

1 BILL LOCKYER, Attorney General
of the State of California
2 SUSAN MELTON WILSON, State Bar No. 106092
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-4942
5 Facsimile: (213) 897-2804

ORIGINAL

6 Attorneys for Complainant

7 **BEFORE THE**
8 **BOARD OF PHARMACY**
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

11 TOTAL REMEDY AND
12 PRESCRIPTION CENTER
a.k.a GOOD SAMARITAN
13 MEDICAL PHARMACY
Original Pharmacy Permit No. PHY 43965,

14 and

15 MOHAMMAD REZA ETMINAN
Original Pharmacist License No. RPH 41937,

16 Respondents.
17

Case No. 2570
OAH No.
L-2002080834,
L-2002080835

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

18
19 In the interest of a prompt and speedy settlement of this matter, consistent with the
20 public interest and the responsibility of the Board of Pharmacy the parties hereby agree to the
21 following Stipulated Settlement and Disciplinary Order which will be submitted to the Board for
22 approval and adoption as the final disposition of the Accusation with respect to Respondents
23 Total Remedy and Prescription Center and Mohammad Reza Etminan only, *Respondent James*
24 *Ying-Ming Gee having been previously dismissed from the Accusation by Complainant.*

25 PARTIES

26 1. Patricia F. Harris (Complainant) is the Executive Officer of the Board of
27 Pharmacy. She brought this action solely in her official capacity and is represented in this matter
28 by Bill Lockyer, Attorney General of the State of California, by Susan Melton Wilson, Deputy

1 this proceeding, or any other proceedings in which the Board of Pharmacy or other professional
2 licensing agency is involved, and shall not be admissible in any other criminal or civil
3 proceeding.

4 CONTINGENCY

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

15 13. The parties understand and agree that facsimile copies of this Stipulated
16 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
17 force and effect as the originals.

18 14 In consideration of the foregoing admissions and stipulations, the parties
19 agree that the Board may, without further notice or formal proceeding, issue and enter the
20 following Disciplinary Order:

21 DISCIPLINARY ORDER

22 IT IS HEREBY ORDERED that the Accusation in this matter against
23 Respondents Total Remedy and Prescription Center and Mohammad Reza Etminan is hereby
24 withdrawn. It is hereby ordered that a CITATION for violation of Business and Professions Code
25 Section 4332 is to be issued against these Respondents, and each of them, assessing civil
26 penalties as follows:

27 Total Remedy and Prescription Center - \$5,000.00 (Five thousand dollars);

28 Mohammad Reza Etminan - \$1,000.00 (One thousand dollars).

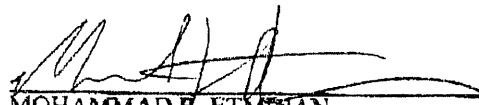
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ACCEPTANCE

RESPONDENT TOTAL REMEDY

I have carefully read and fully understand the *Stipulated Settlement, Decision and Order* set forth above. I have discussed the terms and conditions set forth in the *Settlement*, with my attorney, Herbert L. Weinberg. I understand that in signing this document, I am, as a responsible managing officer of the license holder, waiving all rights to a hearing on the charges set forth in the Accusation on file in this matter, a copy of which is attached as "Exhibit A" to this Stipulated Settlement.. I agree not to appeal any citation issued in accord with this Stipulated Settlement. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree the corporation will be bound by the Decision and Order of the Board of Pharmacy.


DATED: 10/25/04



MOHAMMAD R. ETMINAN
For Everything Pharmacy Related Inc.
For TOTAL REMEDY AND PRESCRIPTION
CENTER, Respondent

I concur in the *Stipulated Settlement, Decision and Order* as it pertains to my client, Everything Pharmacy Related, Inc., d.b.a. TOTAL REMEDY and PRESCRIPTION CENTER.

DATED: 10/25/04



Law Offices of Van Etten, Suzumoto &
Becker
By: HERBERT L. WEINBERG
Attorney for Respondent

RESPONDENT ETMINAN

I have carefully read and fully understand the *Stipulated Settlement, Decision and Order* set forth above. I have discussed the terms and conditions set forth in the *Settlement* with my attorney, Herbert L. Weinberg. I understand that in signing this document, I am waiving all

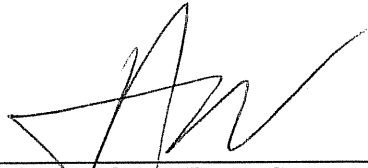
1 rights to a hearing on the charges set forth in the Accusation on file in this matter, a copy of
2 which is attached as "Exhibit A" to this Stipulated Settlement.. I agree not to appeal any citation
3 issued in accord with this Stipulated Settlement. I enter into this Stipulated Settlement and
4 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
5 Decision and Order of the Board of Pharmacy.

