1	KAMALA D. HARRIS	
2	Attorney General of California MARC D. GREENBAUM	
3	Supervising Deputy Attorney General LESLIE A. WALDEN	
4	Deputy Attorney General State Bar No. 196882	
5	300 So. Spring Street, Suite 1702 Los Angeles, CA 90013	
6	Telephone: (213) 897-3465 Facsimile: (213) 897-2804	
7	Attorneys for Complainant	
8	BOARD OF	RE THE PHARMACY
9		CONSUMER AFFAIRS CALIFORNIA
10]
11	In the Matter of the Fourth Amended Accusation Against:	Case No. 4907
12	COMPLETE INFUSION CARE; ALI	FOURTH AMENDED ACCUSATION
13	POURMOLA 8588 Venice Blvd.	
14	Los Angeles, CA 90034 Pharmacy Permit No. PHY 46839	
15	Sterile Compounding License No. LCS 99250,	
16	and	
17		
18	ALI POURMOLA P.O. Box 49251	
19	Los Angeles, CA 90049 Pharmacist License No. RPH 48035,	
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21	Respondents.	
22	n	
23	Complainant alleges:	
. 24	<u>PA</u>	RTIES
25	1. Virginia Herold (Complainant) brin	gs this Fourth Amended Accusation solely in her
26	official capacity as the Executive Officer of the	Board of Pharmacy, Department of Consumer
27	Affairs.	
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		1 Fourth Amended Accusation
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1	2. On or about September 22, 2004, the Board of Pharmacy issued Pharmacy Permit
2	Number PHY 46839 to Complete Infusion Care; Ali Pourmola (Respondent). The Pharmacy
3	Permit will expire on September 1, 2015, unless renewed.
4	3. On or about November 15, 2004, the Board of Pharmacy issued Sterile
5	Compounding License Number LSC 99250 to Respondent. The Sterile Compounding License
6	will expire on September 1, 2015, unless renewed.
7	4. On or about August 8, 1995, the Board of Pharmacy issued Pharmacist License
8	Number RPH 48035 to Ali Pourmola. The Pharmacy License is in full force and effect and
9	expires on October 31, 2016, unless renewed.
10	JURISDICTION
11	5. This Fourth Amended Accusation is brought before the Board of Pharmacy (Board),
12	Department of Consumer Affairs, under the authority of the following laws. All section
13	references are to the Business and Professions Code unless otherwise indicated.
14	6. Section 4300 of the Code states:
15	"(a) Every license issued may be suspended or revoked.
16	"(b) The board shall discipline the holder of any license issued by the board, whose default
17	has been entered or whose case has been heard by the board and found guilty, by any of the
18	following methods:
19	"(1) Suspending judgment.
20	"(2) Placing him or her upon probation.
21	"(3) Suspending his or her right to practice for a period not exceeding one year.
22	"(4) Revoking his or her license.
23	"(5) Taking any other action in relation to disciplining him or her as the board in its
24	discretion may deem proper.
25	"(c) The board may refuse a license to any applicant guilty of unprofessional conduct. The
26	board may, in its sole discretion, issue a probationary license to any applicant for a license who is
27	guilty of unprofessional conduct and who has met all other requirements for licensure. The board
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may issue the license subject to any terms or conditions not contrary to public policy, including, but not limited to, the following:

- "(1) Medical or psychiatric evaluation. 3 "(2) Continuing medical or psychiatric treatment. 4 "(3) Restriction of type or circumstances of practice. 5 "(4) Continuing participation in a board-approved rehabilitation program. 6 "(5) Abstention from the use of alcohol or drugs. 7 "(6) Random fluid testing for alcohol or drugs. 8 "(7) Compliance with laws and regulations governing the practice of pharmacy. 9 "(d) The board may initiate disciplinary proceedings to revoke or suspend any probationary 10 certificate of licensure for any violation of the terms and conditions of probation. Upon 11 satisfactory completion of probation, the board shall convert the probationary certificate to a 12 regular certificate, free of conditions. 13
- "(e) The proceedings under this article shall be conducted in accordance with Chapter 5 14 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board 15 shall have all the powers granted therein. The action shall be final, except that the propriety of 16 the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of 17 Civil Procedure." 18
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Section 4301 of the Code states:

"The board shall take action against any holder of a license who is guilty of unprofessional 20conduct or whose license has been procured by fraud or misrepresentation or issued by mistake. 21 Unprofessional conduct shall include, but is not limited to, any of the following: 22

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"(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter or of the applicable 25 federal and state laws and regulations governing pharmacy, including regulations established by 26 the board or by any other state or federal regulatory agency. 27

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"(p) Actions or conduct that would have warranted denial of a license."

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Section 4300.1 of the Code states:

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

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Section 4076 of the Code states:

"(a) A pharmacist shall not dispense any prescription except in a container that meets the requirements of state and federal law and is correctly labeled with all of the following:

(9) The expiration date of the effectiveness of the drug dispensed.

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10. Section 4342 of the Code states:

"(a) The board may institute any action or actions as may be provided by law and that, in its
discretion, are necessary, to prevent the sale of pharmaceutical preparations and drugs that do not
conform to the standard and tests as to quality and strength, provided in the latest edition of the
United States Pharmacopoeia or the National Formulary, or that violate any provision of the
Sherman Food, Drug and Cosmetic Law (Part 5 (commencing with Section 109875) of Division
104 of the Health and Safety Code)."

20 "(b) Any knowing or willful violation of any regulation adopted pursuant to Section 4006
21 shall be subject to punishment in the same manner as is provided in Sections 4336 and 4321."

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11. Section 4169 of the Code states:

"(a)A person or entity may not do any of the following:

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25 "(3)Purchase, trade, sell, or transfer dangerous drugs that the person knew or reasonably
26 should have known were misbranded, as defined in Section 111335 of the Health and Safety
27 Code."

12. Section 4307 of the Code states:

"Individuals with Denied, Revoked, Suspended, etc. Licenses Prohibited From Pharmacy Ownership or Association with Board Licensed Entities"

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"(a) Any person who has been denied a license or whose license has been revoked or is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a manager, administrator, owner, member, officer, director, associate, or partner of any partnership, corporation, firm, or association whose application for a license has been denied or revoked, is under suspension or has been placed on probation, and while acting as the manager, administrator, owner, member, officer, director, associate, or partner had knowledge of or knowingly participated in any conduct for which the license was denied, revoked, suspended, or 99 placed on probation, shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee as follows:

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

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

"(b) "Manager, administrator, owner, member, officer, director, associate, or partner," as
used in this section and Section 4308, may refer to a pharmacist or to any other person who serves
in that capacity in or for a licensee.

"(c) The provisions of subdivision (a) may be alleged in any pleading filed pursuant to 20 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code. 21 However, no order may be issued in that case except as to a person who is named in the caption, 22 as to whom the pleading alleges the applicability of this section, and where the person has been 23 given notice of the proceeding as required by Chapter 5 (commencing with Section 11500) of Part 24 1 of Division 3 of the Government Code. The authority to proceed as provided by this subdivision 25 shall be in addition to the board's authority to proceed under Section 4339 or any other provision 26 of law." 27

1	REGULATIONS
2	13. California Code of Regulations, title 16, section 1770, states:
3	"For the purpose of denial, suspension, or revocation of a personal or facility license
4	pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
5	crime or act shall be considered substantially related to the qualifications, functions or duties of a
6	licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
7	licensee or registrant to perform the functions authorized by his license or registration in a manner
8	consistent with the public health, safety, or welfare."
9	14. California Code of Regulations, title 16, section 1751.6, subdivisions (a) (b) and (c)
10	states:
11	"(a) Consultation shall be available to the patient and/or primary caregiver concerning
12	proper use of sterile injectable products and related supplies furnished by the pharmacy."
13	"(b) The pharmacist-in-charge shall be responsible to ensure all pharmacy personnel
14	engaging in compounding sterile injectable drug products shall have training and demonstrated
15	competence in the safe handling and compounding of sterile injectable products, including
16	cytotoxic agents if the pharmacy compounds products with cytotoxic agents."
17	"(c) Records of training and demonstrated competence shall be available for each individual
18	and shall be retained for three years beyond the period of employment."
19	15. California Code of Regulations, title 16, section 1735.2 subdivision (d)(5), states:
20	46 22 • • •
21	"(d) A drug product shall not be compounded until the pharmacy has first prepared a
22	written master formula record that includes at least the following elements:"
23	" 57 1 * *
24	"(5) Process and/or procedure used to prepare the drug."
25	16. California Code of Regulations, title 16, section 1735.3 subdivision (a)(7), states:
26	"(a) For each compounded drug product, the pharmacy records shall include:
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"(7) A pharmacy assigned reference or lot number for the compounded drug
 product."

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17. California Code of Regulations, title 16, section 1761 subdivision (a) states:

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

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18. California Code of Regulations, title 16, section 1751.2 subdivision (c) states:

9 "In addition to the labeling information required under Business and Professions Code
10 section 4076 and section 1735.4, a pharmacy which compounds sterile injectable products shall
11 include the following information on the labels for those products:

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"(c) Instructions for storage and handling."

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19. California Code of Regulations, title 16, section 1735.4 states:

"(a) In addition to the labeling information required under Business and Professions Code
section 4076, the label of a compounded drug product shall contain the generic name(s) of the
principal active ingredient(s)."

19 "(b) A statement that the drug has been compounded by the pharmacy shall be included on
20 the container or on the receipt provided to the patient."

"(c) Drug products compounded into unit-dose containers that are too small or otherwise
impractical for full compliance with subdivisions (a) and (b) shall be labeled with at least the
name(s) of the active ingredient(s), concentration or strength, volume or weight, pharmacy
reference or lot number, and expiration date."

20. California Code of Regulations, title 16, section 1735.3 subdivision (a)(2) states:
"(a) For each compounded drug product, the pharmacy records shall include:
"…"

"(2) The date the drug product was compounded."

"(3) The identity of the pharmacy personnel who compounded the drug product."

"(4) The identity of the pharmacist reviewing the final drug product."

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"(6) The manufacturer, expiration date and lot number of each component. If the 4 manufacturer name is demonstrably unavailable, the name of the supplier may be substituted. 5 Exempt from the requirements in this paragraph are sterile products compounded on a one-time 6 basis for administration within seventy-two (72) hours and stored in accordance with standards 7 for "Redispensed CSPS" found in Chapter 797 of the United States Pharmacopeia - National 8 Formulary (USP-NF) (35th Revision, Effective May 1, 2012), hereby incorporated by reference, 9 to an inpatient in a health care facility licensed under section 1250 of the Health and Safety 10 Code." 11

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COSTS

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

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DANGEROUS DRUGS AND CONTROLLED SUBSTANCES

22. <u>Heparin</u>: Heparin is a dangerous drug pursuant to Business and Professions Code section 4022, and is used as an anticoagulant in the prevention and treatment of thrombosis and embolism and is a dangerous drug pursuant to Business and Professions Code section 4022.

23. <u>Ceftriaxone</u>: Ceftriaxone is a dangerous drug pursuant to Business and Professions Code section 4022, and is used as a prescription antibiotic.

24. <u>Carimune</u>: Carimune is a dangerous drug pursuant to Business and Professions Code section 4022, and is used to treat immune deficiencies.

25. <u>Morphine</u>: Morphine is a Schedule II controlled substance pursuant to Health and
 Safety Code section 11055(b)(1)(L) and a dangerous drug pursuant to Business and Professions
 Code section 4022, and is used to treat severe pain.

26. <u>Bupivacaine</u>: Bupivacaine is a dangerous drug pursuant to Business and Professions Code section 4022, and is used as a local anesthetic.

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FIRST CAUSE FOR DISCIPLINE

[Unprofessional Conduct (Staff Training of Injectable Compounding) - Complete Infusion Care]

8 27. Respondent Complete Infusion Care is subject to disciplinary action under Business
9 and Professions Code section 4301, subdivision (o) in conjunction with California Code of
10 Regulations, title 16, section 1751.6, subdivisions (b) and (c) in that Respondent failed to ensure
11 all pharmacy personnel engaging in compounding sterile injectable drug products had training
12 and had demonstrated competence in the safe handling and compounding of sterile injectable
13 products, and that records of training were available for each individual for three years beyond
14 employment. The circumstances are as follows:

28. On or about October 16, 2012 an onsite inspection by the Board of Pharmacy
revealed that Complete Infusion Care did not have training records of demonstrated competencies
for pharmacy personnel.

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SECOND CAUSE FOR DISCIPLINE

Care

[Unprofessional Conduct (Compounding Limitations and Requirements) - Complete Infusion

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29. Respondent Complete Infusion Care is subject to disciplinary action under Business and Professions Code section 4301, subdivision (o) in conjunction with California Code of Regulations, title 16, section 1735.2 subdivision (d)(5) where prior to compounding drug products, Respondent failed to prepare a written master formula record that included at least a process or procedure used to prepare the drug. The circumstances are as follows:

30. On or about October 16, 2012, an onsite inspection by the Board of Pharmacy
revealed that at Complete Infusion Care, the compounding records dated January 23, 2012 for RX
6850 and June 7, 2012 for RX 8437 for patient C.B. did not have the process or procedure used to

prepare and compound the preservative free non-sterile to sterile morphine 50 mg/ml + 1 bupiyacaine 30 mg/ml compound on the Compound Sheet under "Mix Instructions". 2 THIRD CAUSE FOR DISCIPLINE 3 [Unprofessional Conduct (Record Keeping of Compounded Drug Products) - Complete Infusion 4 Carel 5 31. Respondent Complete Infusion Care is subject to disciplinary action under Business 6 and Professions Code section 4301, subdivision (o) in conjunction with California Code of 7 Regulations, title 16, section 1735.3 subdivision (a), which states (a) for each compounded drug 8 product, the pharmacy records failed to include: (7) the equipment used in compounding the drug 9 product. The circumstances are as follows: 1032. On or about October 16, 2012, an onsite inspection by the Board of Pharmacy 11 revealed that at Complete Infusion Care, the compounding records dated January 23, 2012 for RX 12 6850 and June 7, 2012 for RX 8437 for patient C.B.¹ did not document the equipment used in the 13 compounding of the preservative free non-sterile to sterile morphine 50 mg/ml + bupivacaine 30 14 mg/ml compound on the Compound Sheet. 15 16 FOURTH CAUSE FOR DISCIPLINE [Sale of Drugs Lacking Quality of Strength - Complete Infusion Care] 17 Respondents Complete Infusion Care is subject to disciplinary action under Business 33. 18 and Professions Code section 4342 and 4169 subdivision (a)(3) in that Respondent sold and/or 19 transferred dangerous drugs that a reasonable person would know or reasonably should have 20known were misbranded. The circumstances are as follows: 21 34. On or about March 8, 2012, April 9, 2012, and May 25, 2012, Respondent dispensed 22 sterile injectable compound Carimune 20gm RX Nos. 7267, 7673, and 8258 with labeled 23 expiration dates of six (6) days, six (6) days and three (3) days, respectively, after preparation. 24 The manufacturers beyond the use date for Carimune was within twenty-four hours of 25 reconstitution of the drug. Complete Infusion Care conducted and obtained extended stability and 26 27 ¹ The patient's initials are used throughout this pleading in lieu of the patient name in order to protect patient privacy rights. 28 10

potency testing results for Carimune on April 25, 2014, but did not have extended stability and 1 potency data at the time the Carimune was dispensed on March 8, 2012, April 9, 2012, and May 2 25, 2012. 3

