

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 LESLIE A. WALDEN
Deputy Attorney General
4 State Bar No. 196882
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-3465
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

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

10 In the Matter of the Fourth Amended
11 Accusation Against:

Case No. 4907

12 **COMPLETE INFUSION CARE; ALI**
13 **POURMOLA**
14 **8588 Venice Blvd.**
15 **Los Angeles, CA 90034**
16 **Pharmacy Permit No. PHY 46839**
17 **Sterile Compounding License No. LCS**
18 **99250,**

FOURTH AMENDED ACCUSATION

19 **and**

20 **ALI POURMOLA**
21 **P.O. Box 49251**
22 **Los Angeles, CA 90049**
23 **Pharmacist License No. RPH 48035,**

24 Respondents.

25 Complainant alleges:

26 **PARTIES**

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

1 may issue the license subject to any terms or conditions not contrary to public policy, including,
2 but not limited to, the following:

3 "(1) Medical or psychiatric evaluation.

4 "(2) Continuing medical or psychiatric treatment.

5 "(3) Restriction of type or circumstances of practice.

6 "(4) Continuing participation in a board-approved rehabilitation program.

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

8 "(6) Random fluid testing for alcohol or drugs.

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

10 "(d) The board may initiate disciplinary proceedings to revoke or suspend any probationary
11 certificate of licensure for any violation of the terms and conditions of probation. Upon
12 satisfactory completion of probation, the board shall convert the probationary certificate to a
13 regular certificate, free of conditions.

14 "(e) The proceedings under this article shall be conducted in accordance with Chapter 5
15 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board
16 shall have all the powers granted therein. The action shall be final, except that the propriety of
17 the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of
18 Civil Procedure."

19 7. Section 4301 of the Code states:

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

23 "...

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

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

1 8. Section 4300.1 of the Code states:

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

7 9. Section 4076 of the Code states:

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

10 "..."

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

12 "...."

13 10. Section 4342 of the Code states:

14 "(a) The board may institute any action or actions as may be provided by law and that, in its
15 discretion, are necessary, to prevent the sale of pharmaceutical preparations and drugs that do not
16 conform to the standard and tests as to quality and strength, provided in the latest edition of the
17 United States Pharmacopoeia or the National Formulary, or that violate any provision of the
18 Sherman Food, Drug and Cosmetic Law (Part 5 (commencing with Section 109875) of Division
19 104 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."

22 11. Section 4169 of the Code states:

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

24 "..."

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."

28 "...."

1 12. Section 4307 of the Code states:

2 “Individuals with Denied, Revoked, Suspended, etc. Licenses Prohibited From Pharmacy
3 Ownership or Association with Board Licensed Entities”

4 “(a) Any person who has been denied a license or whose license has been revoked or is
5 under suspension, or who has failed to renew his or her license while it was under suspension, or
6 who has been a manager, administrator, owner, member, officer, director, associate, or partner of
7 any partnership, corporation, firm, or association whose application for a license has been denied
8 or revoked, is under suspension or has been placed on probation, and while acting as the manager,
9 administrator, owner, member, officer, director, associate, or partner had knowledge of or
10 knowingly participated in any conduct for which the license was denied, revoked, suspended, or
11 99 placed on probation, shall be prohibited from serving as a manager, administrator, owner,
12 member, officer, director, associate, or partner of a licensee as follows:

13 “(1) Where a probationary license is issued or where an existing license is placed on
14 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.

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

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

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REGULATIONS

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

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

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

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

"(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 competence in the safe handling and compounding of sterile injectable products, including cytotoxic agents if the pharmacy compounds products with cytotoxic agents."

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

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

"..."

"(d) A drug product shall not be compounded until the pharmacy has first prepared a written master formula record that includes at least the following elements:"

"..."

"(5) Process and/or procedure used to prepare the drug."

16. California Code of Regulations, title 16, section 1735.3 subdivision (a)(7), states:

"(a) For each compounded drug product, the pharmacy records shall include:

"..."

1 “(7) A pharmacy assigned reference or lot number for the compounded drug
2 product.”

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

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

8 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:

12 “...”