6
7 DATED: _____

MOHAMMAD R. ETMINAN,
Respondent

9
10 I concur in the *Stipulated Settlement, Decision and Order* as it pertains to my
11 client, Respondent Muhammad Reza Etminan.

12
13 DATED: 10/25/04



Law Offices of Van Etten, Suzumoto & Beckett
By: HERBERT L. WEINBERG
Attorney for Respondent

14
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16 ENDORSEMENT

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

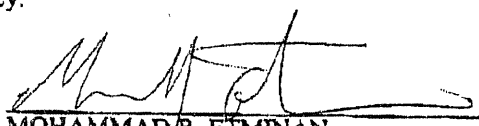
20 DATED: 12-3-04

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22
23 BILL LOCKYER, Attorney General
of the State of California

24
25 
26 SUSAN MELTON WILSON
Deputy Attorney General
Attorneys for Complainant

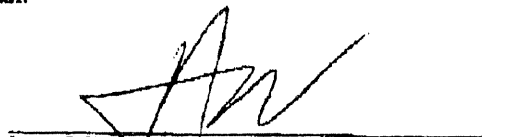
1 rights to a hearing on the charges set forth in the Accusation on file in this matter, a copy of
2 which is attached as "Exhibit A" to this Stipulated Settlement. I agree not to appeal any citation
3 issued in accord with this Stipulated Settlement. I enter into this Stipulated Settlement and
4 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
5 Decision and Order of the Board of Pharmacy.

6
7 DATED: 10/25/04


MOHAMMAD R. ETMINAN,
Respondent

9
10 I concur in the *Stipulated Settlement, Decision and Order* as it pertains to my
11 client, Respondent Muhammad Reza Etmnan.

12
13 DATED: 10/25/04


Law Offices of Van Etten, Suzumoto & Beckett
By: HERBERT L. WEINBERG
Attorney for Respondent

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17 ENDORSEMENT

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

20 DATED: _____
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23 BILL LOCKYER, Attorney General
of the State of California

24
25
26 SUSAN MELTON WILSON
Deputy Attorney General
Attorneys for Complainant

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

In the Matter of the Accusation Against:

TOTAL REMEDY AND
PRESCRIPTION CENTER
a.k.a GOOD SAMARITAN
MEDICAL PHARMACY
Original Pharmacy Permit No. PHY 43965,

and

MOHAMMAD REZA ETMINAN
Original Pharmacist License No. RPH 41937,

Respondents.

Case No. 2004-72

OAH Nos.: L-2002080834 and
L-2002080835

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

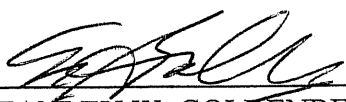
This Decision shall become effective on February 10, 2005.

It is so ORDERED January 11, 2005.

60061566

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



STANLEY W. GOLDENBERG
Board President

1 BILL LOCKYER, Attorney General
of the State of California
2 SUSAN MELTON WILSON, State Bar No. 106092
Deputy Attorney General
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6 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 2570

12 TOTAL REMEDY AND
PRESCRIPTION CENTER
13 a.k.a. GOOD SAMARITAN
MEDICAL PHARMACY
14 1245 Wilshire Boulevard
Los Angeles, CA 90017

A C C U S A T I O N

15 Original Pharmacy Permit No. PHY 43965,

16 and

17 MOHAMMAD REZA ETMINAN
18 12335 Santa Monica Blvd., #306
Los Angeles, CA 90025

19 Original Pharmacist License No. RPH 41937,

20 and

21 JAMES YING-MING GEE
22 3901 Parkview Lane, #6A
Irvine, CA 92612

23 Original Pharmacist License No. RPH 44796,

24 Respondents.

25
26 Complainant alleges:

27 PARTIES

28 1. Patricia F. Harris (Complainant) brings this Accusation solely in her

1 unprofessional conduct or whose license has been procured by fraud or misrepresentation or
2 issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the
3 following:

4 "(j) The violation of any of the statutes of this state or of the United States
5 regulating controlled substances and dangerous drugs.

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

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

11 8. Section 4081 of the Code states:

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

22 "(b) The owner, officer, and partner of any pharmacy, wholesaler, or veterinary
23 food-animal drug retailer shall be jointly responsible, with the pharmacist-in-charge or exemptee,
24 for maintaining the records and inventory described in this section.