FIFTH CAUSE FOR DISCIPLINE

4 [Erroneous or Uncertain Prescription - Complete Infusion Care and Ali Pourmola] 5 35. Respondents Complete Infusion Care and Ali Pourmola are subject to disciplinary 6 action under Business and Professions Code section 4300 in conjunction with California Code of 7 Regulations, title 16, section 1761 subdivision (a) in that Respondents dispensed a prescription 8 which contained significant errors, omissions, irregularities, uncertainties, ambiguities, or 9 alterations without contacting the prescriber for clarification. The circumstances are as follows: 10 36. On or about March 8, 2012, April 9, 2012, and May 22, 2012, Respondents dispensed 11 uncertain and ambiguous prescriptions for Carimune 20gm RX, Nos. 7267, 7673, and 8258 to 12 patient E.L.² without first clarifying the dose of the prescriptions with the prescriber. 13 Specifically, E.L.'s Carimune prescriptions were written incorrectly for a daily dose of "0.4 14 mg/kg" for a calculated dose of 20mg per day and not the correct dose of "0.4gm/kg" for a 15 calculated dose of 20gm per day. The prescriptions were dispensed by Respondents without first 16 obtaining clarification of the correct ordered dose from the prescriber. 17 SIXTH CAUSE FOR DISCIPLINE 18 [Labeling Requirements - Complete Infusion Care] 19 37. Respondent Complete Infusion Care is subject to disciplinary action under Business 20 and Professions Code section 4076 subdivision (a)(9) which precludes a pharmacist from 21 dispensing any prescription unless in a container that is correctly labeled with the expiration dates 22 of the effectiveness of the drug dispensed. The circumstances are as follows: 23

38. On or about May 25, 2012, Respondent dispensed five bags of Carimune RX# 8258 24 to patient E.L. labeled with the incorrect expiration date of May 28, 2012. Specifically, on or 25 about May 25, 2012, Respondent dispensed a five (5) day course of Carimune 20gm RX # 8258 26

27 ² Patient initials are used in lieu of real names in order to protect the privacy rights of the individuals. 28

with a labeled expiration dated of May 28, 2012, which resulted in the last two (2) days of the 1 five (5) day Carimune doses being labeled as expired at the time of use. 2 SEVENTH CAUSE FOR DISCIPLINE 3 [Sterile Injectable Labeling Requirements - Complete Infusion Care] 4 39. Respondent Complete Infusion Care is subject to disciplinary action under Business 5 and Professions Code section 4076 in conjunction with California Code of Regulations, title 16, 6 section 1751.2 and 1735.4, which requires a pharmacy that compounds sterile injectable products 7 to include on the label the instructions for storage and handling. The circumstances are as 8 follows: 9 40. On or about March 8, 2012 and April 9, 2012, Respondent dispensed Carimune 20gm 10 RX Nos. 7267 and 7673 labeled with instructions to store medication at room temperature instead 11 of being stored by the required method of refrigeration. 12 **EIGHTH CAUSE FOR DISCIPLINE** 13 [Records of Compounding Products - Complete Infusion Care] 14 41. Respondent Complete Infusion Care is subject to disciplinary action under Business 15 and Professions Code section 4300 in conjunction with California Code of Regulations, title 16, 16 section 1735.3 subdivisions (a)(2), (3), (4), (6), and (10), which requires for each compounded 17 product, that the pharmacy records include the date the drug was compounded, the identity of the 18 pharmacy personnel who compounded the product, the identity of the pharmacist reviewing the 19 final product, the manufacturer and a lot number of each component, and the quantity or amount 20 of the drug compounded. The circumstances are as follows: 21 On or about March 8, 2012, April 9, 2012, and May 25, 2012, Respondent dispensed 42. 22 sterile injectable compound Carimune 20gm, RX nos. 7267, 7673 and 8258 without maintaining 23proper compounding records for each of the products dispensed. 24 **OTHER MATTERS** 25 173. Pursuant to Code section 4307, if discipline is imposed on Pharmacy 26 Permit Number PHY 46839 or Sterile Compounding License Number LSC 99250, issued to 27 Complete Infusion Care, and Ali Pourmola (Pourmola) while acting as the manager, 28 12

administrator, owner, member, officer, director, associate, or partner of Complete Infusion Care 1 had knowledge of or knowingly participated in any conduct for which Pharmacy Permit Number 2 PHY 46939 or Sterile Compounding License Number LSC 99250, issued to Complete Infusion 3 Care was revoked, suspended or placed on probation, Pourmola shall be prohibited from serving 4 as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee 5 for five years if Pharmacy Permit Number PHY 46839 or Sterile Compounding License Number 6 LSC 99250, issued to Complete Infusion Care is placed on probation or until Pharmacy Permit 7 Number PHY 46839 or Sterile Compounding License Number LSC 99250, issued to Complete 8 Infusion Care is reinstated if it is revoked. 9

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DISCIPLINE CONSIDERATIONS

43. To determine the degree of discipline, if any, to be imposed on Respondents, Complainant alleges as follows:

a) On or about October 15, 2009, in a prior action, the Board of Pharmacy issued
Citation Number CI 2009 41466 to Respondent Ali Pourmola for violations of Business and
Professions Code section 4059, subdivision (a) (furnishing dangerous drugs without prescription)
and Health & Safety Code section 11200, subdivision (c) (no prescription for Schedule II
substance may be refilled). Respondent was ordered to pay \$4000. On or about March 21, 2012,
the Citation was modified and reduced. Respondent was ordered to pay \$1000. That Citation is
now final and is incorporated by reference as if fully set forth.

20 On or about October 15, 2009, in a prior action, the Board of Pharmacy issued b) 21 Citation Number CI 2008 38864 to Respondent Complete Infusion Care for violations of 22 Business and Professions Code section 4059, subdivision (a) (furnishing dangerous drugs without 23 prescription) and Health & Safety Code section 11200, subdivision (c) (no prescription for 24 Schedule II substance may be refilled). Respondent was ordered to pay \$4000. On or about April 25 20, 2012, the Citation was modified and reduced. Respondent was ordered to pay \$1500. That 26 Citation is now final and is incorporated by reference as if fully set forth. 27

1	c) On or about July 1, 2013, in a prior action, the Board of Pharmacy issued
2	Citation Number CI 2012 53606 to Respondent Complete Infusion Care for violations of
3	Business and Professions Code Section 4115 subdivision (e) and California Code of Regulations
4	section 1793.2 subdivision (b) (no person shall act as a pharmacy technician without being
5	licensed by the Board) and ordered Respondent to pay \$1000. That Citation is now final and is
6	incorporated by reference as if fully set forth.
7	PRAYER
8	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
9	and that following the hearing, the Board of Pharmacy issue a decision:
10	1. Revoking or suspending Pharmacy Permit Number PHY 46839, issued to Complete
11	Infusion Care; Ali Pourmola
12	2. Revoking or suspending Sterile Compounding License Number LSC 99250, issued to
13	Complete Infusion Care; Ali Pourmola;
14	3. Revoking or suspending Pharmacy License Number RPH 48035 issued to Ali
15	Pourmola;
16	4. Prohibiting Ali Pourmola from serving as a manager, administrator, owner,
17	member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit
18	Number 46839 or Sterile Compounding License Number LSC 99250 issued to Complete Infusion
19	Care is placed on probation or until Pharmacy Permit Number 46839 or Sterile Compounding
20	License Number LSC 99250 issued to Complete Infusion Care is reinstated if Pharmacy Permit
21	Number 46839 or Sterile Compounding License Number LSC 99250 issued to Complete Infusion
22	Care issued is revoked;
23	5. Ordering Complete Infusion Care and Ali Pourmola to pay the Board of Pharmacy
24	the reasonable costs of the investigation and enforcement of this case, pursuant to Business and
25	Professions Code section 125.3; and
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6. Taking such other and further action as deemed necessary and proper. \checkmark 29/16 DATED: VIRGINIA Executive Offiger Board of Pharmacy Department of Consumer Affairs State of California Complainant LA2013510143 51963399.docx Fourth Amended Accusation

1	KAMALA D. HARRIS	
2	Attorney General of California MARC D. GREENBAUM	
3	Supervising Deputy Attorney General LESLIE A. WALDEN	
4	Deputy Attorney General State Bar No. 196882	
5	300 So. Spring Street, Suite 1702 Los Angeles, CA 90013	
6	Telephone: (213) 897-3465 Facsimile: (213) 897-2804	
7	Attorneys for Complainant	
8	BOARD OF	RE THE PHARMACY
9		ONSUMER AFFAIRS CALIFORNIA
10		
11	In the Matter of the Third Amended Accusation Against:	Case No. 4907
12		
13	COMPLETE INFUSION CARE; Pharmacy Permit No. PHY 46839,	THIRD AMENDED ACCUSATION
14	Sterile Compounding License No. LSC 99250	
15 16	ALI POURMOLA Pharmacist License No. RPH 48035	
10	MOSHE LALEHZARI ;	
17	Pharmacist License No. RPH 59011	
19	8588 Venice Blvd. Los Angeles, CA 90034	
20		
21		
22	Respondent.	
23		
24	Complainant alleges:	
25		<u>TIES</u>
26		s this Third Amended Accusation solely in her
27	official capacity as the Executive Officer of the I	Board of Pharmacy, Department of Consumer
28	Affairs.	
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	` 	Third Amended Accusation

