 documents showing the staff at Century Discount Pharmacy had in fact verified the prescriptions.

6 84. On April 1, 2015, a Board inspector sent letters to Drs. S.K., W.S., and R.G., and
7 D.R., PA, enclosing a list of prescriptions filled at Century Discount Pharmacy under each
8 prescriber's authority, and requesting that each prescriber indicate if they had prescribed each of
9 the prescriptions. No response to the Board's inspector's letter was received from Drs. W.S. and
10 R.G., or D.R., PA.

11 85. On April 10, 2015, Dr. S.K. responded in an email to the Board's inspector's April 1,
12 2015 letter that he did not recognize Century Discount Pharmacy and "All Rx's provided in your
13 list are forgeries based on the date written and medication quantity listed." Furthermore, Dr. S.K.
14 stated the signatures were forged, and he believed former employees had ordered prescription
15 pads without his knowledge and the forged prescriptions were brought to his attention recently by
16 a number of pharmacies. On April 21, 2015, Dr. S.K. attested to the truth and accuracy of the
17 information in his email under penalty of perjury.

18 86. The dispensing data for complete dispensing data for the pharmacy from January 2,
19 2013 to March 9, 2015 showed that hydrocodone/acetaminophen 10/325 mg (1,284 prescriptions
20 representing 2.86% of the total prescriptions) and alprazolam 2 mg tablets (1,091 prescriptions
21 representing 2.43% of the total prescriptions) were the two medications the pharmacy most
22 commonly dispensed during the query period.

23 **BACKGROUND RE BOARD INVESTIGATION ON JUNE 15, 2015**

24 87. A Board investigation was conducted on or about June 15, 2015 in response to a
25 consumer ("S.S.") complaint that was submitted to the Board on or about April 9, 2015, which
26 alleged that Respondent Century Discount Pharmacy had caused a significant delay in the
27 dispensing of her mother's ("E.P.") prescriptions. According to S.S., the pharmacy "took about 10
28 days" to dispense some of E.P.'s prescriptions. In addition to investigating the April 9, 2015

1 complaint, additional information was obtained which related to the Board's prior investigation of
2 March 10, 2015.

3 88. The Board's investigation revealed that Respondent Century Discount Pharmacy
4 processed E.P.'s prescriptions through "MediCal" on March 26, 2015. S.S. contacted and verified
5 with "MediCal" all medications were covered. In particular, Respondent Century Discount
6 Pharmacy did not provide E.P. her prescribed Advair diskus inhaler until April 3, 2015, eight (8)
7 days from the date Respondent Century Discount Pharmacy processed the prescription. During
8 the eight (8) day waiting period, E.P. developed a mild asthma attack. In the interim, S.S.
9 contacted Respondent Century Discount Pharmacy to find out why they have not received ANY
10 medications, but was not provided with a clear answer to her question.

11 89. When S.S. and E.P. subsequently went to Respondent Century Discount Pharmacy to
12 pick up E.P.'s prescriptions, they requested an opportunity to speak with the pharmacist about the
13 unexplained delay E.P. endured for her prescriptions to be filled. However, the pharmacist would
14 not come forward to the front counter to speak to them.

15 90. Thereafter, when S.S. called the owner of Respondent Century Discount Pharmacy,
16 Joseph Amin, in an effort to speak to him about what had occurred, she was told that Amin did
17 not have time to speak with her.

18 91. The Board's investigation ultimately determined that Respondent Century Discount
19 Pharmacy had failed to dispense E.P.'s prescription for an Advair 500/50 diskus inhaler in a
20 timely manner. The investigation further revealed that during the time Respondent Century
21 Discount Pharmacy did not have the Advair 500/50 diskus inhaler in stock, they failed to
22 inform E.P. about the situation immediately, and failed to dispense the Advair 500/50 diskus
23 inhaler until eight (8) days after E.P.'s prescription was submitted to be filled without ever
24 providing an explanation as to the reason for the delay.

25 92. The Board's consumer complaint investigation and related inspection of Respondent
26 Century Discount Pharmacy on or about June 15, 2015 also revealed that the owner of
27 Respondent Century Discount Pharmacy failed to retain and have available for inspection at all
28 times during business hours, records of acquisition of (bulk) dangerous drugs. The Board

1 inspection revealed that another pharmacy, Century Pharmacy (Santa Monica), was routinely
2 physically transferring dangerous drugs to Respondent Century Discount Pharmacy without any
3 record of these acquisitions ever being generated by Respondent Century Discount Pharmacy
4 and/or maintained on its licensed premises. Furthermore, the Board's records confirmed that
5 Respondent Century Discount Pharmacy did not have an approved waiver from the Board of its
6 obligation to maintain such records of acquisition physically located on its licensed premises.

7 93. The Board's inspection of Respondent Century Discount Pharmacy's premises on or
8 about June 15, 2015 also found that Respondent Century Discount Pharmacy had failed to
9 maintain a clean and orderly work area.

10 94. During an interview with Nourani on June 15, 2015, he stated the pharmacy could
11 only afford a certain dollar amount of medications. When the pharmacy failed to pay its
12 wholesalers, they would not make deliveries due to the outstanding balances owed to them.
13 There was a delay in dispensing prescriptions when the pharmacy ran out of medications.
14 Nourani indicated that Century Discount Pharmacy would transfer medications from Century
15 Pharmacy. Nourani stated that Amin handled the transfer of drugs from Century Pharmacy to
16 Century Discount Pharmacy and, therefore, Nourani was unaware of any records for acquisition
17 of medication from Century Pharmacy.

18 95. When Amin was interviewed by a Board inspector, he said they did maintain such
19 records. However, Amin was unable to locate any such records, including but not limited to
20 records physically stored at Century Discount Pharmacy. Amin presented an Anda Invoice for a
21 delivery of drugs to Century Pharmacy, which he explained was taken, unopened to Century
22 Discount Pharmacy. The Board's inspector informed Amin the record of drug acquisition must
23 be stored in the licensed premises and should reflect the transfer of drugs from the source to the
24 receiving pharmacy. The Board's inspector gave Mr. Amin until 06/22/2015 to gather and submit
25 Century Discount Pharmacy's records of drug acquisition from Century Pharmacy. Amin further
26 indicated that prescriptions were transferred to Century Pharmacy to be filled and then the
27 finished prescriptions were delivered to Century Discount Pharmacy to be picked up.
28 Occasionally, Amin said that he would order medications from Century Pharmacy and bring them

1 over to Century Discount Pharmacy. Although a Board inspector made numerous attempts to
2 obtain records of drug acquisitions Century Discount Pharmacy from Amin, between June 23,
3 2015 and July 13, 2015, Amin submitted a duplicate copy of the previously-submitted Anda
4 Invoice and duplicate copies of a credit memorandum from Anda to Century Discount Pharmacy,
5 which were not acceptable as records of drug acquisition. Amin provided only two records of
6 drug acquisition, which were not commensurate with Nourani's statement that medications were
7 commonly obtained for Century Discount Pharmacy from Century Pharmacy. Although Amin
8 was the owner of Century Pharmacy, he also failed to provide records of the delivery of the
9 finished prescriptions to Century Discount Pharmacy in Reseda, CA.

10 96. A Board inspector asked Nourani for two "books" of prescriptions documents of
11 recent prescriptions for non-controlled substances for Century Discount Pharmacy, including for
12 brand name medications. She also obtained hard copies of Dr. R.G.'s prescriptions from Nourani,
13 because she had not collected these documents during the inspection on March 10, 2015.

14 97. Nourani explained he would fax the prescriptions to Dr. R.G.'s office and they would
15 fax them back with "OK" written in the center. The header at the top of all but three of the 18
16 pages of faxed verifications identify Dr. R.G. with the date of April 28, 2015, at 12:35 p.m. and a
17 fax number of 714-744-0049. This 714-744-0049 fax number is the same fax number listed for
18 Dr. S.K.'s Anaheim office on the hard copies of faxed prescriptions collected during the March
19 10, 2015 inspection.

20 98. The Board's inspector reviewed all of the 31 prescriptions written by Dr. R.G., and 27
21 of these prescriptions were for Norco 10/325 mg and Xanax 2 mg. Two California identification
22 cards were collected by the inspector, which matched two names on the prescription documents.
23 The identification cards had addresses in Lancaster, which were 58.5 miles and 57.4 miles away
24 from the pharmacy.