13 “(c) Instructions for storage and handling.”

14 “....”

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

16 “(a) In addition to the labeling information required under Business and Professions Code
17 section 4076, the label of a compounded drug product shall contain the generic name(s) of the
18 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.”

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

25 20. California Code of Regulations, title 16, section 1735.3 subdivision (a)(2) states:

26 “(a) For each compounded drug product, the pharmacy records shall include:

27 “...”

28 “(2) The date the drug product was compounded.”

1 “(3) The identity of the pharmacy personnel who compounded the drug product.”

2 “(4) The identity of the pharmacist reviewing the final drug product.”

3 “...”

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

12 “....”

13 **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.

18 **DANGEROUS DRUGS AND CONTROLLED SUBSTANCES**

19 22. **Heparin**: Heparin is a dangerous drug pursuant to Business and Professions Code
20 section 4022, and is used as an anticoagulant in the prevention and treatment of thrombosis and
21 embolism and is a dangerous drug pursuant to Business and Professions Code section 4022.

22 23. **Ceftriaxone**: Ceftriaxone is a dangerous drug pursuant to Business and Professions
23 Code section 4022, and is used as a prescription antibiotic.

24 24. **Carimune**: Carimune is a dangerous drug pursuant to Business and Professions
25 Code section 4022, and is used to treat immune deficiencies.
26

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28

1 prepare and compound the preservative free non-sterile to sterile morphine 50 mg/ml +
2 bupivacaine 30 mg/ml compound on the Compound Sheet under "Mix Instructions".

3 **THIRD CAUSE FOR DISCIPLINE**

4 [Unprofessional Conduct (Record Keeping of Compounded Drug Products) - Complete Infusion
5 Care]

6 31. Respondent Complete Infusion Care is subject to disciplinary action under Business
7 and Professions Code section 4301, subdivision (o) in conjunction with California Code of
8 Regulations, title 16, section 1735.3 subdivision (a), which states (a) for each compounded drug
9 product, the pharmacy records failed to include: (7) the equipment used in compounding the drug
10 product. The circumstances are as follows:

11 32. On or about October 16, 2012, an onsite inspection by the Board of Pharmacy
12 revealed that at Complete Infusion Care, the compounding records dated January 23, 2012 for RX
13 6850 and June 7, 2012 for RX 8437 for patient C.B.¹ did not document the equipment used in the
14 compounding of the preservative free non-sterile to sterile morphine 50 mg/ml + bupivacaine 30
15 mg/ml compound on the Compound Sheet.

16 **FOURTH CAUSE FOR DISCIPLINE**

17 [Sale of Drugs Lacking Quality of Strength - Complete Infusion Care]

18 33. Respondents Complete Infusion Care is subject to disciplinary action under Business
19 and Professions Code section 4342 and 4169 subdivision (a)(3) in that Respondent sold and/or
20 transferred dangerous drugs that a reasonable person would know or reasonably should have
21 known were misbranded. The circumstances are as follows:

22 34. On or about March 8, 2012, April 9, 2012, and May 25, 2012, Respondent dispensed
23 sterile injectable compound Carimune 20gm RX Nos. 7267, 7673, and 8258 with labeled
24 expiration dates of six (6) days, six (6) days and three (3) days, respectively, after preparation.
25 The manufacturers beyond the use date for Carimune was within twenty-four hours of
26 reconstitution of the drug. Complete Infusion Care conducted and obtained extended stability and

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.

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

4 **FIFTH CAUSE FOR DISCIPLINE**

5 [Erroneous or Uncertain Prescription - Complete Infusion Care and Ali Pourmola]

6 35. Respondents Complete Infusion Care and Ali Pourmola are subject to disciplinary
7 action under Business and Professions Code section 4300 in conjunction with California Code of
8 Regulations, title 16, section 1761 subdivision (a) in that Respondents dispensed a prescription
9 which contained significant errors, omissions, irregularities, uncertainties, ambiguities, or
10 alterations without contacting the prescriber for clarification. The circumstances are as follows:

11 36. On or about March 8, 2012, April 9, 2012, and May 22, 2012, Respondents dispensed
12 uncertain and ambiguous prescriptions for Carimune 20gm RX, Nos. 7267, 7673, and 8258 to
13 patient E.L.² without first clarifying the dose of the prescriptions with the prescriber.
14 Specifically, E.L.'s Carimune prescriptions were written incorrectly for a daily dose of "0.4
15 mg/kg" for a calculated dose of 20mg per day and not the correct dose of "0.4gm/kg" for a
16 calculated dose of 20gm per day. The prescriptions were dispensed by Respondents without first
17 obtaining clarification of the correct ordered dose from the prescriber.