1	2. On or about September 22, 2004, the Board of Pharmacy issued Pharmacy Permit
2	Number PHY 46839 to Complete Infusion Care; Ali Pourmola (Respondent). The Pharmacy
3	Permit will expire on September 1, 2015, unless renewed.
4	3. On or about November 15, 2004, the Board of Pharmacy issued Sterile
5	Compounding License Number LSC 99250 to Complete Infusion Care; Ali Pourmola
6	(Respondent). The Sterile Compounding License will expire on September 1, 2015, unless
7	renewed.
8	4. On or about August 8, 1995, the Board of Pharmacy issued Pharmacist License
9	Number RPH 48035 to Ali Pourmola (Respondent). The Pharmacy License is in full force and
10	effect and expires on October 31, 2016, unless renewed.
11	5. On or about October 17, 2006, the Board of Pharmacy issued Pharmacist License
12	Number RPH 59011 to Moshe Lalehzari (Respondent). The Pharmacy License is in full force
13	and effect and expires on March 31, 2016, unless renewed.
14	JURISDICTION
15	6. This Third Amended Accusation is brought before the Board of Pharmacy (Board),
16	Department of Consumer Affairs, under the authority of the following laws. All section
17	references are to the Business and Professions Code unless otherwise indicated.
18	7. Section 4300 of the Code states:
19	"(a) Every license issued may be suspended or revoked.
20	"(b) The board shall discipline the holder of any license issued by the board, whose default
21	has been entered or whose case has been heard by the board and found guilty, by any of the
22	following methods:
23	"(1) Suspending judgment.
24	"(2) Placing him or her upon probation.
25	"(3) Suspending his or her right to practice for a period not exceeding one year.
26	"(4) Revoking his or her license.
27	"(5) Taking any other action in relation to disciplining him or her as the board in its
28	discretion may deem proper.
	2
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1	"(c) The board may refuse a license to any applicant guilty of unprofessional conduct. The
2	board may, in its sole discretion, issue a probationary license to any applicant for a license who is
3	guilty of unprofessional conduct and who has met all other requirements for licensure. The board
4	may issue the license subject to any terms or conditions not contrary to public policy, including,
5	but not limited to, the following:
6	"(1) Medical or psychiatric evaluation.
7	"(2) Continuing medical or psychiatric treatment.
8	"(3) Restriction of type or circumstances of practice.
9	"(4) Continuing participation in a board-approved rehabilitation program.
10	"(5) Abstention from the use of alcohol or drugs.
11	"(6) Random fluid testing for alcohol or drugs.
12	"(7) Compliance with laws and regulations governing the practice of pharmacy.
13	"(d) The board may initiate disciplinary proceedings to revoke or suspend any probationary
14	certificate of licensure for any violation of the terms and conditions of probation. Upon
15	satisfactory completion of probation, the board shall convert the probationary certificate to a
16	regular certificate, free of conditions.
17	"(e) The proceedings under this article shall be conducted in accordance with Chapter 5
18	(commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board
19	shall have all the powers granted therein. The action shall be final, except that the propriety of
20	the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of
21	Civil Procedure."
22	8. Section 4301 of the Code states:
23	"The board shall take action against any holder of a license who is guilty of unprofessional
24	conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.
25	Unprofessional conduct shall include, but is not limited to, any of the following:
26	"(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or
27	corruption, whether the act is committed in the course of relations as a licensee or otherwise, and
28	whether the act is a felony or misdemeanor or not.
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1	"(g) Knowingly making or signing any certificate or other document that falsely represents
2	the existence or nonexistence of a state of facts.
3	
4	"(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
5	violation of or conspiring to violate any provision or term of this chapter or of the applicable
6	federal and state laws and regulations governing pharmacy, including regulations established by
7	the board or by any other state or federal regulatory agency.
8	"(p) Actions or conduct that would have warranted denial of a license.
9	9. Section 4300.1 of the Code states:
10	"The expiration, cancellation, forfeiture, or suspension of a board-issued license by
11	operation of law or by order or decision of the board or a court of law, the placement of a license
12	on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board
13	of jurisdiction to commence or proceed with any investigation of, or action or disciplinary
14	proceeding against, the licensee or to render a decision suspending or revoking the license."
15	10. Section 4076 of the Code states:
16	"(a) A pharmacist shall not dispense any prescription except in a container that meets the
17	requirements of state and federal law and is correctly labeled with all of the following:
18	··· ···
19	(9) The expiration date of the effectiveness of the drug dispensed.
20	····
21	11. Section 4342 of the Code states:
22	"(a) The board may institute any action or actions as may be provided by law and that, in its
23	discretion, are necessary, to prevent the sale of pharmaceutical preparations and drugs that do not
24	conform to the standard and tests as to quality and strength, provided in the latest edition of the
25	United States Pharmacopoeia or the National Formulary, or that violate any provision of the
26	Sherman Food, Drug and Cosmetic Law (Part 5 (commencing with Section 109875) of Division
27	104 of the Health and Safety Code)."
28	
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1	"(b) Any knowing or willful violation of any regulation adopted pursuant to Section 4006
2	shall be subject to punishment in the same manner as is provided in Sections 4336 and 4321."
3	12. Section 4169 of the Code states:
4	"(a)A person or entity may not do any of the following:
5	··· ·· ·· ·· ·· ·· ·· ·· ·· ·· ·· ·· ··
6	"(3)Purchase, trade, sell, or transfer dangerous drugs that the person knew or reasonably
7	should have known were misbranded, as defined in Section 111335 of the Health and Safety
8	Code."
9	·····
10	13. Section 4307 of the Code states:
11	"Individuals with Denied, Revoked, Suspended, etc. Licenses Prohibited From Pharmacy
12	Ownership or Association with Board Licensed Entities"
13	"(a) Any person who has been denied a license or whose license has been revoked or is
14	under suspension, or who has failed to renew his or her license while it was under suspension, or
15	who has been a manager, administrator, owner, member, officer, director, associate, or partner of
16	any partnership, corporation, firm, or association whose application for a license has been denied
17	or revoked, is under suspension or has been placed on probation, and while acting as the manager,
18	administrator, owner, member, officer, director, associate, or partner had knowledge of or
19	knowingly participated in any conduct for which the license was denied, revoked, suspended, or
20	99 placed on probation, shall be prohibited from serving as a manager, administrator, owner,
21	member, officer, director, associate, or partner of a licensee as follows:
22	"(1) Where a probationary license is issued or where an existing license is placed on
23	probation, this prohibition shall remain in effect for a period not to exceed five years.
24	"(2) Where the license is denied or revoked, the prohibition shall continue until the license
25	is issued or reinstated.
26	"(b) "Manager, administrator, owner, member, officer, director, associate, or partner," as
27	used in this section and Section 4308, may refer to a pharmacist or to any other person who serves
28	in that capacity in or for a licensee.
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1	"(c) The provisions of subdivision (a) may be alleged in any pleading filed pursuant to
2	Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code.
3	However, no order may be issued in that case except as to a person who is named in the caption,
4	as to whom the pleading alleges the applicability of this section, and where the person has been
5	given notice of the proceeding as required by Chapter 5 (commencing with Section 11500) of Part
6	1 of Division 3 of the Government Code. The authority to proceed as provided by this subdivision
7	shall be in addition to the board's authority to proceed under Section 4339 or any other provision
8	of law."
9	REGULATIONS
10	14. California Code of Regulations, title 16, section 1770, states:
11	"For the purpose of denial, suspension, or revocation of a personal or facility license
12	pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
13	crime or act shall be considered substantially related to the qualifications, functions or duties of a
14	licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
15	licensee or registrant to perform the functions authorized by his license or registration in a manner
16	consistent with the public health, safety, or welfare."
17	15. California Code of Regulations, title 16, section 1751.6, subdivisions (a) (b) and (c)
18	states:
19	"(a) Consultation shall be available to the patient and/or primary caregiver concerning
20	proper use of sterile injectable products and related supplies furnished by the pharmacy."
21	"(b) The pharmacist-in-charge shall be responsible to ensure all pharmacy personnel
22	engaging in compounding sterile injectable drug products shall have training and demonstrated
23	competence in the safe handling and compounding of sterile injectable products, including
24	cytotoxic agents if the pharmacy compounds products with cytotoxic agents."
25	"(c) Records of training and demonstrated competence shall be available for each individual
26	and shall be retained for three years beyond the period of employment."
27	16. California Code of Regulations, title 16, section 1735.2 subdivision (d)(5), states:
28	" " …
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1	"(d) A drug product shall not be compounded until the pharmacy has first prepared a
2	written master formula record that includes at least the following elements:"
3	··· ??
4	"(5) Process and/or procedure used to prepare the drug."
5	17. California Code of Regulations, title 16, section 1735.3 subdivision (a)(7), states:
6	"(a) For each compounded drug product, the pharmacy records shall include:
7	··· · · · · · · · · · · · · · · · · ·
8	"(7) A pharmacy assigned reference or lot number for the compounded drug
9	product."
10	18. California Code of Regulations, title 16, section 1761 subdivision (a) states:
11	"(a) No pharmacist shall compound or dispense any prescription which contains any
12	significant error, omission, irregularity, uncertainty, ambiguity or alteration. Upon receipt of any
13	such prescription, the pharmacist shall contact the prescriber to obtain the information needed to
14	validate the prescription."
15	19. California Code of Regulations, title 16, section 1751.2 subdivision (c) states:
16	"In addition to the labeling information required under Business and Professions Code
17	section 4076 and section 1735.4, a pharmacy which compounds sterile injectable products shall
18	include the following information on the labels for those products:
19	··· ·· ·· ·· ·· ·· ·· ·· ·· ·· ·· ·· ··
20	"(c) Instructions for storage and handling."
21	·····"
22	20. California Code of Regulations, title 16, section 1735.4 states:
23	"(a) In addition to the labeling information required under Business and Professions Code
24	section 4076, the label of a compounded drug product shall contain the generic name(s) of the
25	principal active ingredient(s)."
26	"(b) A statement that the drug has been compounded by the pharmacy shall be included on
27	the container or on the receipt provided to the patient."
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1	"(c) Drug products compounded into unit-dose containers that are too small or otherwise
2	impractical for full compliance with subdivisions (a) and (b) shall be labeled with at least the
3	name(s) of the active ingredient(s), concentration or strength, volume or weight, pharmacy
4	reference or lot number, and expiration date."
5	21. California Code of Regulations, title 16, section 1735.3 subdivision (a)(2) states:
6	"(a) For each compounded drug product, the pharmacy records shall include:
7	··· · · · · · · · · · · · · · · · · ·
8	"(2) The date the drug product was compounded."
9	"(3) The identity of the pharmacy personnel who compounded the drug product."
10	"(4) The identity of the pharmacist reviewing the final drug product."
11	··· · · · · · · · · · · · · · · · · ·
12	"(6) The manufacturer, expiration date and lot number of each component. If the
13	manufacturer name is demonstrably unavailable, the name of the supplier may be substituted.
14	Exempt from the requirements in this paragraph are sterile products compounded on a one-time
15	basis for administration within seventy-two (72) hours and stored in accordance with standards
16	for "Redispensed CSPS" found in Chapter 797 of the United States Pharmacopeia - National
17	Formulary (USP-NF) (35th Revision, Effective May 1, 2012), hereby incorporated by reference,
18	to an inpatient in a health care facility licensed under section 1250 of the Health and Safety
19	Code."
20	·····
21	<u>COSTS</u>
22	22. Section 125.3 of the Code states, in pertinent part, that the Board may request the
23	administrative law judge to direct a licentiate found to have committed a violation or violations of
24	the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
25	enforcement of the case.
26	////
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1	DANGEROUS DRUGS AND CONTROLLED SUBSTANCES		
2	23. <u>Heparin</u> : Heparin is a dangerous drug pursuant to Business and Professions Code		
3	section 4022, and is used as an anticoagulant in the prevention and treatment of thrombosis and		
4	embolism and is a dangerous drug pursuant to Business and Professions Code section 4022.		
5	24. <u>Ceftriaxone</u> : Ceftriaxone is a dangerous drug pursuant to Business and Professions		
6	Code section 4022, and is used as a prescription antibiotic.		
7	25. <u>Carimune</u> : Carimune is a dangerous drug pursuant to Business and Professions		
8	Code section 4022, and is used to treat immune deficiencies.		
9	26. <u>Morphine</u> : Morphine is a Schedule II controlled substance pursuant to Health and		
10	Safety Code section 11055(b)(1)(L) and a dangerous drug pursuant to Business and Professions		
11	Code section 4022, and is used to treat severe pain.		
12	27. <u>Bupivacaine</u> : Bupivacaine is a dangerous drug pursuant to Business and Professions		
13	Code section 4022, and is used as a local anesthetic.		
14	FIRST CAUSE FOR DISCIPLINE		
15	[Unprofessional Conduct (Staff Training of Injectable Compounding) - Complete Infusion Care		
16	and Moshe Lalehzari]		
17	28. Respondents Complete Infusion Care and Moshe Lalehzari are subject to disciplinary		
18	action under Business and Professions Code section 4301, subdivision (o) in conjunction with		
19	California Code of Regulations, title 16, section 1751.6, subdivisions (b) and (c) in that the		
20	Respondents failed to ensure all pharmacy personnel engaging in compounding sterile injectable		
21	drug products had training and had demonstrated competence in the safe handling and		
22	compounding of sterile injectable products, and that records of training were available for each		
23	individual for three years beyond employment. The circumstances are as follows:		
24	29. On or about October 16, 2012 an onsite inspection by the Board of Pharmacy		
25	revealed that Complete Infusion Care and pharmacist-in-charge Moshe Lalehzari did not have		
26	training records of demonstrated competencies for pharmacy personnel.		
27	////		
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1	SECOND CAUSE FOR DISCIPLINE		
2	[Unprofessional Conduct (Compounding Limitations and Requirements) - Complete Infusion		
3	Care and Moshe Lalehzari]		
4	30. Respondents Complete Infusion Care and Moshe Lalehzari are subject to disciplinary		
5	action under Business and Professions Code section 4301, subdivision (o) in conjunction with		
6	California Code of Regulations, title 16, section 1735.2 subdivision (d)(5) where prior to		
7	compounding drug products, Respondents failed to prepare a written master formula record that		
8	included at least a process or procedure used to prepare the drug. The circumstances are as		
9	follows:		
10	31. On or about October 16, 2012, an onsite inspection by the Board of Pharmacy		
11	revealed that at Complete Infusion Care, the compounding records dated January 23, 2012 for RX		
12	6850 and June 7, 2012 for RX 8437 for patient C.B. prepared by pharmacist-in-charge Moshe		
13	Lalehzari did not have the process or procedure used to prepare and compound the preservative		
14	free non-sterile to sterile morphine 50 mg/ml + bupivacaine 30 mg/ml compound on the		
15	Compound Sheet under "Mix Instructions".		
16			
17	THIRD CAUSE FOR DISCIPLINE		
18	[Unprofessional Conduct (Record Keeping of Compounded Drug Products) - Complete Infusion		
19	Care and Moshe Lalehzari]		
20	32. Respondents Complete Infusion Care and Moshe Lalehzari are subject to disciplinary		
21	action under Business and Professions Code section 4301, subdivision (o) in conjunction with		
22	California Code of Regulations, title 16, section 1735.3 subdivision (a), which states (a) for each		
23	compounded drug product, the pharmacy records failed to include: (7) the equipment used in		
24	compounding the drug product. The circumstances are as follows:		
25	33. On or about October 16, 2012, an onsite inspection by the Board of Pharmacy		
26	revealed that at Complete Infusion Care, the compounding records dated January 23, 2012 for RX		
27			
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1	6850 and June 7, 2012 for RX 8437 for patient C.B. ¹ prepared by pharmacist-in-charge Moshe			
2	Lalehzari did not document the equipment used in the compounding of the preservative free non-			
3	sterile to sterile morphine 50 mg/ml + bupivacaine 30 mg/ml compound on the Compound Sheet.			
4	FOURTH CAUSE FOR DISCIPLINE			
5	[Unprofessional Conduct (Fraudulent Billing) - Complete Infusion Care, Ali Pourmola]			
6	34. Respondent Complete Infusion Care and Ali Pourmola are subject to disciplinary			
7	action under Business and Professions Code section 4301, subdivisions (f) and (g) in that			
8	Respondent committed unprofessional conduct due to the commission of acts involving moral			
9	turpitude, dishonesty, fraud, deceit, or corruption, by knowingly making or signing any certificate			
10	or other document that falsely represents the existence or nonexistence of a state of facts. The			
11	circumstances are as follows:			
12	35. On or about March 12, 2010, Respondent fraudulently billed Anthem Blue Shield for			
13	services not rendered to patient K.W. as follows:			
14	a) Claim #956, Date of Service: February 24, 2010; Service Codes S1015, J0696			
15	and \$9500 totaling \$7,438.80.			
16	b) Claim #957, Date of Service: February 24, 2010; Service Codes A4216, J1644,			
17	\$9590, totaling \$6,686.05.			
18	36. On or about July 31, 2011, Respondent fraudulently re-billed Anthem Blue Shield,			
19	changing the codes for services on Patient K.W. on the following dates:			
20	a) Claim #6229, Date of Service: February 24, 2010, Service Code S9336 totaling			
21	\$3,500.00.			
22	b) Claim #6230, Date of Service: February 24, 2010, Service Code S9336 totaling			
23	\$3,772.50.			
24	c) Claim #6231, Date of Service: February 17, 2010, Service Code S5501 totaling			
25	\$6,772.50.			
26				
27	¹ The patient's initials are used throughout this pleading in lieu of the patient name in			
28	order to protect patient privacy rights.			
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1	d) Claim #6232, Date of Service: February 17, 2010, Service Code S9810 totaling		
2	\$4,000.00.		
3	e) Claim #6233, Date of Service: February 18, 2010, Service Code 99601 totaling		
4	\$3,500.00.		
5	f) Claim #6234, Date of Service: February 19, 2010, Service Code 99601 totaling		
6	\$3,500.00.		
7	FIFTH CAUSE FOR DISCIPLINE		
8	[Sale of Drugs Lacking Quality of Strength - Complete Infusion Care and Moshe Lalehzari]		
9	37. Respondents Complete Infusion Care and Moshe Lalehzari are subject to disciplinary		
10	action under Business and Professions Code section 4342 and 4169 subdivision (a)(3) in that		
11	Respondents sold and/or transferred dangerous drugs that a reasonable person would know or		
12	reasonably should have known were misbranded. The circumstances are as follows:		
13	38. On or about March 8, 2012, April 9, 2012, and May 25, 2012, Respondent Moshe		
14	Lalehzari, while working at Complete Infusion Care located at 8588 Venice Blvd., Los Angeles		
15	CA 90034, dispensed sterile injectable compound Carimune 20gm RX Nos. 7267, 7673, and		
16	8258 with labeled expiration dates of six (6) days, six (6) days and three (3) days, respectively,		
17	after preparation. The manufacturers beyond the use date for Carimune was within twenty-four		
18	hours of reconstitution of the drug. Complete Infusion Care conducted and obtained extended		
19	stability and potency testing results for Carimune on April 25, 2014, but did not have extended		
20	stability and potency data at the time the Carimune was dispensed on March 8, 2012, April 9,		
21	2012, and May 25, 2012.		
22	SIXTH CAUSE FOR DISCIPLINE		
23	[Erroneous or Uncertain Prescription - Complete Infusion Care, Moshe Lalehzari and Ali		
24	Pourmola]		
25	39. Respondents Complete Infusion Care, Moshe Lalehzari and Ali Pourmola are subject		
26	to disciplinary action under Business and Professions Code section 4300 in conjunction with		
27	California Code of Regulations, title 16, section 1761 subdivision (a) in that Respondents		
28	dispensed a prescription which contained significant errors, omissions, irregularities,		
	12		
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uncertainties, ambiguities, or alterations without contacting the prescriber for clarification. The circumstances are as follows:

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On or about March 8, 2012, April 9, 2012, and May 22, 2012, Respondents Moshe 40. 3 Lalehzari and Ali Pourmola while working at Complete Infusion Care located at 8588 Venice 4 5 Blvd., Los Angeles CA 90034, dispensed uncertain and ambiguous prescriptions for Carimune 20gm RX, Nos. 7267, 7673, and 8258 to patient E.L.² without first clarifying the dose of the 6 7 prescriptions with the prescriber. Specifically, E.L.'s Carimune prescriptions were written incorrectly for a daily dose of "0.4 mg/kg" for a calculated dose of 20mg per day and not the 8 correct dose of "0.4gm/kg" for a calculated dose of 20gm per day. The prescriptions were 9 dispensed by Respondents without first obtaining clarification of the correct ordered dose from 10 the prescriber. 11 SEVENTH CAUSE FOR DISCIPLINE 12 [Labeling Requirements - Complete Infusion Care and Moshe Lalehzari] 13 Respondents Complete Infusion Care and Moshe Lalehzari are subject to disciplinary 14 41. action under Business and Professions Code section 4076 subdivision (a)(9) which precludes a 15 pharmacist from dispensing any prescription unless in a container that is correctly labeled with 16 the expiration dates of the effectiveness of the drug dispensed. The circumstances are as follows: 17 42. On or about May 25, 2012, Respondent Moshe Lalehzari, while working at Complete 18 Infusion Care located at 8588 Venice Blvd., Los Angeles CA 90034, dispensed five bags of 19 Carimune RX# 8258 to patient E.L. labeled with the incorrect expiration date of May 28, 2012. 20Specifically, on or about May 25, 2012, Respondent Moshe Lalehzari dispensed a five (5) day 21 course of Carimune 20gm RX # 8258 with a labeled expiration dated of May 28, 2012, which 22 resulted in the last two (2) days of the five (5) day Carimune doses being labeled as expired at the 23 time of use. 24 25 //// 26 27 ² Patient initials are used in lieu of real names in order to protect the privacy rights of the individuals. 28 13