25 99. The pharmacy labels affixed to the back of the prescription documents indicated
26 Nourani filled all of these prescriptions. Except for one prescription document, the prescriptions
27 did not conform to Health and Safety Code section 11162.1, for the following reasons:

- 1 • The prescription documents did not have a watermark consisting of the words,
2 “California Security Prescription.”
- 3 • The prescription documents listed safety features, including “thermochromic ink”, but
4 did not have a feature printed in thermochromic ink.
- 5 • The prescription documents listed safety features, including, “microprint lines”, but
6 did not contain microprint lines.
- 7 • The prescription documents printed in black did contain lot numbers and sequential
8 batch numbers.
- 9 • The prescription documents printed in blue contained only one four-digit number
10 representing a lot or batch number.

11 100. The Board’s inspectors explained to Nourani and Amin why the prescriptions did not
12 meet the requirements of Health and Safety Code section 11162.1 and were not valid
13 prescriptions. In addition, they discussed the results of the audit from the previous inspection
14 with Nourani and Amin, and told them it showed the pharmacy had dispensed more alprazolam 2
15 mg than they had ordered. When asked if there were any other sources of acquisitions for this
16 medication, other than McKesson and AmerisourceBergen, Nourani stated he was not aware of
17 any but would research this after the inspection. Amin was asked if it was possible the
18 medication was ordered at Century Pharmacy and transferred to Century Discount Pharmacy, to
19 which he replied “Absolutely not”. The Board’s inspector asked Nourani, verbally and in her
20 inspection report, to fax or email records of the acquisition of alprazolam 2 mg from any source
21 other than AmerisourceBergen and McKesson to her attention, by June 19, 2015.

22 101. The Board’s inspector followed up on her request for records of acquisition from
23 other wholesalers, besides AmerisourceBergen and McKesson, via a telephone call with Nourani,
24 who stated he was unable to locate any such records. He agreed to provide the inspector with a
25 written statement confirming the lack of additional wholesaler records. The inspector also faxed
26 a request to Nourani for the front and signature pages of the self-assessment completed by
27 pharmacist-in-charge Respondent Urasova, to be sent to her by July 13, 2015.

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1 102. Nourani did not cooperate with the Board's inspector in timely providing the
 2 requested written statement or providing the self-assessment. Having not received Respondent
 3 Urasova's self-assessment or Nourani's statement by July 13, 2015, the Board's inspector
 4 followed-up with Nourani by telephone on July 15, 2015, July 17, 2015 and July 20, 2015. On
 5 July 20, 2015, Nourani stated he sent the statement on July 16, 2015. The inspector asked him to
 6 re-fax his statement and the front and signature pages of Respondent Urasova's self-assessment.
 7 On July 24, 2015, the Board's inspector received a statement from Nourani which had been sent
 8 to the Board's Sacramento office, and stamped as received on July 17, 2015, on which Nourani
 9 wrote, "I didn't or couldn't find any alprazolam 2 mg bought from ABC Bergen or McKesson or
 10 any other company bought more than it shows." The inspector did not receive a copy of the self-
 11 assessment completed by Respondent Urasova as she had requested, despite her calls to Nourani
 12 on three occasions to remind him of her request.

13 103. On July 13, 2015, a Board inspector accessed the Department of Consumer Affairs'
 14 licensing database and determined that Respondent Urasova had disassociated as pharmacist-in-
 15 charge of Century Discount Pharmacy on March 19, 2015, but the records did not reflect the
 16 appointment of a new pharmacist-in-charge. The Board's licensing department provided the
 17 following information about whether the pharmacy had submitted either an application to appoint
 18 a new pharmacist-in-charge or an interim pharmacist-in-charge:

Date	Action
03/19/2015	PIC Urasova disassociated as pharmacist-in-charge of Century Discount Pharmacy.
04/20/2015	The Board of Pharmacy received a "Change of Pharmacist-in-Charge" form from Century Discount Pharmacy. Ms. R. stated, "The form was a copy of a fax."
06/03/2015	The Board of Pharmacy sent a letter requesting a new "Change of Pharmacist-in-Charge" form with original inked signatures to be submitted within 30 days.
06/11/2015	The Board of Pharmacy received another "Change of Pharmacist-in-Charge" form, nominating a different pharmacist-in-charge. According to Ms. R., the form was incomplete in that it did not contain the previous pharmacist-in-charge's information.
06/17/2015	The Board of Pharmacy sent a letter requesting a new "Change of Pharmacist-in-Charge" form, fully completed, to be received by the Board within 30 days of the letter's date.
07/20/2015	An email from Ms. R. confirming she had not received a response to the deficiency letter sent 06/17/2015.

1 104. The Board's investigation showed that Century Discount Pharmacy operated without
2 a pharmacist-in-charge from 03/20/2015 until at least 07/20/2015. Additionally, Century
3 Discount Pharmacy failed to respond to the deficiency notice sent 06/17/2015 within 30 days of
4 the letter's date. The emails provided by Respondent Urasova indicated she provided false
5 information to the Board when she claimed she was acting as pharmacist-in-charge at Century
6 Discount Pharmacy from August 22, 2014 to February 4, 2015.

7 105. The pharmacy's records of disposition showed they dispensed more tablets than they
8 possessed (based on their acquisition records and inventory records) during the query period. The
9 audit showed variances of all four audited drugs, including an overage of 28,811 alprazolam 2 mg
10 tablets. The pharmacy was unable to account for this discrepancy and was not accountable for a
11 current inventory of all dangerous drugs.

12 106. The dispensing data and prescription documents collected showed that Century
13 Discount Pharmacy failed to fulfill its corresponding responsibility by dispensing excessive
14 amounts of controlled substances, pursuant to prescriptions with many objective red flags.
15 Objective factors pointing to the illegitimacy of these prescriptions included the following:

- 16 1. Dispensing profiles consisting entirely of prescriptions paid in cash (not billed to
17 insurance) for Drs. S.K., R.G. and W.S., and PA, D.R.
- 18 2. Dispensing profiles consisting almost entirely of controlled substances for the
19 prescribers listed above.
- 20 3. Highly irregular prescribing patterns for the prescribers listed above. For each
21 prescriber, two to four frequently abused controlled substances accounted for the vast
22 majority of dispensing at the pharmacy.
- 23 4. Highly irregular pattern of the majority of patients of Drs. S.K. and R.G. receiving the
24 combination of hydrocodone/acetaminophen 10/325 mg tablets and alprazolam 2 mg
25 tablets with the same quantity and directions.
- 26 5. Large numbers of prescriptions for hydrocodone/acetaminophen 10/325 mg tablets
27 and alprazolam 2 mg tablets with the same quantity and directions filled on the same
28 day, often consecutively.
6. Patients travelling a driving distance of 92 miles (one way) between Dr. W.S.'s office
 and Century Discount Pharmacy in order to fill prescriptions for controlled substances.

1 107. The investigation did not find evidence of substantive attempts to confer with the
2 prescribers of these irregular controlled substance prescriptions to attempt to determine their
3 medical legitimacy. Nourani's statements indicated his efforts to verify prescriptions were
4 limited to attempts to determine if a prescriber actually wrote the prescription and not to attempts
5 to address red flags or determine if the prescription was appropriately written for a legitimate
6 medical need. While Nourani's statement indicated he attempted to confirm prescribers actually
7 wrote the prescriptions in question, he failed to identify the 1,383 prescriptions filled under Dr.
8 S.K.'s prescribing authority which Dr. S.K. denied prescribing.

9 108. The verifications of Dr. R.G.'s prescriptions collected during the inspection on June
10 15, 2015 indicated Nourani faxed images of prescriptions to Dr. R.G.'s office, on at least one
11 occasion, in an attempt to determine if Dr. R.G. wrote the prescriptions. However, Nourani's
12 statements indicated he did not speak with Dr. R.G. or anyone in his office regarding his highly
13 irregular prescribing pattern.

14 109. The dispensing record listed Nourani as the pharmacist who filled the vast majority of
15 the prescriptions during the audit period. Additionally, Nourani's statements indicated he was the
16 only pharmacist working consistently on a full time basis during this time. While Respondent
17 Urasova was pharmacist-in-charge for only part of the audit period, she was the pharmacist-in-
18 charge when almost all of the prescriptions written by Drs. S.K., R.G., and W.S., and PA, D.R.
19 were filled.

20 110. On July 22, 2015, a Board inspector sent Written Notices for the various violations
21 described above with letters soliciting any mitigating information the subjects wished to provide
22 to Century Discount Pharmacy, Nourani and Respondent Urasova.