18 **SIXTH CAUSE FOR DISCIPLINE**

19 [Labeling Requirements - Complete Infusion Care]

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

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

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

1 with a labeled expiration dated of May 28, 2012, which resulted in the last two (2) days of the
2 five (5) day Carimune doses being labeled as expired at the time of use.

3 **SEVENTH CAUSE FOR DISCIPLINE**

4 [Sterile Injectable Labeling Requirements - Complete Infusion Care]

5 39. Respondent Complete Infusion Care is subject to disciplinary action under Business
6 and Professions Code section 4076 in conjunction with California Code of Regulations, title 16,
7 section 1751.2 and 1735.4, which requires a pharmacy that compounds sterile injectable products
8 to include on the label the instructions for storage and handling. The circumstances are as
9 follows:

10 40. On or about March 8, 2012 and April 9, 2012, Respondent dispensed Carimune 20gm
11 RX Nos. 7267 and 7673 labeled with instructions to store medication at room temperature instead
12 of being stored by the required method of refrigeration.

13 **EIGHTH CAUSE FOR DISCIPLINE**

14 [Records of Compounding Products - Complete Infusion Care]

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

22 42. On or about March 8, 2012, April 9, 2012, and May 25, 2012, Respondent dispensed
23 sterile injectable compound Carimune 20gm, RX nos. 7267, 7673 and 8258 without maintaining
24 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,

1 administrator, owner, member, officer, director, associate, or partner of Complete Infusion Care
2 had knowledge of or knowingly participated in any conduct for which Pharmacy Permit Number
3 PHY 46939 or Sterile Compounding License Number LSC 99250, issued to Complete Infusion
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
6 for five years if Pharmacy Permit Number PHY 46839 or Sterile Compounding License Number
7 LSC 99250, issued to Complete Infusion Care is placed on probation or until Pharmacy Permit
8 Number PHY 46839 or Sterile Compounding License Number LSC 99250, issued to Complete
9 Infusion Care is reinstated if it is revoked.

10 DISCIPLINE CONSIDERATIONS

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

13 a) On or about October 15, 2009, in a prior action, the Board of Pharmacy issued
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.

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

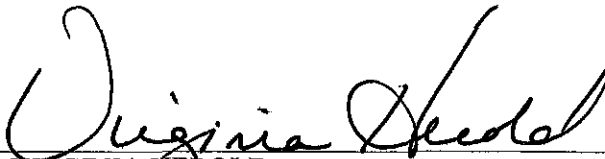
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6. Taking such other and further action as deemed necessary and proper.

DATED: _____

1/29/16



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

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1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 LESLIE A. WALDEN
Deputy Attorney General
4 State Bar No. 196882
300 So. Spring Street, Suite 1702
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Telephone: (213) 897-3465
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9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Third Amended
11 Accusation Against:

Case No. 4907

12
13 **COMPLETE INFUSION CARE;**
Pharmacy Permit No. PHY 46839,
14 **Sterile Compounding License No. LSC**
99250

THIRD AMENDED ACCUSATION

15 **ALI POURMOLA**
16 **Pharmacist License No. RPH 48035**

17 **MOSHE LALEHZARI ;**
18 **Pharmacist License No. RPH 59011**

19 **8588 Venice Blvd.**
Los Angeles, CA 90034

20
21 Respondent.

22
23 Complainant alleges:

24 **PARTIES**

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

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.

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)."

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 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.

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.”

28

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 **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.