1	EIGHTH CAUSE FOR DISCIPLINE	
2	[Sterile Injectable Labeling Requirements - Complete Infusion Care and Moshe Lalehzari]	
3	43. Respondents Complete Infusion Care and Moshe Lalehzari are subject to disciplinary	
4	action under Business and Professions Code section 4076 in conjunction with California Code of	
5	Regulations, title 16, section 1751.2 and 1735.4, which requires a pharmacy that compounds	
6	sterile injectable products to include on the label the instructions for storage and handling. The	
7	circumstances are as follows:	
8	44. On or about March 8, 2012 and April 9, 2012, Respondent Moshe Lalehzari while	
9	working at Complete Infusion Care located at 8588 Venice Blvd., Los Angeles CA 90034,	
10	dispensed Carimune 20gm RX Nos. 7267 and 7673 labeled with instructions to store medication	
11	at room temperature instead of being stored by the required method of refrigeration.	
12	NINTH CAUSE FOR DISCIPLINE	
13	[Records of Compounding Products - Complete Infusion Care and Moshe Lalehzari]	
14	45. Respondents Complete Infusion Care and Moshe Lalehzari are subject to disciplinary	
15	action under Business and Professions Code section 4300 in conjunction with California Code of	
16	Regulations, title 16, section 1735.3 subdivisions (a)(2), (3), (4), (6), and (10), which requires for	
17	each compounded product, that the pharmacy records include the date the drug was compounded,	
18	the identity of the pharmacy personnel who compounded the product, the identity of the	
19	pharmacist reviewing the final product, the manufacturer and a lot number of each component,	
20	and the quantity or amount of the drug compounded. The circumstances are as follows:	
21	46. On or about March 8, 2012, April 9, 2012, and May 25, 2012, Respondent Moshe	
22	Lalehzari, while working at Complete Infusion Care located at 8588 Venice Blvd., Los Angeles	
23	CA 90034, dispensed sterile injectable compound Carimune 20gm, RX nos. 7267, 7673 and 8258	
24	without maintaining proper compounding records for each of the products dispensed.	
25	OTHER MATTERS	
26	173. Pursuant to Code section 4307, if discipline is imposed on Pharmacy	
27	Permit Number PHY 46839 or Sterile Compounding License Number LSC 99250, issued to	
28	Complete Infusion Care, and Ali Pourmola (Pourmola) while acting as the manager,	
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administrator, owner, member, officer, director, associate, or partner of Complete Infusion Care 1 2 had knowledge of or knowingly participated in any conduct for which Pharmacy Permit Number PHY 46939 or Sterile Compounding License Number LSC 99250, issued to Complete Infusion 3 4 Care was revoked, suspended or placed on probation, Pourmola shall be prohibited from serving 5 as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 46839 or Sterile Compounding License Number 6 7 LSC 99250, issued to Complete Infusion Care is placed on probation or until Pharmacy Permit Number PHY 46839 or Sterile Compounding License Number LSC 99250, issued to Complete 8 Infusion Care is reinstated if it is revoked. 9 10 **DISCIPLINE CONSIDERATIONS** 11 To determine the degree of discipline, if any, to be imposed on Respondents, 47. 12 Complainant alleges as follows: 13 On or about October 15, 2009, in a prior action, the Board of Pharmacy issued a) 14 Citation Number CI 2009 41466 to Respondent Ali Pourmola for violations of Business and 15 Professions Code section 4059, subdivision (a) (furnishing dangerous drugs without prescription) 16 and Health & Safety Code section 11200, subdivision (c) (no prescription for Schedule II 17 substance may be refilled). Respondent was ordered to pay \$4000. On or about March 21, 2012, 18 the Citation was modified and reduced. Respondent was ordered to pay \$1000. That Citation is 19 now final and is incorporated by reference as if fully set forth. 20 b) On or about October 15, 2009, in a prior action, the Board of Pharmacy issued 21 Citation Number CI 2008 38864 to Respondent Complete Infusion Care for violations of 22 Business and Professions Code section 4059, subdivision (a) (furnishing dangerous drugs without 23 prescription) and Health & Safety Code section 11200, subdivision (c) (no prescription for 24 Schedule II substance may be refilled). Respondent was ordered to pay \$4000. On or about April 25 20, 2012, the Citation was modified and reduced. Respondent was ordered to pay \$1500. That 26 Citation is now final and is incorporated by reference as if fully set forth. 27 28 15

ĺ			
1	c) On or about July 1, 2013, in a prior action, the Board of Pharmacy issued		
2	Citation Number CI 2012 53606 to Respondent Complete Infusion Care for violations of		
3	Business and Professions Code Section 4115 subdivision (e) and California Code of Regulations		
4	section 1793.2 subdivision (b) (no person shall act as a pharmacy technician without being		
5	licensed by the Board) and ordered Respondent to pay \$1000. That Citation is now final and is		
6	incorporated by reference as if fully set forth.		
7	d) On or about July 1, 2013, in a prior action, the Board of Pharmacy issued		
8	Citation Number CI 2012 57415 to Respondent Moshe Lalehzari for violations of Business and		
9	Professions Code Section 4115 subdivision (e) and California Code of Regulations section 1793.2		
10	subdivision (b) (no person shall act as a pharmacy technician without being licensed by the		
11	Board) and ordered Respondent to pay \$1000. That Citation is now final and is incorporated by		
12	reference as if fully set forth.		
13	<u>PRAYER</u>		
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 Pharmacy Permit Number PHY 46839, issued to Complete		
17	Infusion Care; Ali Pourmola		
18	2. Revoking or suspending Sterile Compounding License Number LSC 99250, issued to		
19	Complete Infusion Care; Ali Pourmola;		
20	3. Revoking or suspending Pharmacy License Number RPH 48035 issued to Ali		
21	Pourmola;		
22	4. Revoking or suspending Pharmacy License Number RPH 59011 issued to Moshe		
23	Lalehzari;		
24	5. Prohibiting Ali Pourmola from serving as a manager, administrator, owner,		
25	member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit		
26	Number 46839 or Sterile Compounding License Number LSC 99250 issued to Complete Infusion		
27	Care is placed on probation or until Pharmacy Permit Number 46839 or Sterile Compounding		
28	License Number LSC 99250 issued to Complete Infusion Care is reinstated if Pharmacy Permit		
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Number 46839 or Sterile Compounding License Number LSC 99250 issued to Complete Infusion Care issued is revoked; 6. Ordering Complete Infusion Care, Ali Pourmola and Moshe Lalehzari 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: 10/26/15 VIRGINIA Executive Officer Board of Pharmacy Department of Consumer Affairs State of California Complainant LA2013510143 51934682.docx Third Amended Accusation

1	KAMALA D. HARRIS Attorney General of California			
2	Attorney General of California MARC D. GREENBAUM Supervising Deputy Attorney General			
3	Supervising Deputy Attorney General LESLIE A. WALDEN Deputy Attorney General			
4	Deputy Attorney General State Bar No. 196882 200 So. Spring Street, Suite 1702			
5	300 So. Spring Street, Suite 1702 Los Angeles, CA 90013 Telephone: (213) 897-3465			
6	Facsimile: (213) 897-3465 Facsimile: (213) 897-2804 Attorneys for Complainant			
7	BEFORE THE			
8	BOARD OF	PHARMACY CONSUMER AFFAIRS		
9		CALIFORNIA		
10	In the Matter of the Second Amended	Case No. 4907		
11	Accusation Against:			
12	COMPLETE INFUSION CARE;	SECOND AMENDED ACCUSATION		
13	Pharmacy Permit No. PHY 46839,			
14	Sterile Compounding License No. LSC 99250			
15	ALI POURMOLA			
16	Pharmacist License No. RPH 48035			
17	MOSHE LALEHZARI ; Pharmacist License No. RPH 59011			
18 19	8588 Venice Blvd. Los Angeles, CA 90034			
20				
21	Respondent.			
22				
23	Complainant alleges:			
24	PARTIES			
25	1. Virginia Herold (Complainant) brings this Second Amended Accusation solely in her			
26	official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer			
27	Affairs.			
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	Second Amended Accusation			

On or about September 22, 2004, the Board of Pharmacy issued Pharmacy Permit
 Number PHY 46839 to Complete Infusion Care; Ali Pourmola (Respondent). The Pharmacy
 Permit will expire on September 1, 2015, unless renewed.
 On or about November 15, 2004, the Board of Pharmacy issued Sterile

Compounding License Number LSC 99250 to Complete Infusion Care; Ali Pourmola
(Respondent). The Sterile Compounding License will expire on September 1, 2015, unless
renewed.

8 4. On or about August 8, 1995, the Board of Pharmacy issued Pharmacist License
9 Number RPH 48035 to Ali Pourmola (Respondent). The Pharmacy License is in full force and
10 effect and expires on October 31, 2016, unless renewed.

5. On or about October 17, 2006, the Board of Pharmacy issued Pharmacist License
Number RPH 59011 to Moshe Lalehzari (Respondent). The Pharmacy License is in full force
and effect and expires on March 31, 2016, unless renewed.

JURISDICTION

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

7. Section 4300 of the Code states:

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

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

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"(1) Suspending judgment.

"(2) Placing him or her upon probation.

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

"(4) Revoking his or her license.

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

"(c) The board may refuse a license to any applicant guilty of unprofessional conduct. The 1 board may, in its sole discretion, issue a probationary license to any applicant for a license who is 2 guilty of unprofessional conduct and who has met all other requirements for licensure. The board 3 may issue the license subject to any terms or conditions not contrary to public policy, including, 4 but not limited to, the following: 5 "(1) Medical or psychiatric evaluation. 6 "(2) Continuing medical or psychiatric treatment. 7 "(3) Restriction of type or circumstances of practice. 8 9 "(4) Continuing participation in a board-approved rehabilitation program. "(5) Abstention from the use of alcohol or drugs. 10 "(6) Random fluid testing for alcohol or drugs. 11 "(7) Compliance with laws and regulations governing the practice of pharmacy. 12 "(d) The board may initiate disciplinary proceedings to revoke or suspend any probationary 13 certificate of licensure for any violation of the terms and conditions of probation. Upon 14 satisfactory completion of probation, the board shall convert the probationary certificate to a 15 regular certificate, free of conditions. 16 "(e) The proceedings under this article shall be conducted in accordance with Chapter 5 17 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board 18 shall have all the powers granted therein. The action shall be final, except that the propriety of 19 the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of 20Civil Procedure." 21 8. Section 4301 of the Code states: 22 "The board shall take action against any holder of a license who is guilty of unprofessional 23 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake. 24 Unprofessional conduct shall include, but is not limited to, any of the following: 25 "(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or 2627 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not. 28

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

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

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9. Section 4300.1 of the Code states:

"(p) Actions or conduct that would have warranted denial of a license.

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

10. Section 4076 of the Code states:

"(a) A pharmacist shall not dispense any prescription except in a container that meets the
requirements of state and federal law and is correctly labeled with all of the following:

""

(9) The expiration date of the effectiveness of the drug dispensed.

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11. Section 4342 of the Code states:

"(a) The board may institute any action or actions as may be provided by law and that, in its
discretion, are necessary, to prevent the sale of pharmaceutical preparations and drugs that do not
conform to the standard and tests as to quality and strength, provided in the latest edition of the
United States Pharmacopoeia or the National Formulary, or that violate any provision of the
Sherman Food, Drug and Cosmetic Law (Part 5 (commencing with Section 109875) of Division
104 of the Health and Safety Code)."

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"(b) Any knowing or willful violation of any regulation adopted pursuant to Section 4006 shall be subject to punishment in the same manner as is provided in Sections 4336 and 4321."

12. Section 4169 of the Code states:

"(a)A person or entity may not do any of the following:

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"(3)Purchase, trade, sell, or transfer dangerous drugs that the person knew or reasonably should have known were misbranded, as defined in Section 111335 of the Health and Safety Code."

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13. Section 4307 of the Code states:

"Individuals with Denied, Revoked, Suspended, etc. Licenses Prohibited From Pharmacy
Ownership or Association with Board Licensed Entities"

"(a) Any person who has been denied a license or whose license has been revoked or is 13 under suspension, or who has failed to renew his or her license while it was under suspension, or 14 who has been a manager, administrator, owner, member, officer, director, associate, or partner of 15 any partnership, corporation, firm, or association whose application for a license has been denied 16 or revoked, is under suspension or has been placed on probation, and while acting as the manager, 17 administrator, owner, member, officer, director, associate, or partner had knowledge of or 18 knowingly participated in any conduct for which the license was denied, revoked, suspended, or 19 99 placed on probation, shall be prohibited from serving as a manager, administrator, owner, 20member, officer, director, associate, or partner of a licensee as follows: 21

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

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

26 "(b) "Manager, administrator, owner, member, officer, director, associate, or partner," as
27 used in this section and Section 4308, may refer to a pharmacist or to any other person who serves
28 in that capacity in or for a licensee.

"(c) The provisions of subdivision (a) may be alleged in any pleading filed pursuant to 1 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code. 2 However, no order may be issued in that case except as to a person who is named in the caption, 3 as to whom the pleading alleges the applicability of this section, and where the person has been 4 given notice of the proceeding as required by Chapter 5 (commencing with Section 11500) of Part 5 1 of Division 3 of the Government Code. The authority to proceed as provided by this subdivision 6 shall be in addition to the board's authority to proceed under Section 4339 or any other provision 7 of law." 8

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REGULATIONS

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California Code of Regulations, title 16, section 1770, states: 14.

"For the purpose of denial, suspension, or revocation of a personal or facility license 11 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a 12 crime or act shall be considered substantially related to the qualifications, functions or duties of a 13 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a 14 licensee or registrant to perform the functions authorized by his license or registration in a manner 15 consistent with the public health, safety, or welfare." 16

California Code of Regulations, title 16, section 1751.6, subdivisions (a) (b) and (c) 15. states: 18

"(a) Consultation shall be available to the patient and/or primary caregiver concerning 19 proper use of sterile injectable products and related supplies furnished by the pharmacy." 20

"(b) The pharmacist-in-charge shall be responsible to ensure all pharmacy personnel engaging in compounding sterile injectable drug products shall have training and demonstrated 22 competence in the safe handling and compounding of sterile injectable products, including 23 cytotoxic agents if the pharmacy compounds products with cytotoxic agents." 24

"(c) Records of training and demonstrated competence shall be available for each individual 25and shall be retained for three years beyond the period of employment." 26

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California Code of Regulations, title 16, section 1735.2 subdivision (d)(5), states: 16. "…"