23 111. On August 1, 2015, the Board's inspector received an email from Respondent
24 Urasova which stated: "I did faxed (sic) the self-assessment form as you requested on 03/17/2015
25 Please see attachment. The first page is the proof from fax." Respondent Urasova attached a
26 PDF file containing a self-assessment she completed, signed and dated on March 17, 2015. The
27 file also contained a confirmation page indicating the document was faxed March 17, 2015. The
28 result of the fax was listed as "NO ANSWER".

1 112. On August 2, 2015, the Board's inspector responded to Respondent Urasova's email.
2 Respondent Urasova's email indicated she did attempt to send the self-assessment as requested
3 during the inspection. However, the self-assessment was dated March 17, 2015, indicating it was
4 completed after the inspection occurred.

5 113. On August 4, 2015, the Board's inspector received two emails from Nourani. One of
6 the emails contained no content but an attachment titled, "board letter.odt", which she was unable
7 to open. The second email stated the following:

8 "TO WHOM IT MAY CONCERN,
9 I BELIVE Ms. NOELLE RANDALL COUNT FOR ALPRAZOLAM 2MG IS
10 INCORRECT. PLEASE GIVE US MORE TIME TO RECALCULATE AND SEND
11 YOU OUR FINDING. FOR EXTRA OXYCODONE 30 MG WE VARIFIED THE
12 PRESCRIPTION AND WE ASKED FOR ID DIDN'T MATCH SO WE FORGOT TO
13 DELETE THE PRESCRIPTION. FOR SHORTAGE OF CARISOPRODOL 350 MG IT
14 WAS ESTIMATED NOT EXACT COUNT. SAME THING FOR
15 HYDROCODONE/ACETAMINOPHEN 10/325 MG WAS ESTIMATED WHICH WAS
16 C3. AT THAT TIME.
17 SINCERELY YOURS
18 NOURI NOURANI"

19 114. On August 4, 2015, the Board's inspector replied via email, stating she could not
20 open the first attachment and instructed Nourani to resend it in a different form if it contained
21 information other than what was included in the second email. The inspector also extended the
22 deadline to provide mitigating information until August 10, 2015.

23 115. On August 5, 2015, the Board's inspector received another email from Nourani,
24 stating the following:

- 25
- 26 • "Dear pharmacist Noelle Randall,
27 The policy of our pharmacy Century Discount Pharmacy is to fill prescription for the
28 patient who lives near which their doctor may be far from the pharmacy, Or the doctor's
office is near by and Patient may live far from the pharmacy. These doctors (S.K., R.G.
and W.S.), They are pain management. All the prescription were verified.
Thank you
Nouri Nourani"

116. On August 6, 2015, the Board's inspector replied to Nourani via email. On August 7,
2015, the inspector received a fax from Nourani with a letter and supporting documents. Details
of the letter included the following:

- Nourani calculated Century Discount Pharmacy dispensed 91,839 tablets of alprazolam 2 mg during the audit period.

- 1 • Nourani stated Century Discount Pharmacy purchased 51 bottles of alprazolam 2 mg
2 containing 500 tablets each from McKesson.
- 3 • Nourani stated Century Discount Pharmacy purchased 128 bottles of alprazolam 2 mg
4 containing 500 tablets each from Amerisource Bergen.
- 5 • Nourani wrote, “128 + 51 = 179 bottles of 500 = 179 x 500 = 89,500 tab purchased.
6 91,839 (etreby) – 89,500(purchased) = 2,334
- 7 • Nourani wrote, “We had 845 tab on shelf on 03/13/14”

8 117. Supporting documents from Nourani included the following:

- 9 • Drug usage report for controlled substances dispensed from March 10, 2014 to March 10,
10 2015.
- 11 • Report (presumably from McKesson) showing orders and purchases of Item Number
12 2713055 from March 1, 2014 to March 31, 2015.
- 13 • Purchase History Report (presumably from Amerisource Bergen) for alprazolam 2 mg
14 from September 11, 2013 to August 4, 2015.

15 118. The Board’s investigation revealed the following inaccuracies in the accounting for
16 the acquisition and disposition of medications by Century Discount Pharmacy:

- 17 • Nourani stated Century Discount Pharmacy had 845 tablets in stock on March 13, 2014,
18 but the DEA biennial inventory stated there were 333 tablets in stock.
- 19 • Nourani stated Century Discount Pharmacy purchased 51 500-count bottles of alprazolam
20 2 mg tablets from McKesson during the audit period.
- 21 ○ The report he provided only showed purchases of one item number while the
22 certified records from McKesson showed McKesson sold alprazolam tablets with
23 three item numbers to Century Discount Pharmacy.
- 24 ○ The report Nourani provided showed purchases from March 1, 2014 to March 31,
25 2015 while the audit period was March 13, 2014 (at the close of business) to
26 March 10, 2015.
- 27 ○ Nourani asserted the report indicated 51 bottles were ordered. The report also
28 showed only 22 bottles were actually “filled” by McKesson. The certified records
provided by McKesson also showed 22 bottles of alprazolam 2 mg, with the item
number used to generate Nourani’s report, were sold to Century Discount
Pharmacy during the audit period.
- Nourani stated Century Discount Pharmacy purchased 128 bottles of 500 tablets each
from Amerisource Bergen; however, the certified records from Amerisource Bergen
showed 98 bottles sold during the audit period.

1 2015, encompassing 349 days of the 362 day audit period. Complainant incorporates by
2 reference paragraphs 32-33, and 55-118 above as though fully set forth herein.

3 **SEVENTH CAUSE FOR DISCIPLINE**

4 **(Violation of Corresponding Responsibility to Verify Prescriptions)**

5 125. Respondents Century Discount Pharmacy and Urasova are subject to disciplinary
6 action under Code section 4301, subdivisions (d) and (j), in conjunction with Health and Safety
7 Code section 11153, subdivision (a) and California Code of Regulations, title 16, section 1761,
8 subdivisions (a) and (b), in that they violated their corresponding responsibility by excessively
9 furnishing controlled substances. Respondent Urasova, as pharmacist-in-charge, misused her
10 education and experience as a pharmacist and failed to implement her best professional judgment
11 by excessively dispensing controlled substances with a high potential for abuse, despite multiple
12 clues of irregularity and uncertainty related to patient and prescriber factors, and by failing to
13 confer with the prescribers, and/or by failing to ensure that the staff of Century Discount
14 Pharmacy who were filling prescriptions for controlled substances were verifying that they were
15 issued for a legitimate medical reason. The facts and circumstances are as follows:

16 (a) The prescriptions for controlled substances written by Drs. S.K., R.G., and
17 W.S., and PA, D.R. were paid for in cash.

18 (b) Dispensing profiles consisted almost entirely of controlled substances for the
19 prescribers listed in (a) above.

20 (c) There were highly irregular prescribing patterns for the prescribers listed in (a)
21 above. For each prescriber, two to four frequently abused controlled substances accounted for the
22 majority of dispensing at Century Discount Pharmacy.

23 (d) There were highly irregular prescribing patterns for the prescribers listed in (a)
24 above, in that the majority of patients received the same combination of hydrocodone/
25 acetaminophen 10/325 mg tablets and alprazolam 2 mg tablets with the same quantity and
26 directions.

27 ///

28 ///

1 (e) Large quantities of prescriptions for hydrocodone/acetaminophen 10/325 mg
2 tablets and alprazolam 2 mg tablets with the same quantity and directions were filled on the same
3 day, often consecutively.

4 (f) Some patients travelled a driving distance of 92 miles (one way) between Dr.
5 W.S.'s office and Century Discount Pharmacy to fill their prescriptions for controlled substances.

6 (g) Dr. S.K. denied writing the prescriptions.

7 Complainant incorporates by reference paragraphs 55-56, 60, 63-71, 76-86, 96-98, 106-109,
8 and 115 above as though fully set forth herein.

9 **EIGHTH CAUSE FOR DISCIPLINE**

10 **(Dispensing Controlled Substances Pursuant to Noncompliant Prescriptions)**

11 126. Respondent Century Discount Pharmacy is subject to disciplinary action under Code
12 section 4301, subdivision (j) and/or (o) for violating California Health and Safety Code section
13 11164, in that on or about between March 19, 2015 and April 27, 2015, the pharmacy filled 30
14 prescriptions written by Dr. R.G. on prescriptions forms which did not conform to the
15 requirements of Health and Safety Code sections 11162.1, in that they did not have a watermark
16 on the back with the words "California Security Prescription"; did not have a feature printed in
17 thermochromic ink; did not include a description of the features on each prescription form; did
18 not have the lot number printed on the form; and each form within a batch was not numbered
19 sequentially beginning with the numeral one, as more fully set forth in paragraphs 96-100 above
20 and incorporated herein.