26 ///

27 ///

28

1 **DANGEROUS DRUGS AND CONTROLLED SUBSTANCES**

2 23. **Heparin**: 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. **Ceftriaxone**: Ceftriaxone is a dangerous drug pursuant to Business and Professions
6 Code section 4022, and is used as a prescription antibiotic.

7 25. **Carimune**: Carimune is a dangerous drug pursuant to Business and Professions
8 Code section 4022, and is used to treat immune deficiencies.

9 26. **Morphine**: 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. **Bupivacaine**: 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 ///

28

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
28

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 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.

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.

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,

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

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

12 **SEVENTH CAUSE FOR DISCIPLINE**

13 [Labeling Requirements - Complete Infusion Care and Moshe Lalehzari]

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

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

25
26 ////

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

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,

1 administrator, owner, member, officer, director, associate, or partner of Complete Infusion Care
2 had knowledge of or knowingly participated in any conduct for which Pharmacy Permit Number
3 PHY 46939 or Sterile Compounding License Number LSC 99250, issued to Complete Infusion
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
6 for five years if Pharmacy Permit Number PHY 46839 or Sterile Compounding License Number
7 LSC 99250, issued to Complete Infusion Care is placed on probation or until Pharmacy Permit
8 Number PHY 46839 or Sterile Compounding License Number LSC 99250, issued to Complete
9 Infusion Care is reinstated if it is revoked.

10 **DISCIPLINE CONSIDERATIONS**

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

13 a) On or about October 15, 2009, in a prior action, the Board of Pharmacy issued
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.

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;

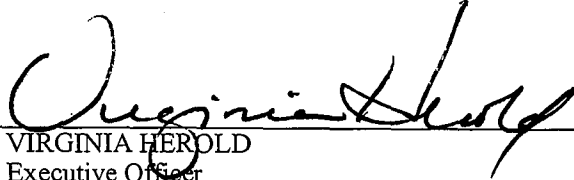
22 4. Revoking or suspending Pharmacy License Number RPH 59011 issued to Moshe
23 Lalehzari;

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

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 other and further action as deemed necessary and proper.
7

8
9 DATED: 10/26/15 
10 VIRGINIA HEROLD
11 Executive Officer
12 Board of Pharmacy
13 Department of Consumer Affairs
14 State of California
15 *Complainant*

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15 51934682.docx

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 LESLIE A. WALDEN
Deputy Attorney General
4 State Bar No. 196882
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-3465
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

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

10 In the Matter of the Second Amended
11 Accusation Against:

Case No. 4907

12 **COMPLETE INFUSION CARE;**
13 **Pharmacy Permit No. PHY 46839,**
14 **Sterile Compounding License No. LSC**
99250

SECOND AMENDED ACCUSATION

15 **ALI POURMOLA**
16 **Pharmacist License No. RPH 48035**

17 **MOSHE LALEHZARI ;**
18 **Pharmacist License No. RPH 59011**

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.
28

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.

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

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.

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.”

28

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 **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.

26 ////

27 ////

28

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
28

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.

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.

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,

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

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

12 SEVENTH CAUSE FOR DISCIPLINE

13 [Labeling Requirements - Complete Infusion Care and Moshe Lalehzari]

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

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

25
26 ////

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

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,

1 administrator, owner, member, officer, director, associate, or partner of Complete Infusion Care
2 had knowledge of or knowingly participated in any conduct for which Pharmacy Permit Number
3 PHY 46939 or Sterile Compounding License Number LSC 99250, issued to Complete Infusion
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
6 for five years if Pharmacy Permit Number PHY 46839 or Sterile Compounding License Number
7 LSC 99250, issued to Complete Infusion Care is placed on probation or until Pharmacy Permit
8 Number PHY 46839 or Sterile Compounding License Number LSC 99250, issued to Complete
9 Infusion Care is reinstated if it is revoked.

10 DISCIPLINE CONSIDERATIONS

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

13 a) On or about October 15, 2009, in a prior action, the Board of Pharmacy issued
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.