1	"(d) A drug product shall not be compounded until the pharmacy has first prepared a	
2	written master formula record that includes at least the following elements:"	
3	««	
4	"(5) Process and/or procedure used to prepare the drug."	
5	17. California Code of Regulations, title 16, section 1735.3 subdivision (a)(7), states:	
6	"(a) For each compounded drug product, the pharmacy records shall include:	
7	(; ²³ , , ,	
8	"(7) A pharmacy assigned reference or lot number for the compounded drug	
9	product."	
10	18. California Code of Regulations, title 16, section 1761 subdivision (a) states:	
11	"(a) No pharmacist shall compound or dispense any prescription which contains any	
12	significant error, omission, irregularity, uncertainty, ambiguity or alteration. Upon receipt of any	
13	such prescription, the pharmacist shall contact the prescriber to obtain the information needed to	
14	validate the prescription."	
15	19. California Code of Regulations, title 16, section 1751.2 subdivision (c) states:	
16	"In addition to the labeling information required under Business and Professions Code	
17	section 4076 and section 1735.4, a pharmacy which compounds sterile injectable products shall	
18	include the following information on the labels for those products:	
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20	"(c) Instructions for storage and handling."	
21	·····	
22	20. California Code of Regulations, title 16, section 1735.4 states:	
23	"(a) In addition to the labeling information required under Business and Professions Code	
24	section 4076, the label of a compounded drug product shall contain the generic name(s) of the	
25	principal active ingredient(s)."	
26	"(b) A statement that the drug has been compounded by the pharmacy shall be included on	
27	the container or on the receipt provided to the patient."	
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1	"(c) Drug products compounded into unit-dose containers that are too small or otherwise
2	impractical for full compliance with subdivisions (a) and (b) shall be labeled with at least the
3	name(s) of the active ingredient(s), concentration or strength, volume or weight, pharmacy
4	reference or lot number, and expiration date."
5	21. California Code of Regulations, title 16, section 1735.3 subdivision (a)(2) states:
6	"(a) For each compounded drug product, the pharmacy records shall include:
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8	"(2) The date the drug product was compounded."
9	"(3) The identity of the pharmacy personnel who compounded the drug product."
10	"(4) The identity of the pharmacist reviewing the final drug product."
11	· · · · ·
12	"(6) The manufacturer, expiration date and lot number of each component. If the
13	manufacturer name is demonstrably unavailable, the name of the supplier may be substituted.
14	Exempt from the requirements in this paragraph are sterile products compounded on a one-time
15	basis for administration within seventy-two (72) hours and stored in accordance with standards
16	for "Redispensed CSPS" found in Chapter 797 of the United States Pharmacopeia - National
17	Formulary (USP-NF) (35th Revision, Effective May 1, 2012), hereby incorporated by reference,
18	to an inpatient in a health care facility licensed under section 1250 of the Health and Safety
19	Code."
20	66 79 • • • • •
21	COSTS
22	22. Section 125.3 of the Code states, in pertinent part, that the Board may request the
23	administrative law judge to direct a licentiate found to have committed a violation or violations of
24	the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
25	enforcement of the case.
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	Second Amended Accusation

DANGEROUS DRUGS AND CONTROLLED SUBSTANCES

2	23. <u>Heparin</u> : Heparin is a dangerous drug pursuant to Business and Professions Code
3	section 4022, and is used as an anticoagulant in the prevention and treatment of thrombosis and
4	embolism and is a dangerous drug pursuant to Business and Professions Code section 4022.
5	24. <u>Ceftriaxone</u> : Ceftriaxone is a dangerous drug pursuant to Business and Professions
6	Code section 4022, and is used as a prescription antibiotic.
7	25. <u>Carimune</u> : Carimune is a dangerous drug pursuant to Business and Professions
8	Code section 4022, and is used to treat immune deficiencies.
9	26. <u>Morphine</u> : Morphine is a Schedule II controlled substance pursuant to Health and
10	Safety Code section 11055(b)(1)(L) and a dangerous drug pursuant to Business and Professions
11	Code section 4022, and is used to treat severe pain.
12	27. <u>Bupivacaine</u> : Bupivacaine is a dangerous drug pursuant to Business and Professions
13	Code section 4022, and is used as a local anesthetic.
14	FIRST CAUSE FOR DISCIPLINE
15	[Unprofessional Conduct (Staff Training of Injectable Compounding) - Complete Infusion Care
16	and Moshe Lalehzari]
17	28. Respondents Complete Infusion Care and Moshe Lalehzari are subject to disciplinary
18	action under Business and Professions Code section 4301, subdivision (o) in conjunction with
19	California Code of Regulations, title 16, section 1751.6, subdivisions (b) and (c) in that the
20	Respondents failed to ensure all pharmacy personnel engaging in compounding sterile injectable
21	drug products had training and had demonstrated competence in the safe handling and
22	compounding of sterile injectable products, and that records of training were available for each
23	individual for three years beyond employment. The circumstances are as follows:
24	29. On or about October 16, 2012 an onsite inspection by the Board of Pharmacy
25	revealed that Complete Infusion Care and pharmacist-in-charge Moshe Lalehzari did not have
26	training records of demonstrated competencies for pharmacy personnel.
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	Second Amended Accusation

1	SECOND CAUSE FOR DISCIPLINE
2	[Unprofessional Conduct (Compounding Limitations and Requirements) - Complete Infusion
3	Care and Moshe Lalehzari]
4	30. Respondents Complete Infusion Care and Moshe Lalehzari are subject to disciplinary
5	action under Business and Professions Code section 4301, subdivision (o) in conjunction with
6	California Code of Regulations, title 16, section 1735.2 subdivision (d)(5) where prior to
7	compounding drug products, Respondents failed to prepare a written master formula record that
8	included at least a process or procedure used to prepare the drug. The circumstances are as
9	follows:
10	31. On or about October 16, 2012, an onsite inspection by the Board of Pharmacy
11	revealed that at Complete Infusion Care, the compounding records dated January 23, 2012 for RX
12	6850 and June 7, 2012 for RX 8437 for patient C.B. prepared by pharmacist-in-charge Moshe
13	Lalehzari did not have the process or procedure used to prepare and compound the preservative
14	free non-sterile to sterile morphine 50 mg/ml + bupivacaine 30 mg/ml compound on the
15	Compound Sheet under "Mix Instructions".
16	
17	THIRD CAUSE FOR DISCIPLINE
18	[Unprofessional Conduct (Record Keeping of Compounded Drug Products) - Complete Infusion
19	Care and Moshe Lalehzari]
20	32. Respondents Complete Infusion Care and Moshe Lalehzari are subject to disciplinary
21	action under Business and Professions Code section 4301, subdivision (o) in conjunction with
22	California Code of Regulations, title 16, section 1735.3 subdivision (a), which states (a) for each
23	compounded drug product, the pharmacy records failed to include: (7) the equipment used in
24	compounding the drug product. The circumstances are as follows:
25	33. On or about October 16, 2012, an onsite inspection by the Board of Pharmacy
26	revealed that at Complete Infusion Care, the compounding records dated January 23, 2012 for RX
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	Second Amended Accusation

1	6850 and June 7, 2012 for RX 8437 for patient C.B. ¹ prepared by pharmacist-in-charge Moshe
2	Lalehzari did not document the equipment used in the compounding of the preservative free non-
3	sterile to sterile morphine 50 mg/ml + bupivacaine 30 mg/ml compound on the Compound Sheet.
4	FOURTH CAUSE FOR DISCIPLINE
5	[Unprofessional Conduct (Fraudulent Billing) - Complete Infusion Care]
6	34. Respondent Complete Infusion Care subject to disciplinary action under Business and
7	Professions Code section 4301, subdivisions (f) and (g) in that Respondent committed
8	unprofessional conduct due to the commission of acts involving moral turpitude, dishonesty,
9	fraud, deceit, or corruption, by knowingly making or signing any certificate or other document
10	that falsely represents the existence or nonexistence of a state of facts. The circumstances are as
11	follows:
12	35. On or about March 12, 2010, Respondent fraudulently billed Anthem Blue Shield for
13	services not rendered to patient K.W. as follows:
14	a) Claim #956, Date of Service: February 24, 2010; Service Codes S1015, J0696
15	and S9500 totaling \$7,438.80.
16	b) Claim #957, Date of Service: February 24, 2010; Service Codes A4216, J1644,
17	S9590, totaling \$6,686.05.
18	36. On or about July 31, 2011, Respondent fraudulently re-billed Anthem Blue Shield,
19	changing the codes for services on Patient K.W. on the following dates:
20	a) Claim #6229, Date of Service: February 24, 2010, Service Code S9336 totaling
21	\$3,500.00.
22	b) Claim #6230, Date of Service: February 24, 2010, Service Code S9336 totaling
23	\$3,772.50.
24	c) Claim #6231, Date of Service: February 17, 2010, Service Code S5501 totaling
25	\$6,772.50.
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27	¹ The patient's initials are used throughout this pleading in lieu of the patient name in
28	order to protect patient privacy rights.
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	Second Amended Accusation

1d)Claim #6232, Date of Service: February 17, 2010, Service Code S9810 totaling2\$4,000.00.

3 e) Claim #6233, Date of Service: February 18, 2010, Service Code 99601 totaling
4 \$3,500.00.

f) Claim #6234, Date of Service: February 19, 2010, Service Code 99601 totaling \$3,500.00.

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FIFTH CAUSE FOR DISCIPLINE

8 [Sale of Drugs Lacking Quality of Strength - Complete Infusion Care and Moshe Lalehzari]
9 37. Respondents Complete Infusion Care and Moshe Lalehzari are subject to disciplinary
10 action under Business and Professions Code section 4342 and 4169 subdivision (a)(3) in that
11 Respondents sold and/or transferred dangerous drugs that a reasonable person would know or
12 reasonably should have known were misbranded. The circumstances are as follows:

38. On or about March 8, 2012, April 9, 2012, and May 25, 2012, Respondent Moshe 13 Lalehzari, while working at Complete Infusion Care located at 8588 Venice Blvd., Los Angeles 14 CA 90034, dispensed sterile injectable compound Carimune 20gm RX Nos. 7267, 7673, and 15 8258 with labeled expiration dates of six (6) days, six (6) days and three (3) days, respectively, 16 after preparation. The manufacturers beyond the use date for Carimune was within twenty-four 17 hours of reconstitution of the drug. Complete Infusion Care conducted and obtained extended 18 stability and potency testing results for Carimune on April 25, 2014, but did not have extended 19 stability and potency data at the time the Carimune was dispensed on March 8, 2012, April 9, 20 2012, and May 25, 2012. 21

SIXTH CAUSE FOR DISCIPLINE

[Erroneous or Uncertain Prescription - Complete Infusion Care, Moshe Lalehzari and Ali Pourmola]

39. Respondents Complete Infusion Care, Moshe Lalehzari and Ali Pourmola are subject
to disciplinary action under Business and Professions Code section 4300 in conjunction with
California Code of Regulations, title 16, section 1761 subdivision (a) in that Respondents
dispensed a prescription which contained significant errors, omissions, irregularities,

uncertainties, ambiguities, or alterations without contacting the prescriber for clarification. The circumstances are as follows:

On or about March 8, 2012, April 9, 2012, and May 22, 2012, Respondents Moshe 40. 3 Lalehzari and Ali Pourmola while working at Complete Infusion Care located at 8588 Venice 4 Blvd., Los Angeles CA 90034, dispensed uncertain and ambiguous prescriptions for Carimune 5 20gm RX, Nos. 7267, 7673, and 8258 to patient E.L.² without first clarifying the dose of the 6 prescriptions with the prescriber. Specifically, E.L.'s Carimune prescriptions were written 7 incorrectly for a daily dose of "0.4 mg/kg" for a calculated dose of 20mg per day and not the 8 correct dose of "0.4gm/kg" for a calculated dose of 20gm per day. The prescriptions were 9 dispensed by Respondents without first obtaining clarification of the correct ordered dose from 10 the prescriber. 11

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[Labeling Requirements - Complete Infusion Care and Moshe Lalehzari]

SEVENTH CAUSE FOR DISCIPLINE

41. Respondents Complete Infusion Care and Moshe Lalehzari are subject to disciplinary
action under Business and Professions Code section 4076 subdivision (a)(9) which precludes a
pharmacist from dispensing any prescription unless in a container that is correctly labeled with
the expiration dates of the effectiveness of the drug dispensed. The circumstances are as follows:

42. On or about May 25, 2012, Respondent Moshe Lalehzari, while working at Complete
Infusion Care located at 8588 Venice Blvd., Los Angeles CA 90034, dispensed five bags of
Carimune RX# 8258 to patient E.L. labeled with the incorrect expiration date of May 28, 2012.
Specifically, on or about May 25, 2012, Respondent Moshe Lalehzari dispensed a five (5) day
course of Carimune 20gm RX # 8258 with a labeled expiration dated of May 28, 2012, which
resulted in the last two (2) days of the five (5) day Carimune doses being labeled as expired at the
time of use.

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 $\begin{array}{c} 27 \\ 28 \end{array}$ Patient initials are used in lieu of real names in order to protect the privacy rights of the individuals.

EIGHTH CAUSE FOR DISCIPLINE

[Sterile Injectable Labeling Requirements - Complete Infusion Care and Moshe Lalehzari]
43. Respondents Complete Infusion Care and Moshe Lalehzari are subject to disciplinary
action under Business and Professions Code section 4076 in conjunction with California Code of
Regulations, title 16, section 1751.2 and 1735.4, which requires a pharmacy that compounds
sterile injectable products to include on the label the instructions for storage and handling. The
circumstances are as follows:

44. On or about March 8, 2012 and April 9, 2012, Respondent Moshe Lalehzari while
working at Complete Infusion Care located at 8588 Venice Blvd., Los Angeles CA 90034,
dispensed Carimune 20gm RX Nos. 7267 and 7673 labeled with instructions to store medication
at room temperature instead of being stored by the required method of refrigeration.

NINTH CAUSE FOR DISCIPLINE

[Records of Compounding Products - Complete Infusion Care and Moshe Lalehzari] 13 45. Respondents Complete Infusion Care and Moshe Lalehzari are subject to disciplinary 14 action under Business and Professions Code section 4300 in conjunction with California Code of 15 Regulations, title 16, section 1735.3 subdivisions (a)(2), (3), (4), (6), and (10), which requires for 16 each compounded product, that the pharmacy records include the date the drug was compounded. 17 the identity of the pharmacy personnel who compounded the product, the identity of the 18 pharmacist reviewing the final product, the manufacturer and a lot number of each component, 19 and the quantity or amount of the drug compounded. The circumstances are as follows: 20

46. On or about March 8, 2012, April 9, 2012, and May 25, 2012, Respondent Moshe
Lalehzari, while working at Complete Infusion Care located at 8588 Venice Blvd., Los Angeles
CA 90034, dispensed sterile injectable compound Carimune 20gm, RX nos. 7267, 7673 and 8258
without maintaining proper compounding records for each of the products dispensed.

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OTHER MATTERS

26 173. Pursuant to Code section 4307, if discipline is imposed on Pharmacy
27 Permit Number PHY 46839 or Sterile Compounding License Number LSC 99250, issued to
28 Complete Infusion Care, and Ali Pourmola (Pourmola) while acting as the manager,

administrator, owner, member, officer, director, associate, or partner of Complete Infusion Care 1 had knowledge of or knowingly participated in any conduct for which Pharmacy Permit Number 2 PHY 46939 or Sterile Compounding License Number LSC 99250, issued to Complete Infusion 3 Care was revoked, suspended or placed on probation, Pourmola shall be prohibited from serving 4 as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee 5 for five years if Pharmacy Permit Number PHY 46839 or Sterile Compounding License Number 6 LSC 99250, issued to Complete Infusion Care is placed on probation or until Pharmacy Permit 7 Number PHY 46839 or Sterile Compounding License Number LSC 99250, issued to Complete 8 Infusion Care is reinstated if it is revoked. 9

DISCIPLINE CONSIDERATIONS

47. To determine the degree of discipline, if any, to be imposed on Respondents, Complainant alleges as follows:

a) On or about October 15, 2009, in a prior action, the Board of Pharmacy issued Citation Number CI 2009 41466 to Respondent Ali Pourmola for violations of Business and Professions Code section 4059, subdivision (a) (furnishing dangerous drugs without prescription) and Health & Safety Code section 11200, subdivision (c) (no prescription for Schedule II substance may be refilled). Respondent was ordered to pay \$4000. On or about March 21, 2012, the Citation was modified and reduced. Respondent was ordered to pay \$1000. That Citation is now final and is incorporated by reference as if fully set forth.

b) On or about October 15, 2009, in a prior action, the Board of Pharmacy issued
Citation Number CI 2008 38864 to Respondent Complete Infusion Care for violations of
Business and Professions Code section 4059, subdivision (a) (furnishing dangerous drugs without
prescription) and Health & Safety Code section 11200, subdivision (c) (no prescription for
Schedule II substance may be refilled). Respondent was ordered to pay \$4000. On or about April
20, 2012, the Citation was modified and reduced. Respondent was ordered to pay \$1500. That
Citation is now final and is incorporated by reference as if fully set forth.