21 **NINTH CAUSE FOR DISCIPLINE**

22 **(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)**

23 127. Respondent Urasova is subject to disciplinary action under sections 4301, subdivision
24 (f) (a), in that on February 4, 2015, she sent an email to picstatus@dca.ca.gov stating she had
25 been pharmacist-in-charge of Century Discount Pharmacy from August 22, 2014 to February 4,
26 2015, but subsequently sent an email on March 16, 2015, stating she was not actually acting as
27 pharmacist-in-charge and was not responsible for the daily operation of the pharmacy during this
28

1 period of time, as more fully set forth in paragraphs 56, 65, and 68-69 above, and incorporated
2 herein.

3 **TENTH CAUSE FOR DISCIPLINE**

4 **(Failure to Timely Notify the Board of a Designated Pharmacist-in-Charge)**

5 128. Respondent Century Discount Pharmacy is subject to disciplinary action under
6 section 4113, subdivision (a), in that Respondent failed to timely notify the Board in writing
7 within 30 days of designation, of the identity and license number of the designated pharmacist-in-
8 charge and the date of designation. Respondent operated from approximately March 20, 2015 to
9 at least July 20, 2015 without the supervision of a pharmacist-in-charge. In addition, Respondent
10 submitted two incomplete forms to propose a new pharmacist-in-charge and failed to respond
11 within 30 days to a letter from the Board notifying the pharmacy of deficiencies in one of the
12 forms. Complainant incorporates by reference paragraphs 103-104 above as though fully set
13 forth herein.

14 **ELEVENTH CAUSE FOR DISCIPLINE**

15 **(Failure to Complete a Pharmacy Self-Assessment)**

16 129. Respondent Urasova is subject to disciplinary action under sections 4301, subdivision
17 (o) and 4113, subdivision (c) of the Code, and California Code of Regulations, title 16, section
18 1715, subdivisions (a), (b)(2), (c) and (d) in that the required self-assessment of the pharmacy's
19 compliance with federal and state pharmacy law completed by Respondent Urasova was not
20 available during an inspection by the Board on March 10, 2015, and the self-assessment which
21 was provided by Respondent Urasova on March 17, 2015 was more than 30 days after she
22 became the pharmacist-in-charge of Century Discount Pharmacy. The circumstances of this
23 conduct are more fully set forth above in paragraphs 55-57, 65, 101-102, and 111-112 as though
24 fully set forth herein.

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TWELFTH CAUSE FOR DISCIPLINE

**(Unprofessional Conduct – Obstructing Patient in
Obtaining Prescription Drug or Device)**

130. Respondent Century Discount Pharmacy is subject to disciplinary action under Code section 733, subdivisions (a) and (b), in that pursuant to the Board’s investigation conducted on June 15, 2015, Respondent Century Discount Pharmacy failed to dispense E.P.’s prescription for an Advair 500/50 diskus inhaler in a timely manner. During the time the Respondent Century Discount Pharmacy did not have such medication in stock, it failed to immediately inform the patient about the situation and had the patient wait for eight (8) days before delivering the medication, without ever providing the patient or the consumer-complainant (the patient’s daughter) the reason for the delay. Complainant incorporates by reference paragraphs 87-91 above as though fully set forth herein.

THIRTEENTH CAUSE FOR DISCIPLINE

(Failure to Maintain and Retain Records of Dangerous Drugs on Licensed Premises)

131. Respondent Century Discount Pharmacy is subject to disciplinary action under Code sections 4081, subdivision (a), 4105, subdivision (a), and 4105, subdivision (e)(1), in that pursuant to the Board’s investigation conducted on June 15, 2015, the owner of Respondent Century Discount Pharmacy failed to retain and have available for inspection at all times during business hours, records of acquisition of (bulk) dangerous drugs, without an approved waiver from the Board of its obligation to maintain such records of acquisition on the its licensed premises. Complainant incorporates by reference paragraphs 92, 94-95, and 119-123 above as though fully set forth herein.

FOURTEENTH CAUSE FOR DISCIPLINE

(Failure to Maintain Pharmacy and Fixtures in a Clean and Orderly Condition)

132. Respondent Century Discount Pharmacy is subject to disciplinary action under California Code of Regulations, title 16, section 1714, subdivisions (b) and (c), in that pursuant to the Board’s investigation and inspection conducted on June 15, 2015, the owner of Respondent

1 Century Discount Pharmacy failed to maintain a clean and orderly work area. Complainant
2 incorporates by reference paragraph 93 above as though fully set forth herein.

3 **INVESTIGATION REPORT OF NOVEMBER 1, 2016 - HUMANA COMPLAINT**

4 133. On June 28, 2016, the Board received a complaint from E.W., an employee of
5 Humana Health Insurance (Humana). E.W. alleged that Respondent Century Discount Pharmacy
6 billed Humana for "services notrendered" and that a desktop audit had revealed 16 discrepancies
7 in prescriptions, of which 14 were unauthorized refills. E.W. also identified a negative variance
8 indicating Respondent Century Discount Pharmacy sold more than they purchased from Humana
9 between May 4, 2014 and June 24, 2015 in regard to the 5 drugs listed below.

10

Medication from Humana desk audit showing negative variance			
Drug Name	Qty. Purchased	Qty. Billed	Difference
Janumet 50-1,000mg tablet	1140	1560	-420
Lovaza 1 GM capsule	3240	4080	-840
Nasonex 50 mcg nasal spray	391	442	-51
Restasis 0.05% eye drops	2520	3510	-990
Zenpep DR 20,000 unit capsule	900	990	-90

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16 134. Drug utilization reports from January 1, 2014 to December 31, 2015 for the five drugs
17 were identified by the Board's inspector for purposes of establishing dispensing trends prior to,
18 during and after the Humana audit, referenced in paragraph 133 above. The date range for this
19 audit was expanded to include the periods six months before and after the period covered by
20 Humana's audit in order to obtain an accurate assessment. The data clearly shows during the
21 expanded date range, there did not appear to be a change in the dispensing trends for these drugs.
22 This date range was utilized for the Board's audit, and the purchase records from wholesalers
23 were reviewed for these specific National Drug Code's dispensed by Respondent Century
24 Discount Pharmacy, as reflected in the chart below.

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Drug utilization reports from 01/01/2014 to 12/31/15		
Drug Description/NDC code	Total RXs.	Total Dispense Qty.
Janumet 50-1,000mg tablet/00006-0577-61	40	2,400 tablets
Lovaza 1 GM capsule/00173-0783-02	134	12,780 capsules
Nasonex 50 mcg nasal spray (17gm/box)/00085-1288-01	113	1,921 (113 boxes)
Restasis 0.05% eye drops (30/box)/ 00023-9163-30	239	10,830
Zenpep DR 20,000 unit capsule/ 42865-0103-02	14	1,260

135. The audit performed by E.W. at Humana did not have complete dispensing history or wholesaler invoices reflecting a fixed time frame. Therefore, the Board's audit was used to determine any violations of pharmacy laws based on following parameters:

- In addition to the dispensing history, the purchase records provided by Respondent Century Discount Pharmacy from the 5 wholesalers from whom the purchase summaries were obtained were included in the Board's audit. Sterling Pharmaceutical Wholesale Corporation (SP) was excluded because the invoices provided to Humana were not for Respondent Century Discount Pharmacy. This wholesaler (SP) was no longer in business, and Respondent PIC Pezhmannia was unable to provide purchase records from SP.
- The Board's audit only included the NDCs of the five specific drugs whose dispensing reports were gathered from Respondent Century Discount Pharmacy on October 10, 2016.
- The Board's audit specifically covered the date range of January 1, 2014 to December 31, 2015 for purposes of capturing the drug utilization activity before and after the Humana audit range of May 4, 2014 to June 24, 2015.
- A zero based audit for the beginning and end inventories was conducted, since no on hand quantity were available. The purchase and dispensing records did not show a huge movement for these drugs before, during and after the Humana audit range.

136. According to Respondent Century Discount Pharmacy, the following table represents the alleged sources of the subject drugs.