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

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 other and further action as deemed necessary and proper.
7

8
9 DATED: 9/3/15 Virginia Herold
10 VIRGINIA HEROLD
11 Executive Officer
12 Board of Pharmacy
13 Department of Consumer Affairs
14 State of California
15 *Complainant*

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15 51788366.docx

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 LESLIE A. WALDEN
Deputy Attorney General
4 State Bar No. 196882
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-3465
6 Facsimile: (213) 897-2804
Attorneys for Complainant

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

10 In the Matter of the First Amended Accusation
11 Against:

Case No. 4907

12 **COMPLETE INFUSION CARE;**
13 **Pharmacy Permit No. PHY 46839,**
14 **Sterile Compounding License No. LSC**
99250

FIRST AMENDED ACCUSATION

15 **ALI POURMOLA**
16 **Pharmacist License No. RPH 48035**

17 **MOSHE LALEHZARI ;**
18 **Pharmacist License No. RPH 59011**

19 **8588 Venice Blvd.**
Los Angeles, CA 90034

20
21 Respondent.
22

23 Complainant alleges:

24 **PARTIES**

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

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.

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)."

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 **REGULATIONS**

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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“...”

“(d) A drug product shall not be compounded until the pharmacy has first prepared a written master formula record that includes at least the following elements:”

“...”

“(5) Process and/or procedure used to prepare the drug.”

16. California Code of Regulations, title 16, section 1735.3 subdivision (a)(7), states:

“(a) For each compounded drug product, the pharmacy records shall include:

“...”

“(7) A pharmacy assigned reference or lot number for the compounded drug product.”

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.”

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

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

“...”

“(c) Instructions for storage and handling.”

“....”

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).”

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

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 **COSTS**

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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1 **DANGEROUS DRUGS AND CONTROLLED SUBSTANCES**

2 22. **Heparin**: 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. **Ceftriaxone**: Ceftriaxone is a dangerous drug pursuant to Business and Professions
6 Code section 4022, and is used as a prescription antibiotic.

7 24. **Carimune**: Carimune is a dangerous drug pursuant to Business and Professions
8 Code section 4022, and is used to treat immune deficiencies.

9 25. **Morphine**: 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. **Bupivacaine**: 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".
28

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 S9500 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.

28 ² The patient's initials are used in lieu of the patient name in order to protect patient
privacy rights.

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 _____
28 ³ Patient initials are used in lieu of real names in order to protect the privacy rights of the individuals.

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

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
28

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

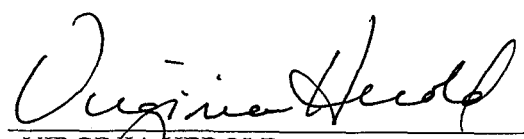
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6. Taking such other and further action as deemed necessary and proper.

DATED: 3/25/15



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

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1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 LESLIE A. WALDEN
Deputy Attorney General
4 State Bar No. 196882
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-3465
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

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

10 In the Matter of the Accusation Against:

Case No. 4907

11 **COMPLETE INFUSION CARE;**
12 **Pharmacy Permit No. PHY 46839,**
13 **Sterile Compounding License No. LSC**
14 **99250**

A C C U S A T I O N

15 **ALI POURMOLA**
16 **Pharmacist License No. RPH 48035**

17 **MOSHE LALEHZARI ;**
Pharmacist License No. RPH 59011

18 **8588 Venice Blvd.**
19 **Los Angeles, CA 90034**

20
21 Respondent.
22

23
24 Complainant alleges:

25 **PARTIES**

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

1 "(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 the
20 action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil
21 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.

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 COSTS

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. **Ceftriaxone:** Ceftriaxone is a dangerous drug pursuant to Business and Professions
26 Code section 4022, and is used as a prescription antibiotic.

27 ////

28

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 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 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 privacy rights.

28 ² The patient's initials are used in lieu of the patient name in order to protect patient
privacy rights.

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
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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
28

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

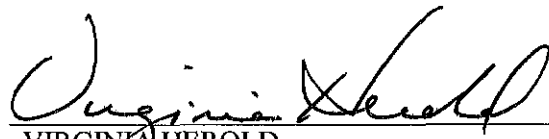
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6. Taking such other and further action as deemed necessary and proper.

DATED: 9/5/14



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

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