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1	c) On or about July 1, 2013, in a prior action, the Board of Pharmacy issued	
2	Citation Number CI 2012 53606 to Respondent Complete Infusion Care for violations of	
3	Business and Professions Code Section 4115 subdivision (e) and California Code of Regulations	
4	section 1793.2 subdivision (b) (no person shall act as a pharmacy technician without being	
5	licensed by the Board) and ordered Respondent to pay \$1000. That Citation is now final and is	
6	incorporated by reference as if fully set forth.	
7	d) On or about July 1, 2013, in a prior action, the Board of Pharmacy issued	
8	Citation Number CI 2012 57415 to Respondent Moshe Lalehzari for violations of Business and	
9	Professions Code Section 4115 subdivision (e) and California Code of Regulations section 1793.2	
10	subdivision (b) (no person shall act as a pharmacy technician without being licensed by the	
11	Board) and ordered Respondent to pay \$1000. That Citation is now final and is incorporated by	
12	reference as if fully set forth.	
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 Pharmacy Permit Number PHY 46839, issued to Complete	
.17	Infusion Care; Ali Pourmola	
18	2. Revoking or suspending Sterile Compounding License Number LSC 99250, issued to	
19	Complete Infusion Care; Ali Pourmola;	
20	3. Revoking or suspending Pharmacy License Number RPH 48035 issued to Ali	
21	Pourmola;	
22	4. Revoking or suspending Pharmacy License Number RPH 59011 issued to Moshe	
23	Lalehzari;	
24	5. Prohibiting Ali Pourmola from serving as a manager, administrator, owner,	
25	member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit	
26	Number 46839 or Sterile Compounding License Number LSC 99250 issued to Complete Infusion	
27	Care is placed on probation or until Pharmacy Permit Number 46839 or Sterile Compounding	

28 License Number LSC 99250 issued to Complete Infusion Care is reinstated if Pharmacy Permit

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1	Number 46839 or Sterile Compounding License Number LSC 99250 issued to Complete Infusion	
2	Care issued is revoked;	
3	6. Ordering Complete Infusion Care, Ali Pourmola and Moshe Lalehzari to pay the	
4	Board of Pharmacy the reasonable costs of the investigation and enforcement of this case;	
5	pursuant to Business and Professions Code section 125.3; and	
6	7. Taking such athen and for they easting as despendences and groups	
7	7. Taking such other and further action as deemed necessary and proper.	
8		
9	DATED: 9/3/15 Ungine Accold	
10	VIRGINIA/HEROLD Executive Officer	
11	Board of Pharmacy Department of Consumer Affairs	
12	State of California Complainant	
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	Second Amended Accusation	

1	KAMALA D. HARRIS	
2	Attorney General of California MARC D. GREENBAUM	
3	Supervising Deputy Attorney General LESLIE A. WALDEN	
4	Deputy Attorney General State Bar No. 196882	
5	300 So. Spring Street, Suite 1702 Los Angeles, CA 90013	
6	Telephone: (213) 897-3465 Facsimile: (213) 897-2804	
7	Attorneys for Complainant	
8	BOARD OF	RE THE PHARMACY YONSUMED A FEADS
9		CONSUMER AFFAIRS CALIFORNIA
10	Le the Metter of the First Among de d.A. second is a	C N. 4007
11	In the Matter of the First Amended Accusation Against:	Case No. 4907
12		FIDET AMENDED A COUSATION
13	COMPLETE INFUSION CARE; Pharmacy Permit No. PHY 46839,	FIRST AMENDED ACCUSATION
14	Sterile Compounding License No. LSC 99250	
15	ALI POURMOLA	
16	Pharmacist License No. RPH 48035	
17	MOSHE LALEHZARI ; Pharmacist License No. RPH 59011	
18 19	8588 Venice Blvd. Los Angeles, CA 90034	
20		
21		
22	Respondent.	
23	Complainant alleges:	
24		TIES
25		s this First Amended Accusation solely in her
26	official capacity as the Executive Officer of the I	
27	Affairs.	Board of Tharmacy, Department of Consuller
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1	2. On or about September 22, 2004, the Board of Pharmacy issued Pharmacy Permit	
2	Number PHY 46839 to Complete Infusion Care; Ali Pourmola (Respondent). The Pharmacy	
3	Permit will expire on September 1, 2015, unless renewed.	
4	3. On or about November 15, 2004, the Board of Pharmacy issued Sterile	
5	Compounding License Number LSC 99250 to Complete Infusion Care; Ali Pourmola	
6	(Respondent). The Sterile Compounding License will expire on September 1, 2015, unless	
7	renewed.	
8	4. On or about August 8, 1995, the Board of Pharmacy issued Pharmacist License	
9	Number RPH 48035 to Ali Pourmola (Respondent). The Pharmacy License is in full force and	
10	effect and expires on October 31, 2016, unless renewed.	
11	5. On or about October 17, 2006, the Board of Pharmacy issued Pharmacist License	
12	Number RPH 59011 to Moshe Lalehzari (Respondent). The Pharmacy License is in full force	
13	and effect and expires on March 31, 2016, unless renewed.	
14	JURISDICTION	
15	6. This First Amended Accusation is brought before the Board of Pharmacy (Board),	
16	Department of Consumer Affairs, under the authority of the following laws. All section	
17	references are to the Business and Professions Code unless otherwise indicated.	
18	7. Section 4300 of the Code states:	
19	"(a) Every license issued may be suspended or revoked.	
20	"(b) The board shall discipline the holder of any license issued by the board, whose default	
21	has been entered or whose case has been heard by the board and found guilty, by any of the	
22	following methods:	
23	"(1) Suspending judgment.	
24	"(2) Placing him or her upon probation.	
25	"(3) Suspending his or her right to practice for a period not exceeding one year.	
26	"(4) Revoking his or her license.	
27	"(5) Taking any other action in relation to disciplining him or her as the board in its	
28	discretion may deem proper.	
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	Accusation	

1	"(c) The board may refuse a license to any applicant guilty of unprofessional conduct. The
2	board may, in its sole discretion, issue a probationary license to any applicant for a license who is
3	guilty of unprofessional conduct and who has met all other requirements for licensure. The board
4	may issue the license subject to any terms or conditions not contrary to public policy, including,
5	but not limited to, the following:
6	"(1) Medical or psychiatric evaluation.
7	"(2) Continuing medical or psychiatric treatment.
8	"(3) Restriction of type or circumstances of practice.
9	"(4) Continuing participation in a board-approved rehabilitation program.
10	"(5) Abstention from the use of alcohol or drugs.
11	"(6) Random fluid testing for alcohol or drugs.
12	"(7) Compliance with laws and regulations governing the practice of pharmacy.
13	"(d) The board may initiate disciplinary proceedings to revoke or suspend any probationary
14	certificate of licensure for any violation of the terms and conditions of probation. Upon
15	satisfactory completion of probation, the board shall convert the probationary certificate to a
16	regular certificate, free of conditions.
17	"(e) The proceedings under this article shall be conducted in accordance with Chapter 5
18	(commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board
19	shall have all the powers granted therein. The action shall be final, except that the propriety of
20	the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of
21	Civil Procedure."
22	8. Section 4301 of the Code states:
23	"The board shall take action against any holder of a license who is guilty of unprofessional
24	conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.
25	Unprofessional conduct shall include, but is not limited to, any of the following:
26	"(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or
27	corruption, whether the act is committed in the course of relations as a licensee or otherwise, and
28	whether the act is a felony or misdemeanor or not.
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	Accusation

1	"(g) Knowingly making or signing any certificate or other document that falsely represents
2	the existence or nonexistence of a state of facts.
3	
4	"(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
5	violation of or conspiring to violate any provision or term of this chapter or of the applicable
6	federal and state laws and regulations governing pharmacy, including regulations established by
7	the board or by any other state or federal regulatory agency.
8	"(p) Actions or conduct that would have warranted denial of a license.
9	9. Section 4300.1 of the Code states:
10	"The expiration, cancellation, forfeiture, or suspension of a board-issued license by
11	operation of law or by order or decision of the board or a court of law, the placement of a license
12	on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board
13	of jurisdiction to commence or proceed with any investigation of, or action or disciplinary
14	proceeding against, the licensee or to render a decision suspending or revoking the license."
15	10. Section 4076 of the Code states:
16	"(a) A pharmacist shall not dispense any prescription except in a container that meets the
17	requirements of state and federal law and is correctly labeled with all of the following:
18	" " ···
19	(9) The expiration date of the effectiveness of the drug dispensed.
20	" »» ····
21	11. Section 4342 of the Code states:
22	"(a) The board may institute any action or actions as may be provided by law and that, in its
23	discretion, are necessary, to prevent the sale of pharmaceutical preparations and drugs that do not
24	conform to the standard and tests as to quality and strength, provided in the latest edition of the
25	United States Pharmacopoeia or the National Formulary, or that violate any provision of the
26	Sherman Food, Drug and Cosmetic Law (Part 5 (commencing with Section 109875) of Division
27	104 of the Health and Safety Code)."
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1	"(b) Any knowing or willful violation of any regulation adopted pursuant to Section 4006
2	shall be subject to punishment in the same manner as is provided in Sections 4336 and 4321."
3	12. Section 4169 of the Code states:
4	"(a)A person or entity may not do any of the following:
5	··· ??
6	"(3)Purchase, trade, sell, or transfer dangerous drugs that the person knew or reasonably
7	should have known were misbranded, as defined in Section 111335 of the Health and Safety
8	Code."
9	···· ??
10	<u>REGULATIONS</u>
11	13. California Code of Regulations, title 16, section 1770, states:
12	"For the purpose of denial, suspension, or revocation of a personal or facility license
13	pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
14	crime or act shall be considered substantially related to the qualifications, functions or duties of a
15	licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
16	licensee or registrant to perform the functions authorized by his license or registration in a
17	manner consistent with the public health, safety, or welfare."
18	14. California Code of Regulations, title 16, section 1751.6, subdivisions (a) (b) and (c)
19	states:
20	"(a) Consultation shall be available to the patient and/or primary caregiver concerning
21	proper use of sterile injectable products and related supplies furnished by the pharmacy."
22	"(b) The pharmacist-in-charge shall be responsible to ensure all pharmacy personnel
23	engaging in compounding sterile injectable drug products shall have training and demonstrated
24	competence in the safe handling and compounding of sterile injectable products, including
25	cytotoxic agents if the pharmacy compounds products with cytotoxic agents."
26	"(c) Records of training and demonstrated competence shall be available for each
27	individual and shall be retained for three years beyond the period of employment."
28	15. California Code of Regulations, title 16, section 1735.2 subdivision (d)(5), states:
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	Accusation

1	··· ??	
2	"(d) A drug product shall not be compounded until the pharmacy has first prepared a	
3	written master formula record that includes at least the following elements:"	
4	" » …	
5	"(5) Process and/or procedure used to prepare the drug."	
6	16. California Code of Regulations, title 16, section 1735.3 subdivision (a)(7), states:	
7	"(a) For each compounded drug product, the pharmacy records shall include:	
8	··· ??	
9	"(7) A pharmacy assigned reference or lot number for the compounded drug	
10	product."	
11	17. California Code of Regulations, title 16, section 1761 subdivision (a) states:	
12	"(a) No pharmacist shall compound or dispense any prescription which contains any	
13	significant error, omission, irregularity, uncertainty, ambiguity or alteration. Upon receipt of any	
14	such prescription, the pharmacist shall contact the prescriber to obtain the information needed to	
15	validate the prescription."	
16	18. California Code of Regulations, title 16, section 1751.2 subdivision (c) states:	
17	"In addition to the labeling information required under Business and Professions Code	
18	section 4076 and section 1735.4, a pharmacy which compounds sterile injectable products shall	
19	include the following information on the labels for those products:	
20	··· ·· ·· ·· ·· ·· ·· ·· ·· ·· ·· ·· ··	
21	"(c) Instructions for storage and handling."	
22	·····	
23	19. California Code of Regulations, title 16, section 1735.4 states:	
24	"(a) In addition to the labeling information required under Business and Professions Code	
25	section 4076, the label of a compounded drug product shall contain the generic name(s) of the	
26	principal active ingredient(s)."	
27	"(b) A statement that the drug has been compounded by the pharmacy shall be included on	
28	the container or on the receipt provided to the patient."	
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	Accusation	

1	"(c) Drug products compounded into unit-dose containers that are too small or otherwise
2	impractical for full compliance with subdivisions (a) and (b) shall be labeled with at least the
3	name(s) of the active ingredient(s), concentration or strength, volume or weight, pharmacy
4	reference or lot number, and expiration date."
5	20. California Code of Regulations, title 16, section 1735.3 subdivision (a)(2) states:
6	"(a) For each compounded drug product, the pharmacy records shall include:
7	··· "
8	"(2) The date the drug product was compounded."
9	"(3) The identity of the pharmacy personnel who compounded the drug product."
10	"(4) The identity of the pharmacist reviewing the final drug product."
11	··· "
12	"(6) The manufacturer, expiration date and lot number of each component. If the
13	manufacturer name is demonstrably unavailable, the name of the supplier may be substituted.
14	Exempt from the requirements in this paragraph are sterile products compounded on a one-time
15	basis for administration within seventy-two (72) hours and stored in accordance with standards
16	for "Redispensed CSPS" found in Chapter 797 of the United States Pharmacopeia - National
17	Formulary (USP-NF) (35th Revision, Effective May 1, 2012), hereby incorporated by reference,
18	to an inpatient in a health care facility licensed under section 1250 of the Health and Safety
19	Code."
20	" » ····
21	<u>COSTS</u>
22	21. Section 125.3 of the Code states, in pertinent part, that the Board may request the
23	administrative law judge to direct a licentiate found to have committed a violation or violations of
24	the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
25	enforcement of the case.
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	Accusation