Purchases Summary for the wholesalers CDP from 1/1/14 to 12/31/15 for the specific NDC identified on the dispensing reports obtained from CDP. (Note no data for SP was available)

	Top RX	IPC	Anda	Amerisource	McKesson	Total
Janumet 50-1,000mg tablet (#60/bottle) tablets NDC: 00006-0577-61	0	0	0	660	990	1,560
Lovaza 1 GM capsule (#120/bottle) capsules NDC: 00173-0783-02	0	0	0	240	1,800	2,040
Nasonex 50 mcg nasal spray (17 gm/box) NDC: 00085-1288-01	0	0	0	136	272	408
Restasis 0.05% eye drops (30 vials/box) NDC: 00023-9163-30	0	0	0	1,350	1,560	2,910
Zenpep DR 20,000 U capsules (#100/bottle) NDC: 42865-0103-02	0	100	0	100	600	800

137. The table below shows the acquisition and disposition summary for the date range of January 1, 2014 to December 31, 2015. The acquisition totals, less disposition totals, equal the variance. A positive variance indicates a shortage (purchases/acquisitions greater than sales/disposition). A negative variance indicates an overage (sold more than purchased). The Board's audit revealed significant variances showing Respondent Century Discount Pharmacy sold/dispensed more than they purchased from their wholesalers. Since Respondent Century Discount Pharmacy was unable to provide evidence of their purchase records from SP, it is uncertain how significant an impact the data would make. Furthermore, the pharmacy could not provide any purchase invoices from SP because they were discarded, and SP went out of business sometime around September/October of 2015. SP did not appear to be Respondent Century Discount Pharmacy's primary vendor, and the purchase histories from the other vendors were consistent with no erratic purchase patterns.

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The Board's audit results for five specific NDCs dispensed by CDP from 1/1/14 to 12/31/15							
Drug	Begin Inv.	Five WLS (ACQ)	ACQ TOTAL	Disposition	End Inv.	DISPO TOTAL	Variance
Janumet 50-1,000mg tablet (#60/bottle) tablets; NDC: 00006-0577-61	0	1,560	1,560	2,400	0	2,400	-840
Lovaza 1 GM capsule (#120/bottle) capsules; NDC: 00173-0783-02	0	4,200	4,200	12,780	0	12,780	-8,580
Nasonex 50 mcg nasal spray (17 gm/box) ; NDC:00085-1288-01	0	408	408	1,921	0	1,921	-1,513
Restasis 0.05% eye drops (30 units/box) ; NDC: 00023-9163-30	0	2,910	2,910	10,830	0	10,830	-7,920
Zenpep DR 20,000 unit capsule (#100/bottle) 42865-0103-02 NDC: 42865-0103-02	0	800	800	1,260	0	1,260	-460

138. In addition to the above, the Board inspector determined that from on or about March 19, 2015 to on or about June 4, 2015, Respondent Century Discount Pharmacy was operating without a pharmacist-in-charge (PIC) for more than 30 days. Respondent Urasova disassociated as PIC on March 19, 2015, and the new PIC, Respondent Pezhmannia was not identified until June 5, 2015.

139. In summary, the Board received a complaint from an insurance company accusing Respondent Century Discount Pharmacy of medication shortages and services not rendered to its clients. The Board's investigation substantiated some of these allegations. In addition, other violations related to records retention and other acts of unprofessional conduct were also identified by the Board inspector as a result of this investigation.

FIFTEENTH CAUSE FOR DISCIPLINE

(Furnishing Dangerous Drugs without a Prescriptions)

140. Respondents Century Discount Pharmacy and Urasova are subject to disciplinary action pursuant to Code section 4059, subdivision (a), in that on 7 instances between on or about June 12, 2014 and on or about January 13, 2015, they filled prescriptions RX#465996 for Restasis, a dangerous drug, which were not authorized by the prescriber. Complainant incorporates by reference paragraphs 133-139 above as though fully set forth herein.

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SIXTEENTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Unlawful Refilling of Prescription and Billing Fraud)

141. Respondents Century Discount Pharmacy, Urasova, and Sharim are subject to disciplinary action under Code section 4301, subdivisions (f) and (g), in that between on or about June 12, 2014 and on or about January 13, 2015, Respondent Century Discount Pharmacy created a prescription record for RX#465996 for Restasis, a dangerous drug, for a patient, and subsequently refilled it 8 times without authorization from the prescriber. Additionally, the patient never received the medication for any of these prescriptions, and Respondent Century Discount Pharmacy billed a third party insurance provider for these prescriptions. Complainant incorporates by reference paragraphs 133-139 above as though fully set forth herein.

SEVENTEENTH CAUSE FOR DISCIPLINE

(Records of Acquisition and Disposition)

142. Respondents Century Discount Pharmacy, Urasova, Pezhmannia and Sharim, are subject to disciplinary action under Code section 4301, subdivision (o), in conjunction with sections 4081, subdivision (a), and 4105, subdivisions (a) and (c), and California Code of Regulations, title 16, section 1718, in that according to the findings of an audit conducted by the Board, between on or about January 1, 2014 and on or about December 21, 2015, these Respondents could not account for inventory overages (physical count which exceeded total accountable inventory) of five (5) drugs, and were unable to provide records of acquisition on purchase invoices. Complainant incorporates by reference paragraphs 133-139 above as though fully set forth herein.

EIGHTEENTH CAUSE FOR DISCIPLINE

(Record Retention)

143. Respondents Century Discount Pharmacy, Pezhmannia, Urasova, and Sharim are subject to disciplinary action under Code section 4301, subdivision (o), in conjunction with section 4105, subdivisions (a), and (c), in that between on or about July 15, 2014 to about September/October 2015, Respondent Century Discount Pharmacy used SP to purchase dangerous drugs and failed to retain the records of acquisition on the licensed premises for a

1 period of 3 years. Complainant incorporates by reference paragraphs 133-139 above as though
2 fully set forth herein.

3 **NINETEENTH CAUSE FOR DISCIPLINE**

4 **(Operation of Pharmacy Without Supervision)**

5 144. Respondents Century Discount Pharmacy and Sharim are subject to disciplinary
6 action under Code sections 4301, subdivision (o), and 4305, subdivision (b), in that from on or
7 about March 19, 2015 to on or about June 4, 2015, Respondent Century Discount Pharmacy was
8 operating without a pharmacist-in-charge (PIC) for more than 30 days. Respondent Urasova
9 disassociated as PIC on March 19, 2015, and the new PIC, Respondent Pezhmannia was not
10 identified until June 5, 2015. Complainant incorporates by reference paragraph 138 above as
11 though fully set forth herein.

12 **TWENTIETH CAUSE FOR DISCIPLINE**

13 **(Operational Standards and Security)**

14 145. Respondents Pezhmannia, Urasova, and Sharim are subject to disciplinary action
15 under Code section 4301, subdivision (o), in conjunction with California Code of Regulations,
16 title 16, section 1714, subdivision (d), in that according to an audit conducted by the Board, they
17 failed to secure records of acquisition, and otherwise were unable to account for an overage of
18 five drugs on the dates below:

- 19 (a) Respondent Pezhmannia, as pharmacist in charge, for dates 6/5/15 – 12/21/15.
20 (b) Respondent Urasova, as pharmacist in charge, for dates 3/27/14 – 3/19/15.
21 (c) Respondent Sharim, as pharmacist owner, for dates 1/1/14 – 3/27/14.

22 Complainant incorporates by reference paragraphs above as though fully set forth herein.

23 **BOARD INVESTIGATION REPORT DATED NOVEMBER 1, 2016 RE DRUG AUDIT**

24 146. In or around June of 2016, a Board inspector conducted audits of controlled
25 substances at Respondent Century Discount Pharmacy and determined that from on or about June
26 5, 2015 to June 10, 2016, Respondents Century Discount Pharmacy and Pezhmannia could not
27 account for an inventory shortage of 291 amphetamine 30 mg tablets. Additionally, the Board
28 inspector determined that from on or about December 7, 2015 to on or about May 17, 2016,

1 Respondents Century Discount Pharmacy and Pezhmannia could not account for an inventory
 2 shortage of 6,691 mL of promethazine/codeine syrup. These shortages are further detailed in the
 3 tables below.