1	DANGEROUS DRUGS AND CONTROLLED SUBSTANCES
2	22. <u>Heparin</u> : Heparin is a dangerous drug pursuant to Business and Professions Code
3	section 4022, and is used as an anticoagulant in the prevention and treatment of thrombosis and
4	embolism and is a dangerous drug pursuant to Business and Professions Code section 4022.
5	23. <u>Ceftriaxone</u> : Ceftriaxone is a dangerous drug pursuant to Business and Professions
6	Code section 4022, and is used as a prescription antibiotic.
7	24. <u>Carimune</u> : Carimune is a dangerous drug pursuant to Business and Professions
8	Code section 4022, and is used to treat immune deficiencies.
9	25. <u>Morphine</u> : Morphine is a Schedule II controlled substance pursuant to Health and
10	Safety Code section 11055(b)(1)(L) and a dangerous drug pursuant to Business and Professions
11	Code section 4022, and is used to treat severe pain.
12	26. <u>Bupivacaine</u> : Bupivacaine is a dangerous drug pursuant to Business and Professions
13	Code section 4022, and is used as a local anesthetic.
14	FIRST CAUSE FOR DISCIPLINE
15	[Unprofessional Conduct (Staff Training of Injectable Compounding) - Complete Infusion Care
16	and Ali Pourmola]
17	27. Respondents Complete Infusion Care and Ali Pourmola are subject to disciplinary
18	action under Business and Professions Code section 4301, subdivision (o) in conjunction with
19	California Code of Regulations, title 16, section 1751.6, subdivisions (b) and (c) in that the
20	Respondents failed to ensure all pharmacy personnel engaging in compounding sterile injectable
21	drug products had training and had demonstrated competence in the safe handling and
22	compounding of sterile injectable products, and that records of training were available for each
23	individual for three years beyond employment. The circumstances are as follows:
24	28. On or about October 16, 2012 an onsite inspection by the Board of Pharmacy
25	revealed that at Complete Infusion Care, pharmacist-in-charge Ali Pourmola did not have training
26	records of demonstrated competencies for pharmacist Moshe Lalehzari.
27	////
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1	SECOND CAUSE FOR DISCIPLINE	
2	[Unprofessional Conduct (Staff Training of Injectable Compounding) - Moshe Lalehzari]	
3	29. Respondent Moshe Lalehzari is subject to disciplinary action under Business and	
4	Professions Code section 4301, subdivision (o) in conjunction with California Code of	
5	Regulations, title 16, section 1751.6, subdivisions (b) and (c) in that the Respondent failed to	
6	ensure all pharmacy personnel engaging in compounding sterile injectable drug products had	
7	training and had demonstrated competence in the safe handling and compounding of sterile	
8	injectable products, and that records of training were available for each individual for three years	
9	beyond employment. The circumstances are as follows:	
10	30. On or about October 16, 2012 an onsite inspection by the Board of Pharmacy	
11	revealed that at Complete Infusion Care, pharmacist-in-charge Moshe Lalehzari did not have	
12	training records of demonstrated competencies for pharmacist Francine Espejo.	
13	THIRD CAUSE FOR DISCIPLINE	
14	[Unprofessional Conduct (Compounding Limitations and Requirements) - Complete Infusion	
15	Care and Moshe Lalehzari]	
16	31. Respondents Complete Infusion Care and Moshe Lalehzari are subject to disciplinary	
17	action under Business and Professions Code section 4301, subdivision (o) in conjunction with	
18	California Code of Regulations, title 16, section 1735.2 subdivision (d)(5) where prior to	
19	compounding drug products, Respondents failed to prepare a written master formula record that	
20	included at least a process or procedure used to prepare the drug. The circumstances are as	
21	follows:	
22	32. On or about October 16, 2012, an onsite inspection by the Board of Pharmacy	
23	revealed that at Complete Infusion Care, the compounding records dated January 23, 2012 for RX	
24	6850 and June 7, 2012 for RX 8437 for patient C.B. prepared by pharmacist Moshe Lalehzari did	
25	not have the process or procedure used to prepare and compound the preservative free non-sterile	
26	to sterile morphine 50 mg/ml + bupivacaine 30 mg/ml compound on the Compound Sheet under	
27	"Mix Instructions".	
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1	FOURTH CAUSE FOR DISCIPLINE		
2	[Unprofessional Conduct (Record Keeping of Compounded Drug Products) - Complete Infusion		
3	Care and Moshe Lalehzari]		
4	33. Respondents Complete Infusion Care and Moshe Lalehzari are subject to disciplinary		
5	action under Business and Professions Code section 4301, subdivision (o) in conjunction with		
6	California Code of Regulations, title 16, section 1735.3 subdivision (a), which states (a) for each		
7	compounded drug product, the pharmacy records failed to include: (7) the equipment used in		
8	compounding the drug product. The circumstances are as follows:		
9	34. On or about October 16, 2012, an onsite inspection by the Board of Pharmacy		
10	revealed that at Complete Infusion Care, the compounding records dated January 23, 2012 for RX		
11	6850 and June 7, 2012 for RX 8437 for patient C.B. ¹ prepared by pharmacist Moshe Lalehzari		
12	did not document the equipment used in the compounding of the preservative free non-sterile to		
13	sterile morphine 50 mg/ml + bupivacaine 30 mg/ml compound on the Compound Sheet.		
14	FIFTH CAUSE FOR DISCIPLINE		
15	[Unprofessional Conduct (Fraudulent Billing) - Complete Infusion Care and Ali Pourmola]		
16	35. Respondents Complete Infusion Care and Ali Pourmola are subject to disciplinary		
17	action under Business and Professions Code section 4301, subdivisions (f) and (g) in that		
18	Respondents committed unprofessional conduct due to the commission of acts involving moral		
19	turpitude, dishonesty, fraud, deceit, or corruption, by knowingly making or signing any certificate		
20	or other document that falsely represents the existence or nonexistence of a state of facts. The		
21	circumstances are as follows:		
22	36. On or about March 12, 2010, Respondents fraudulently billed Anthem Blue Shield		
23	for services not rendered to patient K.W. ² as follows:		
24	a) Claim #956, Date of Service: February 24, 2010; Service Codes S1015, J0696		
25	and \$9500 totaling \$7,438.80.		
26	¹ The patient's initials are used in lieu of the patient name in order to protect patient		
27	privacy rights. ² The patient's initials are used in lieu of the patient name in order to protect patient		
28	privacy rights.		
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	Accusation		

1	b) Claim #957, Date of Service: February 24, 2010; Service Codes A4216, J1644,	
2	S9590, totaling \$6,686.05.	
3	37. On or about July 31, 2011, Respondents fraudulently re-billed Anthem Blue Shield,	
4	changing the codes for services on Patient K.W. on the following dates:	
5	a) Claim #6229, Date of Service: February 24, 2010, Service Code S9336 totaling	
6	\$3,500.00.	
7	b) Claim #6230, Date of Service: February 24, 2010, Service Code S9336 totaling	
8	\$3,772.50.	
9	c) Claim #6231, Date of Service: February 17, 2010, Service Code S5501 totaling	
10	\$6,772.50.	
11	d) Claim #6232, Date of Service: February 17, 2010, Service Code S9810 totaling	
12	\$4,000.00.	
13	e) Claim #6233, Date of Service: February 18, 2010, Service Code 99601 totaling	
14	\$3,500.00.	
15	f) Claim #6234, Date of Service: February 19, 2010, Service Code 99601 totaling	
16	\$3,500.00.	
17	SIXTH CAUSE FOR DISCIPLINE	
18	[Sale of Drugs Lacking Quality of Strength - Complete Infusion Care and Moshe Lalehzari]	
19	38. Respondents Complete Infusion Care and Moshe Lalehzari are subject to disciplinary	
20	action under Business and Professions Code section 4342 and 4169 subdivision (a)(3) in that	
21	Respondents sold and/or transferred dangerous drugs that a reasonable person would know or	
22	reasonably should have known were misbranded. The circumstances are as follows:	
23	39. On or about March 8, 2012, April 9, 2012, and May 25, 2012, Respondent Moshe	
24	Lalehzaria, while working at Complete Infusion Care located at 8588 Venice Blvd., Los Angeles	
25	CA 90034, dispensed sterile injectable compound Carimune 20gm RX Nos. 7267, 7673, and	
26	8258 with labeled expiration dates of six (6) days, six (6) days and three (3) days, respectively,	
27	after preparation. The manufacturers beyond the use date for Carimune was within twenty-four	
28	hours of reconstitution of the drug. Complete Infusion Care conducted and obtained extended	
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	Accusation	

1	stability and potency testing results for Carimune on April 25, 2014, but did not have extended
2	stability and potency data at the time the Carimune was dispensed on March 8, 2012, April 9,
3	2012, and May 25, 2012.
4	SEVENTH CAUSE FOR DISCIPLINE
5	[Erroneous or Uncertain Prescription - Complete Infusion Care, Moshe Lalehzari and Ali
6	Pourmola]
7	40. Respondents Complete Infusion Care, Moshe Lalehzari and Ali Pourmola are subject
8	to disciplinary action under Business and Professions Code section 4300 in conjunction with
9	California Code of Regulations, title 16, section 1761 subdivision (a) in that Respondents
10	dispensed a prescription which contained significant errors, omissions, irregularities,
11	uncertainties, ambiguities, or alterations without contacting the prescriber for clarification. The
12	circumstances are as follows:
13	41. On or about March 8, 2012, April 9, 2012, and May 22, 2012, Respondents Moshe
14	Lalehzaria and Ali Pourmola while working at Complete Infusion Care located at 8588 Venice
15	Blvd., Los Angeles CA 90034, dispensed uncertain and ambiguous prescriptions for Carimune
16	20gm RX, Nos. 7267, 7673, and 8258 to patient E.L. ³ without first clarifying the dose of the
17	prescriptions with the prescriber. Specifically, E.L.'s Carimune prescriptions were written
18	incorrectly for a daily dose of "0.4 mg/kg" for a calculated dose of 20mg per day and not the
19	correct dose of "0.4gm/kg" for a calculated dose of 20gm per day. The prescriptions were
20	dispensed by Respondents without first obtaining clarification of the correct ordered dose from
21	the prescriber.
22	EIGHTH CAUSE FOR DISCIPLINE
23	[Labeling Requirements - Complete Infusion Care and Moshe Lalehzari]
24	42. Respondents Complete Infusion Care and Moshe Lalehzari are subject to disciplinary
25	action under Business and Professions Code section 4076 subdivision (a)(9) which precludes a
26	
27	³ Patient initials are used in lieu of real names in order to protect the privacy rights of the
28	individuals.
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	Accusation

1	pharmacist from dispensing any prescription unless in a container that is correctly labeled with
2	the expiration dates of the effectiveness of the drug dispensed. The circumstances are as follows:
3	43. On or about May 25, 2012, Respondent Moshe Lalehzaria, while working at
4	Complete Infusion Care located at 8588 Venice Blvd., Los Angeles CA 90034, dispensed five
5	bags of Carimune RX# 8258 to patient E.L. labeled with the incorrect expiration date of May 28,
6	2012. Specifically, on or about May 25, 2012, Respondent Moshe Lelhzari dispensed a five (5)
7	day course of Carimune 20gm RX # 8258 with a labeled expiration dated of May 28, 2012, which
8	resulted in the last two (2) days of the five (5) day Carimune doses being labeled as expired at the
9	time of use.
10	NINTH CAUSE FOR DISCIPLINE
11	[Sterile Injectable Labeling Requirements - Complete Infusion Care and Moshe Lalehzari]
12	44. Respondents Complete Infusion Care and Moshe Lalehzari are subject to disciplinary
13	action under Business and Professions Code section 4076 in conjunction with California Code of
14	Regulations, title 16, section 1751.2 and 1735.4, which requires a pharmacy that compounds
15	sterile injectable products to include on the label the instructions for storage and handling. The
16	circumstances are as follows:
17	45. On or about March 8, 2012 and April 9, 2012, Respondent Moshe Lalehzaria while
18	working at Complete Infusion Care located at 8588 Venice Blvd., Los Angeles CA 90034,
19	dispensed Carimune 20gm RX Nos. 7267 and 7673 labeled with instructions to store medication
20	at room temperature instead of being stored by the required method of refrigeration.
21	TENTH CAUSE FOR DISCIPLINE
22	[Records of Compounding Products - Complete Infusion Care and Moshe Lalehzari]
23	46. Respondents Complete Infusion Care and Moshe Lalehzari are subject to disciplinary
24	action under Business and Professions Code section 4300 in conjunction with California Code of
25	Regulations, title 16, section 1735.3 subdivisions (a)(2), (3), (4), (6), and (10), which requires for
26	each compounded product, that the pharmacy records include the date the drug was compounded,
27	the identity of the pharmacy personnel who compounded the product, the identity of the
28	

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1	pharmacist reviewing the final product, the manufacturer and a lot number of each component,
2	and the quantity or amount of the drug compounded. The circumstances are as follows:
3	47. On or about March 8, 2012, April 9, 2012, and May 25, 2012, Respondent Moshe
4	Lalehzaria, while working at Complete Infusion Care located at 8588 Venice Blvd., Los Angeles
5	CA 90034, dispensed sterile injectable compound Carimune 20gm, RX nos. 7267, 7673 and 8258
6	without maintaining proper compounding records for each of the products dispensed.
7	DISCIPLINE CONSIDERATIONS
8	48. To determine the degree of discipline, if any, to be imposed on Respondents,
9	Complainant alleges as follows:
10	a) On or about October 15, 2009, in a prior action, the Board of Pharmacy issued
11	Citation Number CI 2009 41466 to Respondent Ali Pourmola for violations of Business and
12	Professions Code section 4059, subdivision (a) (furnishing dangerous drugs without prescription)
13	and Health & Safety Code section 11200, subdivision (c) (no prescription for Schedule II
14	substance may be refilled). Respondent was ordered to pay \$4000. On or about March 21, 2012,
15	the Citation was modified and reduced. Respondent was ordered to pay \$1000. That Citation is
16	now final and is incorporated by reference as if fully set forth.
17	b) On or about October 15, 2009, in a prior action, the Board of Pharmacy issued
18	Citation Number CI 2008 38864 to Respondent Complete Infusion Care for violations of
19	Business and Professions Code section 4059, subdivision (a) (furnishing dangerous drugs without
20	prescription) and Health & Safety Code section 11200, subdivision (c) (no prescription for
21	Schedule II substance may be refilled). Respondent was ordered to pay \$4000. On or about
22	April 20, 2012, the Citation was modified and reduced. Respondent was ordered to pay \$1500.
23	That Citation is now final and is incorporated by reference as if fully set forth.
24	c) On or about July 1, 2013, in a prior action, the Board of Pharmacy issued
25	Citation Number CI 2012 53606 to Respondent Complete Infusion Care for violations of
26	Business and Professions Code Section 4115 subdivision (e) and California Code of Regulations
27	section 1793.2 subdivision (b) (no person shall act as a pharmacy technician without being
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	Accusation

1	licensed by the Board) and ordered Respondent to pay \$1000. That Citation is now final and is	
2	incorporated by reference as if fully set forth.	
3	d) On or about July 1, 2013, in a prior action, the Board of Pharmacy issued	
4	Citation Number CI 2012 57415 to Respondent Moshe Lalehzari for violations of Business and	
5	Professions Code Section 4115 subdivision (e) and California Code of Regulations section 1793.2	
6	subdivision (b) (no person shall act as a pharmacy technician without being licensed by the	
7	Board) and ordered Respondent to pay \$1000. That Citation is now final and is incorporated by	
8	reference as if fully set forth.	
9		
10	PRAYER	
11	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,	
12	and that following the hearing, the Board of Pharmacy issue a decision:	
13	1. Revoking or suspending Pharmacy Permit Number PHY 46839, issued to Complete	
14	Infusion Care; Ali Pourmola	
15	2. Revoking or suspending Sterile Compounding License Number LSC 99250, issued to	
16	Complete Infusion Care; Ali Pourmola;	
17	3. Revoking or suspending Pharmacy License Number RPH 48035 issued to Ali	
18	Pourmola;	
19	4. Revoking or suspending Pharmacy License Number RPH 59011 issued to Moshe	
20	Lalehzari	
21	5. Ordering Complete Infusion Care, Ali Pourmola and Moshe Lalehzari to pay the	
22	Board of Pharmacy the reasonable costs of the investigation and enforcement of this case,	
23	pursuant to Business and Professions Code section 125.3; and	
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6. Taking such other and further action as deemed necessary and proper. 3/25/15 DATED: VIRGINIA HEROLD Executive Officer Board of Pharmacy Department of Consumer Affairs State of California Complainant LA2013510143 51452271.doc