Drug Name and Strength	Initial Amount	Amount Ordered WLS (A)	Total Amount (I+A)-T	Amount Dispensed or sold (D)	Amount to be Accounted for (T-D)	Stock on Hand (S)	Amount Over S>T-D	Amount Short S<T-D
Amphetamine 30 mg	81	300	381	90	291	0		291

Drug Name and Strength	Initial Amount	Amount Ordered WLS (A)	Total Amount (I+A)-T	Amount Dispensed or sold (D)	Amount to be Accounted for (T-D)	Final Amount (S)	Amount Over S>T-D	Amount Short S<T-D
Promethazine/codeine syrup	0 mL	35,002 mL	35,002 mL	28,311 mL	6, 691mL	0 mL		6, 691 mL

TWENTY FIRST CAUSE FOR DISCIPLINE

(Operational Standards and Security)

15 147. Respondents Century Discount Pharmacy and Pezhmannia are subject to disciplinary
 16 action under Code section 4301, subdivision (o), in conjunction with title 16, California Code of
 17 Regulations, section 1714, subdivisions (b) and (d), in that they failed to maintain security of the
 18 prescription department at Respondent Century Discount Pharmacy, or make provisions for
 19 effective control against theft or diversion of dangerous drugs and devices, and records for such
 20 drugs and devices fro, on or about June 5, 2015 to on or about June 10, 2016. Complainant
 21 incorporates by reference paragraph 146 above as though fully set forth herein.

TWENTY SECOND CAUSE FOR DISCIPLINE

(Failure to Maintain a Current Inventory)

24 148. Respondents Century Discount Pharmacy and Pezhmannia are subject to disciplinary
 25 action under Code section 4301, subdivision (o), in conjunction with California Code of
 26 Regulations, title 16, section 1718, requiring complete accountability for all inventory, and that
 27 all records of manufacture and of sale, acquisition, receipt, shipment, or disposition of dangerous
 28 drugs or dangerous devices shall be at all times during business hours open to inspection by

1 authorized officers of the law, and shall be preserved for at least three years from the date of
2 making, in that an audit of controlled substances conducted by the Board determined that from on
3 or about June 5, 2015 to June 10, 2016, Respondents Century Discount Pharmacy and
4 Pezhmannia could not account for an inventory shortage of 291 amphetamine 30 mg tablets.
5 Additionally, an audit by the Board of promethazine/codeine syrup determined that from on or
6 about February 7, 2015 to on or about May 17, 2016, Respondent Century Discount Pharmacy
7 could not account for an inventory shortage of 6,691 mL of promethazine/codeine syrup.
8 Complainant incorporates by reference paragraph 146 above as though fully set forth herein.

9 **TWENTY THIRD CAUSE FOR DISCIPLINE**

10 **(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)**

11 149. Respondent Sharim is subject to disciplinary action under Code section 4301,
12 subdivisions (a) and (f), in that on November 18, 2013, Respondent Sharim entered a guilty plea
13 to one felony count of violating 18 U.S.C. section 371, in conjunction with 18 U.S.C. section
14 1347 [Conspiracy to Commit Health Care Fraud] in in the criminal proceeding entitled *United*
15 *States of America v. Farhad N. Dany Sharim* (Central Dist. Ct., Western Div. 2013, No. CR 13-
16 7450-ODW). According to the single count in the Information filed against Respondent on or
17 about October 16, 2013 in that case:

18 Beginning in or about January 2004, and continuing until in or about June 2009,
19 Respondent Sharim, who was a co-owner of Century Discount Pharmacy throughout that time
20 period, and others knowingly combined, conspired, and agreed to commit the following offense
21 against the United States: Health Care Fraud, in violation of Title 18, United States Code, section
22 1347. Respondent Sharim and other persons obtained prescriptions for drugs in the names of
23 patients whom Respondent Sharim knew had not been seen by a physician or other medical
24 professional with the authority to write prescriptions for drugs. Respondent Sharim would then
25 submit and cause to be submitted to health care benefit providers false and fraudulent claims for
26 prescription drugs for the patients whose names had been provided by another, even though
27 Respondent Sharim knew that Century Discount Pharmacy had not filled these prescriptions and
28 had not dispensed the drugs to these patients. The health care benefit program would then

1 reimburse Century Discount Pharmacy for the claim by making an electronic payment or by
2 mailing a check for deposit into their account. Respondent Sharim is now waiting formal
3 sentencing in that case, at which time he will be deemed formally convicted of the above-
4 referenced crime for which he has pleaded guilty.

5 **DISCIPLINE CONSIDERATIONS**

6 150. To determine the degree of discipline, if any, to be imposed on Respondent Century
7 Discount Pharmacy, Complainant alleges that on or about June 27, 2014, the Board issued
8 Citation No. CI 2013 58602 to Respondent Century Discount Pharmacy for violating California
9 Code of Regulations, title 16, section 1714 subdivision (b) when an audit conducted for the period
10 8-14-2013 to 9-6-2013 revealed a shortage of 312 tablets of alprazolam 2 mg. which could not be
11 accounted for. That Citation is now final and is incorporated by reference as if fully set forth
12 herein.

13 **PRAYER**

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

- 16 1. Revoking or suspending Permit Number PHY 39871, issued to Century Discount
17 Pharmacy, Inc., Farhad D. Sharim, Joseph Amin;
- 18 2. Revoking or suspending Pharmacist License Number RPH 46183, issued to Farhad
19 D. Sharim;
- 20 3. Revoking or suspending Pharmacist License Number RPH 45267, issued to Jong Am
21 Kim;
- 22 4. Revoking or suspending Pharmacist License Number RPH 45267, issued to Katerina
23 Urasova;
- 24 5. Revoking or suspending Pharmacist License Number RPH 70233, issued to David
25 Pezhmannia;

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6. Ordering Farhad D. Sharim, Jong Am Kim, Katerina Urasova, and David Pezhmannia to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

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

DATED: 3/23/17 Virginia Herold

VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

LA2013509657

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7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 4829

11 **CENTURY DISCOUNT PHARMACY,**
12 **INC., FARHAD D. SHARIM, JOSEPH**
13 **AMIN, Owners**
14 **18254 Sherman Way**
Reseda, CA 91335

A C C U S A T I O N

15 **Permit No. PHY 39871,**

16 **FARHAD D. SHARIM**
17 **P.O. Box 260771**
18 **Encino, CA 91426**

19 **Pharmacist License No. RPH 46183,**

20 **and**

21 **JONG AM KIM**
22 **P.O. Box 7282**
23 **Mission Hills, CA 91346**

Pharmacist License No. RPH 45267

Respondents:

24 Complainant alleges:

25 **PARTIES**

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

1 10. Section 4105 of the Code states, in pertinent part:

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

5 "(b) The licensee may remove the original records or documentation from the licensed
6 premises on a temporary basis for license-related purposes. However, a duplicate set of those
7 records or other documentation shall be retained on the licensed premises.

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

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

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

14

15 "(d) The clearly excessive furnishing of controlled substances in violation of subdivision (a)
16 of Section 11153 of the Health and Safety Code.

17

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

20

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

25 12. Health and Safety Code section 11153, subdivision (a) states:

26 "(a) A prescription for a controlled substance shall only be issued for a legitimate medical
27 purpose by an individual practitioner acting in the usual course of his or her professional practice.
28 The responsibility for the proper prescribing and dispensing of controlled substances is upon the

1 prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the
2 prescription. Except as authorized by this division, the following are not legal prescriptions: (1) an
3 order purporting to be a prescription which is issued not in the usual course of professional
4 treatment or in legitimate and authorized research; or (2) an order for an addict or habitual user of
5 controlled substances, which is issued not in the course of professional treatment or as part of an
6 authorized narcotic treatment program, for the purpose of providing the user with controlled
7 substances, sufficient to keep him or her comfortable by maintaining customary use."

8 REGULATORY PROVISIONS

9 13. California Code of Regulations, title 16, section 1714, subdivision (d) states:

10 "(d) Each pharmacist while on duty shall be responsible for the security of the prescription
11 department, including provisions for effective control against theft or diversion of dangerous drugs
12 and devices, and records for such drugs and devices. Possession of a key to the pharmacy where
13 dangerous drugs and controlled substances are stored shall be restricted to a pharmacist."

14 14. California Code of Regulations, title 16, section 1716 states:

15 "Pharmacists shall not deviate from the requirements of a prescription except upon the prior
16 consent of the prescriber or to select the drug product in accordance with Section 4073 of the
17 Business and Professions Code.

18 "Nothing in this regulation is intended to prohibit a pharmacist from exercising commonly-
19 accepted pharmaceutical practice in the compounding or dispensing of a prescription."

20 15. California Code of Regulations, title 16, section 1718 states:

21 "'Current Inventory' as used in Sections 4081 and 4332 of the Business and Professions
22 Code shall be considered to include complete accountability for all dangerous drugs handled by
23 every licensee enumerated in Sections 4081 and 4332.

24 "The controlled substances inventories required by Title 21, CFR, Section 1304 shall be
25 available for inspection upon request for at least 3 years after the date of the inventory."

26 16. California Code of Regulations, title 16, section 1761 states:

27 "(a) No pharmacist shall compound or dispense any prescription which contains any
28 significant error, omission, irregularity, uncertainty, ambiguity or alteration. Upon receipt of any

1 such prescription, the pharmacist shall contact the prescriber to obtain the information needed to
2 validate the prescription.

3 "(b) Even after conferring with the prescriber, a pharmacist shall not compound or dispense
4 a controlled substance prescription where the pharmacist knows or has objective reason to know
5 that said prescription was not issued for a legitimate medical purpose."

6 **COST RECOVERY**

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

11 **CONTROLLED SUBSTANCES**

12 18. Alprazolam, the generic name for Xanax, is a Schedule IV controlled substance
13 pursuant to Health and Safety Code section 11057, subdivision (d)(1) and is a dangerous drug
14 pursuant to Code section 4022.

15 19. Hydrocodone/acetaminophen is a Schedule III controlled substance pursuant to Health
16 and Safety Code section 11056, subdivision (e)(4) and is a dangerous drug pursuant to Code
17 section 4022

18 20. Oxycodone is a Schedule II controlled substance pursuant to Health and Safety Code
19 section 11055, subdivision (b)(1)(M) and is a dangerous drug pursuant to Code section 4022

20 **BACKGROUND**

21 21. In 2013, the Board received consumer complaints from both Joseph Amin and
22 Respondent Sharim, co-owners of Respondent Century Discount Pharmacy, alleging poor
23 pharmacy practice with respect to controlled substances. Due to the potential for missing
24 controlled substances and records, the Board initiated on-site inspections of Respondent Century
25 Discount Pharmacy on January 30 and 31, 2013.

26 22. During the course of the inspections, drug usage reports were requested from the
27 pharmacy that were reviewed along with the pharmacy's drug inventory, DEA inventories, patient
28 prescription profiles, and acquisition records, among other documents.

1 23. Examination of prescription records for controlled substances raised many red flags
2 including a repeating pattern of prescriptions written by Drs. Chumley and Rothman and Nurse
3 Practitioner (NP) Park. Each prescription had nearly identical handwriting with similar spacing.
4 In addition, most medical offices/clinics and patients were listed in either Compton or Los Angeles,
5 CA, yet Respondent Century Discount Pharmacy, the pharmacy issuing the prescriptions, was
6 located in Reseda, CA. More often than not, the patients traveled approximately 73 miles to fill
7 their prescriptions. Additionally, further examination of the prescriptions revealed that the
8 majority of patient names for both controlled and non-controlled prescription records were of
9 Middle Eastern decent.¹ Yet the vast majority of prescriptions issued by Drs. Chumley, Rothman,
10 and NP Park were for patients of non-Middle Eastern decent.

11 24. Also during the inspection, a review of computer records revealed the existence of
12 seven medications with altered names that did not match National Drug Code numbers for any
13 known drugs. The names included: (1) NNNCODONE HCL 30 MG TAB; (2) NNNCODONE
14 HCL TAB; (3) NNNCODONE HCL" MG TAB; (4) NNNRAzolam 2 MG TAB; (5)
15 NNNROCOD/APAP MG TAB; (6) NNNROCODONE/APAP MG TAB; and (7) NNYCODON'
16 HCL 30 MG TAB.

17 25. A Board inspector also requested computer records from the pharmacy's software
18 vendor for all medications filled and dispensed from 8-1-2011 to 1-31-2013. Additionally, the
19 Board inspector requested a Controlled Substance Utilization Review and Evaluation System
20 ("Cures") report for that date range. Examination of these records revealed that Respondent had
21 filled a total of 44,090 prescriptions. Of these prescriptions, 7,808 (or 17.71%) of the
22 prescriptions were for controlled substances. Of the controlled substance prescriptions, the most
23 dispensed prescriptions were alprazolam 2 mg, hydrocodone acetaminophen 10/32 5mg,
24 oxycodone 30 mg, hydrocodone acetaminophen 5/500 mg, and zolpidem 10 mg. With the
25 exception of zolpidem 10 mg., these were the same medications with altered names in Respondent
26 Century Discount Pharmacy's computer records.

27 ¹ Pharmacist Nouri Nourani advised inspectors that Respondent Century Discount Pharmacy
28 primarily services a Persian community.

26. On or around February 6, 2013, a meeting was arranged with Respondent Sharim. When asked what criteria he uses for evaluating a controlled substance prescription, he failed to offer specific criteria. However, he indicated that he would notice people in pain while they were in the pharmacy and he would also call the prescribers (often on their cell phones) to verify the prescriptions. Respondent Sharim also noted that he had a limit of six prescriptions for oxycodone per day. After filling six prescriptions, he would stop. Respondent Sharim did not mention that he used any of the following methods to check the legitimacy of the prescriptions: (1) drug utilization review of a patient's prescription history; (2) the distance between the pharmacy and the prescriber; (3) the distance between the pharmacy and the residence of the patient; and (4) how a legitimate medical purpose was determined.

27. On or about February 8, 2013, a Board investigator conducted an audit of certain controlled substances that had been dispensed at Respondent Century Discount Pharmacy from 8-1-2011 to 1-31-2013. The results of the audit were as follows:

Drug Name and Strength	Initial Amount	Amount Ordered	Total Amount	Dispensed Amount	Amount to be Accounted	Stock on Hand	Amount Over	Amount Short
Hydrocodone/ Apap 10/500 mg	333	155,500	155,833	151,930	3903	109		-3794
Hydrocodone/ Apap 10/325 mg	1000	187,00	188,00	183,564	4436	190		-4246
Alprazolam 2 mg	1250	282,100	283,350	279,240	4110	418		-3692
Oxycodone 30 mg	1220 (from perpetual inv.)	161,600	162,820	161,370	1450	10		-1440

28. Based on a review of Respondent Century Pharmacy's computer records and hard copy prescriptions, a Board investigator determined that prescriptions for Oxycontin 30 mg (oxycodone 30 mg extended release or long acting) prescribed by Drs. Ahmed, Chumley, and Rothman, and NP Park were filled with shorting acting oxycodone 30 mg. A total of 879 prescriptions were confirmed to have been erroneously filled. Of these prescriptions, 851

1 prescriptions had a tag with the initial "DS" for Respondent Sharim and 28 prescriptions had a tag
2 with the initials "JK" for Respondent Kim.

3 29. In order to determine if Respondent Century Discount Pharmacy was dispensing an
4 excessive amount of controlled substances, on or around February 25, 2013, letters were sent to
5 certain prescribers along with a list of prescriptions dispensed by Respondent Century Discount
6 Pharmacy between August 1, 2011 and January 31, 2013. The prescribers were asked to review
7 the list of patients and medications to determine if the patients were prescribed the medications for
8 a legitimate medical purpose.

9 30. In March 2013, certain prescribers responded to letters from the Board investigator.
10 NP Park indicated that she did not write any of the prescriptions for the medications that were
11 listed in the letter. Dr. Ahmed indicated that she had not seen the patients listed and did not
12 prescribe any of the medications on the list. Drs. Byrd, Rothman, and Sison also indicated that
13 they did not write any of the prescriptions on the list. Conversely, Drs. Casillas and Onubah
14 indicated that they did write the prescriptions. Drs. Lifson and Chumley did not reply.

15 31. A Board investigator made a determination about the percentage of controlled
16 substance prescriptions versus non-controlled substance prescriptions that were allegedly written
17 by the prescribers to whom the investigator sent his letters. He also made a determination
18 regarding whether or not the prescriptions were paid with cash, i.e., insurance was bypassed. For
19 the time period July 1, 2010 to January 31, 2013 the results were: (1) 99.5% of the prescriptions
20 written by NP Park were controlled substances and 100% of the prescriptions bypassed insurance;
21 (2) 100% of the prescriptions written by Dr. Ahmed were controlled substances and 100% of the
22 prescriptions bypassed insurance; (3) 100% of the prescriptions written by Dr. Byrd were for
23 controlled substances and 100% of the prescriptions bypassed insurance; (4) 76.72% of the
24 prescriptions written by Dr. Sison were for controlled substances and 100% of the prescriptions
25 bypassed insurance; (5) 80% of the prescriptions written by Dr. Casillas were for controlled
26 substances and 100% of the prescriptions bypassed insurance; (6) 98.37% of the prescriptions
27 written by Dr. Lifson were for controlled substances and 100% of the prescriptions bypassed
28 insurance; (7) 97% of the prescriptions written by Dr. Onubah were for controlled substances and

1 99.43% of the prescriptions bypassed insurance; (8) 98.67% of the prescriptions written by Dr.
2 Rothman were for controlled substances and 100% of the prescriptions bypassed insurance; and
3 (9) 100% of the prescriptions written by Dr. Chumley were for controlled substances and 100% of
4 the prescriptions bypassed insurance.