1	KAMALA D. HARRIS	
2	Attorney General of California MARC D. GREENBAUM	
3	Supervising Deputy Attorney General LESLIE A. WALDEN	
4	Deputy Attorney General State Bar No. 196882	
5.	300 So. Spring Street, Suite 1702 Los Angeles, CA 90013	
6	Telephone: (213) 897-3465 Facsimile: (213) 897-2804	
7	Attorneys for Complainant	
8	BOARD OF	RE THE PHARMACY
9		CONSUMER AFFAIRS CALIFORNIA
10		1
11	In the Matter of the Accusation Against:	Case No. 4907
12	COMPLETE INFUSION CARE;	
13	Pharmacy Permit No. PHY 46839, Sterile Compounding License No. LSC	ACCUSATION
14	99250	
15	ALI POURMOLA Pharmacist License No. RPH 48035	
16		
17	MOSHE LALEHZARI ; Pharmacist License No. RPH 59011	
18	8588 Venice Blvd. Los Angeles, CA 90034	
19	Los Angeles, CA 20004	· · · · ·
20		
21	Respondent.	
22		
23		
24	Complainant alleges:	
25	PAI	RTIES
26		gs this Accusation solely in her official capacity
27	as the Executive Officer of the Board of Pharma	acy, Department of Consumer Affairs.
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1	2. On or about September 22, 2004, the Board of Pharmacy issued Pharmacy Permit	
2	Number PHY 46839 to Complete Infusion Care; Ali Pourmola (Respondent). The Pharmacy	
3	Permit will expire on September 1, 2015, unless renewed.	
4	3. On or about November 15, 2004, the Board of Pharmacy issued Sterile Compounding	
5	License Number LSC 99250 to Complete Infusion Care; Ali Pourmola (Respondent). The Sterile	
6	Compounding License will expire on September 1, 2015, unless renewed.	
7	4. On or about August 8, 1995, the Board of Pharmacy issued Pharmacist License	
8	Number RPH 48035 to Ali Pourmola (Respondent). The Pharmacy License is in full force and	
9	effect and expires on October 31, 2014, unless renewed.	
10	5. On or about October 17, 2006, the Board of Pharmacy issued Pharmacist License	
11	Number RPH 59011 to Moshe Lalehzari (Respondent). The Pharmacy License is in full force and	
12	effect and expires on March 31, 2015, unless renewed.	
13	JURISDICTION	
14	6. This Accusation is brought before the Board of Pharmacy (Board), Department of	
15	Consumer Affairs, under the authority of the following laws. All section references are to the	
16	Business and Professions Code unless otherwise indicated.	
17	7. Section 4300 of the Code states:	
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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"(c) The board may refuse a license to any applicant guilty of unprofessional conduct. The 1 2 board may, in its sole discretion, issue a probationary license to any applicant for a license who is guilty of unprofessional conduct and who has met all other requirements for licensure. The board 3 may issue the license subject to any terms or conditions not contrary to public policy, including, 4 but not limited to, the following: 5 "(1) Medical or psychiatric evaluation. 6 "(2) Continuing medical or psychiatric treatment. 7 "(3) Restriction of type or circumstances of practice. 8 "(4) Continuing participation in a board-approved rehabilitation program. 9 "(5) Abstention from the use of alcohol or drugs. 10 "(6) Random fluid testing for alcohol or drugs. 11 "(7) Compliance with laws and regulations governing the practice of pharmacy. 12 "(d) The board may initiate disciplinary proceedings to revoke or suspend any probationary 13 certificate of licensure for any violation of the terms and conditions of probation. Upon 14 satisfactory completion of probation, the board shall convert the probationary certificate to a 15 regular certificate, free of conditions. 16 "(e) The proceedings under this article shall be conducted in accordance with Chapter 5 17 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board 18 shall have all the powers granted therein. The action shall be final, except that the propriety of the 19 action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil 20Procedure." 21 8. Section 4301 of the Code states: 22 "The board shall take action against any holder of a license who is guilty of unprofessional 23 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake. 24 Unprofessional conduct shall include, but is not limited to, any of the following: 25 "(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or 26 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and 27

28 whether the act is a felony or misdemeanor or not.

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

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

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"(p) Actions or conduct that would have warranted denial of a license.

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Section 4300.1 of the Code states:

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

REGULATIONS

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10. California Code of Regulations, title 16, section 1770, states:

17 "For the purpose of denial, suspension, or revocation of a personal or facility license
18 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
19 crime or act shall be considered substantially related to the qualifications, functions or duties of a
20 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
21 licensee or registrant to perform the functions authorized by his license or registration in a manner
22 consistent with the public health, safety, or welfare."

11. California Code of Regulations, title 16, section 1751.6, subdivisions (a) (b) and (c) states:

25 "(a) Consultation shall be available to the patient and/or primary caregiver concerning
26 proper use of sterile injectable products and related supplies furnished by the pharmacy."

27 "(b) The pharmacist-in-charge shall be responsible to ensure all pharmacy personnel
28 engaging in compounding sterile injectable drug products shall have training and demonstrated

1	competence in the safe handling and compounding of sterile injectable products, including
2	cytotoxic agents if the pharmacy compounds products with cytotoxic agents."
3	"(c) Records of training and demonstrated competence shall be available for each individual
4	and shall be retained for three years beyond the period of employment."
5	12. California Code of Regulations, title 16, section 1735.2 subdivision (d)(5), states:
6	
7	"(d) A drug product shall not be compounded until the pharmacy has first prepared a
8	written master formula record that includes at least the following elements:"
9	
10	"(5) Process and/or procedure used to prepare the drug."
11	13. California Code of Regulations, title 16, section 1735.3 subdivision (a)(7), states:
12	"(a) For each compounded drug product, the pharmacy records shall include:
13	
14	"(7) A pharmacy assigned reference or lot number for the compounded drug
15	product."
16	<u>COSTS</u>
17	14. Section 125.3 of the Code states, in pertinent part, that the Board may request the
18	administrative law judge to direct a licentiate found to have committed a violation or violations of
19	the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
20	enforcement of the case.
21	DANGEROUS DRUGS AND CONTROLLED SUBSTANCES
22	15. Heparin : Heparin is a dangerous drug pursuant to Business and Professions Code
23	section 4022, and is used as an anticoagulant in the prevention and treatment of thrombosis and
24	embolism and is a dangerous drug pursuant to Business and Professions Code section 4022.
25	16. <u>Ceftriaxone</u> : Ceftriaxone is a dangerous drug pursuant to Business and Professions
26	Code section 4022, and is used as a prescription antibiotic.
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1	17. Morphine: Morphine is a Schedule II controlled substance pursuant to Health and
2	Safety Code section 11055(b)(1)(L) and a dangerous drug pursuant to Business and Professions
3	Code section 4022, and is used to treat sever pain.
4	18. <u>Bupivacaine</u> : Bupivacaine is a dangerous drug pursuant to Business and Professions
5	Code section 4022, and is used as a local anesthetic.
6	FIRST CAUSE FOR DISCIPLINE
7	[Unprofessional Conduct (Staff Training of Injectable Compounding) - Complete Infusion Care
8	and Ali Pourmola]
9	19. Respondents Complete Infusion Care and Ali Pourmola are subject to disciplinary
10	action under Business and Professions Code section 4301, subdivision (o) in conjunction with
11	California Code of Regulations, title 16, section 1751.6, subdivisions (b) and (c) in that the
12	Respondents failed to ensure all pharmacy personnel engaging in compounding sterile injectable
13	drug products had training and had demonstrated competence in the safe handling and
14	compounding of sterile injectable products, and that records of training were available for each
15	individual for three years beyond employment. The circumstances are as follows:
16	20. On or about October 16, 2012 an onsite inspection by the Board of Pharmacy revealed
17	that at Complete Infusion Care, pharmacist-in-charge Ali Pourmola did not have training records
18	of demonstrated competencies for pharmacist Moshe Lalehzari.
19	SECOND CAUSE FOR DISCIPLINE
20	[Unprofessional Conduct (Staff Training of Injectable Compounding) - Moshe Lalehzari]
21	21. Respondent Moshe Lalehzari is subject to disciplinary action under Business and
22	Professions Code section 4301, subdivision (o) in conjunction with California Code of
23	Regulations, title 16, section 1751.6, subdivisions (b) and (c) in that the Respondent failed to
24	ensure all pharmacy personnel engaging in compounding sterile injectable drug products had
25	training and had demonstrated competence in the safe handling and compounding of sterile
26	injectable products, and that records of training were available for each individual for three years
27	beyond employment. The circumstances are as follows:
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1 22. On or about October 16, 2012 an onsite inspection by the Board of Pharmacy revealed that at Complete Infusion Care, pharmacist-in-charge Moshe Lalehzari did not have training 2 records of demonstrated competencies for pharmacist Francine Espejo. 3 THIRD CAUSE FOR DISCIPLINE 4 [Unprofessional Conduct (Compounding Limitations and Requirements) - Complete Infusion 5 Care and Moshe Lalehzari] 6 23. Respondents Complete Infusion Care and Moshe Lalehzari are subject to disciplinary 7 8 action under Business and Professions Code section 4301, subdivision (o) in conjunction with California Code of Regulations, title 16, section 1735.2 subdivision (d)(5) where prior to 9 compounding drug products, Respondents failed to prepare a written master formula record that 10 included at least a process or procedure used to prepare the drug. The circumstances are as 11 follows: 12 24. On or about October 16, 2012, an onsite inspection by the Board of Pharmacy 13 revealed that at Complete Infusion Care, the compounding records dated January 23, 2012 for RX 14 6850 and June 7, 2012 for RX 8437 for patient C.B. prepared by pharmacist Moshe Lalehzari did 15 not have the process or procedure used to prepare and compound the preservative free non-sterile 16 to sterile morphine 50 mg/ml + bupivacaine 30 mg/ml compound on the Compound Sheet under 17 "Mix Instructions". 18 FOURTH CAUSE FOR DISCIPLINE 19 [Unprofessional Conduct (Record Keeping of Compounded Drug Products) - Complete Infusion 20 Care and Moshe Lalehzari] 21 25. Respondents Complete Infusion Care and Moshe Lalehzari are subject to disciplinary 22 action under Business and Professions Code section 4301, subdivision (o) in conjunction with 23 California Code of Regulations, title 16, section 1735.3 subdivision (a), which states (a) for each 24 compounded drug product, the pharmacy records failed to include: (7) the equipment used in 25 compounding the drug product. The circumstances are as follows: 26 On or about October 16, 2012, an onsite inspection by the Board of Pharmacy 26. 27 revealed that at Complete Infusion Care, the compounding records dated January 23, 2012 for RX 28 7

1	6850 and June 7, 2012 for RX 8437 for patient C.B. ¹ prepared by pharmacist Moshe Lalehzari did
2	not document the equipment used in the compounding of the preservative free non-sterile to
3	sterile morphine 50 mg/ml + bupivacaine 30 mg/ml compound on the Compound Sheet.
4	FIFTH CAUSE FOR DISCIPLINE
5	[Unprofessional Conduct (Fraudulent Billing) - Complete Infusion Care and Ali Pourmola]
6	27. Respondents Complete Infusion Care and Ali Pourmola are subject to disciplinary
7	action under Business and Professions Code section 4301, subdivisions (f) and (g) in that
8	respondents are guilty of unprofessional conduct due to the commission of acts involving moral
9	turpitude, dishonesty, fraud, deceit, or corruption, by knowingly making or signing any certificate
10	or other document that falsely represents the existence or nonexistence of a state of facts. The
11	circumstances are as follows:
12	28. On or about March 12, 2010, Respondents fraudulently billed Anthem Blue Shield for
13	services not rendered to patient K.W. ² as follows:
14	a) Claim #956, Date of Service: February 24, 2010; Service Codes S1015, J0696
15	and \$9500 totaling \$7,438.80.
16	b) Claim #957, Date of Service: February 24, 2010; Service Codes A4216, J1644,
17	\$9590, totaling \$6,686.05.
18	29. On or about July 31, 2011, Respondents fraudulently re-billed Anthem Blue Shield,
19	changing the codes for services on Patient K.W. on the following dates:
20	a) Claim #6229, Date of Service: February 24, 2010, Service Code S9336 totaling
21	\$3,500.00.
22	b) Claim #6230, Date of Service: February 24, 2010, Service Code S9336 totaling
23	\$3,772.50.
24	c) Claim #6231, Date of Service: February 17, 2010, Service Code S5501 totaling
25	\$6,772.50.
26	¹ The patient's initials are used in lieu of the patient name in order to protect patient
27 28	privacy rights. ² The patient's initials are used in lieu of the patient name in order to protect patient privacy rights.
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1	d) Claim #6232, Date of Service: February 17, 2010, Service Code S9810 totaling
2	\$4,000.00.
3	e) Claim #6233, Date of Service: February 18, 2010, Service Code 99601 totaling
4	\$3,500.00.
5	f) Claim #6234, Date of Service: February 19, 2010, Service Code 99601 totaling
6	\$3,500.00.
7	DISCIPLINE CONSIDERATIONS
8	30. To determine the degree of discipline, if any, to be imposed on Respondents,
9	Complainant alleges as follows:
10	a) On or about October 15, 2009, in a prior action, the Board of Pharmacy issued
11	Citation Number CI 2009 41466 to Respondent Ali Pourmola for violations of Business and
12	Professions Code section 4059, subdivision (a) (furnishing dangerous drugs without prescription)
13	and Health & Safety Code section 11200, subdivision (c) (no prescription for Schedule II
14	substance may be refilled). Respondent was ordered to pay \$4000. On or about March 21, 2012,
15	the Citation was modified and reduced. Respondent was ordered to pay \$1000. That Citation is
16	now final and is incorporated by reference as if fully set forth.
17	b) On or about October 15, 2009, in a prior action, the Board of Pharmacy issued
18	Citation Number CI 2008 38864 to Respondent Complete Infusion Care for violations of Business
19	and Professions Code section 4059, subdivision (a) (furnishing dangerous drugs without
20	prescription) and Health & Safety Code section 11200, subdivision (c) (no prescription for
21	Schedule II substance may be refilled). Respondent was ordered to pay \$4000. On or about April
22	20, 2012, the Citation was modified and reduced. Respondent was ordered to pay \$1500. That
23	Citation is now final and is incorporated by reference as if fully set forth.
24	c) On or about July 1, 2013, in a prior action, the Board of Pharmacy issued
25	Citation Number CI 2012 53606 to Respondent Complete Infusion Care for violations of Business
26	and Professions Code Section 4115 subdivision (e) and California Code of Regulations section
27	1793.2 subdivision (b) (no person shall act as a pharmacy technician without being licensed by
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1	the Board) and ordered Respondent to pay \$1000. That Citation is now final and is incorporated
2	by reference as if fully set forth.
3	d) On or about July 1, 2013, in a prior action, the Board of Pharmacy issued
4	Citation Number CI 2012 57415 to Respondent Moshe Lalehzari for violations of Business and
5	Professions Code Section 4115 subdivision (e) and California Code of Regulations section 1793.2
6	subdivision (b) (no person shall act as a pharmacy technician without being licensed by the
7	Board) and ordered Respondent to pay \$1000. That Citation is now final and is incorporated by
8	reference as if fully set forth.
9	PRAYER
10	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
11	and that following the hearing, the Board of Pharmacy issue a decision:
12	1. Revoking or suspending Pharmacy Permit Number PHY 46839, issued to Complete
13	Infusion Care; Ali Pourmola
14	2. Revoking or suspending Sterile Compounding License Number LSC 99250, issued to
15	Complete Infusion Care; Ali Pourmola;
16	3. Revoking or suspending Pharmacy License Number RPH 48035 issued to Ali
17	Pourmola;
18	4. Revoking or suspending Pharmacy License Number RPH 59011 issued to Moshe
19	Lalehzari
20	5. Ordering Complete Infusion Care, Ali Pourmola and Moshe Lalehzari to pay the
21	Board of Pharmacy the reasonable costs of the investigation and enforcement of this case,
22	pursuant to Business and Professions Code section 125.3; and
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Taking such other and further action as deemed necessary and proper. 6. 9/5/14 DATED: VIRGINIA HEROLD Executive Officer Board of Pharmacy Department of Consumer Affairs State of California Complainant LA2013510143 51452271.doc Accusation