5 32. In a further effort to determine if Respondent Century Discount Pharmacy was
6 dispensing an excessive amount of controlled substances, the dispensing practices of Respondent
7 Century Discount Pharmacy were compared to four other pharmacies located less than one mile
8 away. Included among the four pharmacies were two major retail chains.

9 33. The data showed that between July 1, 2010 and January 31, 2013, Respondent
10 Century Discount Pharmacy filled 344,672 more oxycodone 30 mg tablets versus a Walgreens
11 pharmacy down the street and 358,169 more oxycodone 30 mg tablets versus the CVS pharmacy
12 across the street.

13 **FIRST CAUSE FOR DISCIPLINE**

14 **(Violation of Corresponding Responsibility)**

15 34. Respondent Century Discount Pharmacy and Respondent Sharim are subject to
16 disciplinary action under Code section 4301, subdivisions (d) and (j), in conjunction with Health
17 and Safety Code section 11153, subdivision (a), in that they violated their corresponding
18 responsibility by excessively furnishing controlled substances. Respondent Sharim misused his
19 education and experience as a pharmacist and failed to implement his best professional judgment
20 by excessively dispensing controlled substances with a high potential for abuse despite multiple
21 clues of irregularity and uncertainty related to patient and prescriber factors. The facts and
22 circumstances are as follows. Complainant incorporates by reference paragraphs 21 through 33 as
23 though fully set forth herein.

24 (a) Drs. Ahmed, Bryd, and Rothman, and NP Park did not write or authorize
25 prescriptions for controlled substances that Respondent Century Discount Pharmacy dispensed
26 under their names. The number of illegitimate prescriptions for controlled substances for these
27 prescribers exceeded 4000.

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1 (b) A high number of the prescriptions were paid for in cash. Specifically, for Drs.
2 Ahmed, Byrd, Sison, Casillas, Lifson, Rothman, and Chumley, and NP Park, 100% of the patients
3 paid for controlled substances in cash.

4 (c) Many patients did not reside in the Reseda area and drove long distances to have
5 their prescriptions filled at Respondent Century Discount Pharmacy. Similarly, many patients
6 drove long distances to obtain the prescriptions from the prescribers.

7 (d) The patient population receiving controlled substances was different from the
8 regular patient population of the pharmacy.

9 (e) Patients who received controlled substances rarely received medications other
10 than controlled substances.

11 (f) Despite a notation on the prescription that a representative of Respondent
12 Century Discount Pharmacy called the prescribers to verify the prescriptions, there was no name of
13 the person verifying the prescription, just a time, date, and "MD" or "NP."

14 (g) Drs. Ahmed, Byrd, and Rothman and NP Park all denied writing the
15 prescriptions.

16 (h) Some prescriptions contained doctors' cell phone numbers, which is highly
17 irregular, and other prescriptions contained multiple stamped telephone numbers overlapping each
18 other.

19 **SECOND CAUSE FOR DISCIPLINE**

20 **(Operational Standards and Security)**

21 35. Respondent Century Discount Pharmacy is subject to disciplinary action under Code
22 section 4301, subdivision (o), in conjunction with California Code of Regulations, title 16, section
23 1714, in that between August 1, 2011 and January 31, 2013, they could not account for 3,794
24 tablets of hydrocodone/acetaminophen 10/500 mg, 4,246 tablets of hydrocodone/acetaminophen
25 10/325 mg, 3,692 tablets of alprazolam 2 mg and 1,440 tablets of oxycodone 30 mg. Complainant
26 incorporates by reference paragraphs 21 through 33 as though fully set forth herein.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Records of Acquisition and Disposition)**

3 36. Respondent Century Discount Pharmacy is subject to disciplinary action under Code
4 section 4301, subdivision (o), in conjunction with Code sections 4081, subdivision (a) and 4105,
5 subdivision (a) and California Code of Regulations, title 16, section 1718, in that between
6 December 27, 2012 and January 31, 2013, Respondent Century Discount Pharmacy could not
7 account for an inventory overage (physical count which exceeded total accountable inventory) of
8 109 hydrocodone/acetaminophen 10/500 mg and 530 tablets of hydrocodone/acetaminophen
9 10/325 mg. Complainant incorporates by reference paragraphs 21 through 33 as though fully set
10 forth herein.

11 **FOURTH CAUSE FOR DISCIPLINE**

12 **(Record Retention)**

13 37. Respondent Century Discount Pharmacy is subject to disciplinary action under Code
14 section 4301, subdivision (o), in conjunction with Code section 4105, subdivisions (a), (b), and (c),
15 in that a routine inspection conducted on January 30 and 31, 2013 revealed that records of
16 acquisition and prescription hard copies of schedule II controlled substances were not maintained
17 on the pharmacy premises. Respondent Sharim removed the records from Respondent Century
18 Discount Pharmacy and did not retain a duplicate copy or other documentation. Complainant
19 incorporates by reference paragraphs 21 through 33 as though fully set forth herein.

20 **FIFTH CAUSE FOR DISCIPLINE**

21 **(Variation from Prescriptions)**

22 38. Respondent Century Discount Pharmacy and Respondent Sharim are subject to
23 disciplinary action under Code section 4301, subdivision (o), in conjunction with Code section
24 4052.5, subdivision (f) and California Code of Regulations, title 16, section 1716, in that between
25 August 1, 2011 and January 31, 2013, Respondent Century Discount Pharmacy dispensed 879
26 prescriptions for the short-acting form of oxycodone 30 mg when the prescriber wrote a
27 prescription for the long-acting form of oxycodone 30 mg i.e., Oxycontin 30 mg. Complainant
28 incorporates by reference paragraphs 21 through 33 as though fully set forth herein.

1 **SIXTH CAUSE FOR DISCIPLINE**

2 **(Variation from Prescriptions)**

3 39. Respondent Kim is subject to disciplinary action under Code section 4301, subdivision
4 (o), in conjunction with Code section 4052.5, subdivision (f) and California Code of Regulations,
5 title 16, section 1716, in that between August 1, 2011 and January 31, 2013, Respondent Kim
6 dispensed 28 prescriptions for the short acting form of oxycodone 30 mg when the prescriber
7 wrote a prescription for the long-acting form of oxycodone 30 mg i.e., Oxycontin 30 mg. The
8 prescriptions at issue are as follows: 445958, 445957, 446010, 446009, 445944, 445945, 445972,
9 445973, 449068, 449050, 449067, 453085, 453101, 453098, 447673, 447672, 447678, 447679,
10 449039, 448998, 448996, 448997, 452140, 452138, 452145, 452147, 452360, and 452361.

11 Complainant incorporates by reference paragraphs 21 through 33 as though fully set forth herein.

12 **DISCIPLINE CONSIDERATIONS**

13 40. To determine the degree of discipline, if any, to be imposed on Respondent Century
14 Discount Pharmacy, Complainant alleges that on or about June 27, 2014, the Board issued
15 Citation No. CI 2013 58602 to Respondent Century Discount Pharmacy for violating California
16 Code of Regulations, title 16, section 1714 subd. (b) when an audit conducted for the period 8-
17 14-2013 to 9-6-2013 revealed a shortage of 312 tablets of alprazolam 2 mg. which could not be
18 accounted for. That Citation is now final and is incorporated by reference as if fully set forth
19 herein.

20 **PRAYER**

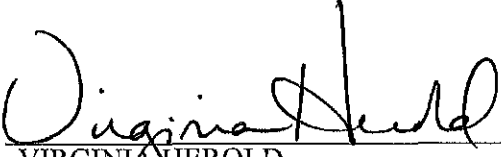
21 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
22 and that following the hearing, the Board of Pharmacy issue a decision:

- 23 1. Revoking or suspending Permit Number PHY 39871, issued to Century Discount
24 Pharmacy, Inc., Farhad D. Sharim, Joseph Amin;
- 25 2. Revoking or suspending Pharmacist License Number RPH 46183, issued to Farhad D.
26 Sharim;
- 27 3. Revoking or suspending Pharmacist License Number RPH 45267, issued to Jong Am
28 Kim;

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4. Ordering Farhad Sharim, Farhad D. Sharim and Jong Am Kim to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

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

DATED: 3/31/15 

VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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