25 "(c) The pharmacist-in-charge or exemptee shall not be criminally responsible for
26 acts of the owner, officer, partner, or employee that violate this section and of which the
27 pharmacist-in-charge or exemptee had no knowledge, or in which he or she did not knowingly
28 participate."

1 a. An audit performed by an inspector for the Board of all Serostim
 2 acquisitions from the wholesalers as well as the disposition information from hard copy
 3 prescriptions and audit log obtained from Respondents for the period February 1, 2001 through
 4 February 28, 2002 revealed that purchases made by Respondents of Serostim outnumbered the
 5 amount of Serostim dispensed by prescriptions, as follows:

6 <u>STRENGTH</u>	7 <u>AMOUNT</u> <u>PURCHASED</u>	8 <u>AMOUNT</u> <u>DISPENSED</u>	9 <u>ON HAND</u> <u>AS OF 3/4/02</u>	10 <u>SHORTAGE</u> <u>AS 3/4/02</u>
11 4mg (vials)	364	378	0	+ 14
12 5mg (vials)	3,724	3,486	28	210 (- 6 %)
13 6mg (vials)	20,923	18,941	168	1,814 (- 9%)

14 Assuming a minimum price of \$1,470.16 for seven (7) vials, the money value of the unaccounted
 15 for drug stock exceeds \$ 425,000.00

16 b. On or about March 4, 2002, during an inspection of Respondent Total
 17 Remedy's premises, the inspector for the Board requested that Respondent Etminan, Pharmacist-
 18 in-Charge, provide him with records of dispositions for the drug, Serostim. Respondent
 19 Etminan was unable to do so.

20 SECOND CAUSE FOR DISCIPLINE
 21 (Variation From Prescription)

22 15. Respondents Total Remedy, Etminan and Gee and Prescription Center is
 23 subject to disciplinary action under sections 4300 and 4301(j) and (o) on the grounds of
 24 unprofessional conduct for violating California Code of Regulations, title 16, section 1716.
 25 The circumstances are as follows:

- 26 a. Serostim prescription number 6468993 for patient Ronald H. authorized
 27 only three refills. However, the prescription was refilled five times.
- 28 b. Serostim prescription number 6479535 for patient Chas. L. was written
 for three refills - but entered in pharmacy records as two refills.
- c. Serostim prescription number 5488659 for Carol. S. was written for four
 vials, however, pharmacy records indicate 28 vials were dispensed.

29 \\\

1 d. Serostim prescription number 6490560 for Kay L. showed the wrong
2 prescriber name for the prescription.

3 PRAYER

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

6 A. Revoking or suspending Original Pharmacy Permit Number PHY 43965,
7 issued to Total Remedy and Prescription Center, a.k.a. Good Samaritan Medical Pharmacy;

8 B. Revoking or suspending Original Pharmacist License Number RPH
9 41937, issued to Mohammad Reza Etminan;

10 C. Revoking or suspending Original Pharmacist License Number RPH
11 44796, issued to James Ying-Ming Gee;

12 D. Ordering Total Remedy and Prescription Center, Mohammad Reza
13 Etminan and James Ying-Ming Gee to pay the Board of Pharmacy the reasonable costs of the
14 investigation and enforcement of this case, pursuant to Business and Professions Code section
15 125.3;

16 E. Taking such other and further action as deemed necessary and proper.

17 DATED: 1/12/04

18 

19 PATRICIA F. HARRIS
20 Executive Officer
21 Board of Pharmacy
22 State of California

23 Complainant

24 03583110-LA2002AD1647
25 CML (10/07/2002)
26 60018346.wpd
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of the State of California
2 SUSAN MELTON WILSON, State Bar No. 106092
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6 Attorneys for Complainant

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Case No. 2570
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**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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22 approval and adoption as the final disposition of the Accusation with respect to Respondents
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24 *Ying-Ming Gee having been previously dismissed from the Accusation by Complainant.*

25 PARTIES

26 1. Patricia F. Harris (Complainant) is the Executive Officer of the Board of
27 Pharmacy. She brought this action solely in her official capacity and is represented in this matter
28 by Bill Lockyer, Attorney General of the State of California, by Susan Melton Wilson, Deputy

1 this proceeding, or any other proceedings in which the Board of Pharmacy or other professional
2 licensing agency is involved, and shall not be admissible in any other criminal or civil
3 proceeding.

4 CONTINGENCY

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

15 13. The parties understand and agree that facsimile copies of this Stipulated
16 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
17 force and effect as the originals.

18 14 In consideration of the foregoing admissions and stipulations, the parties
19 agree that the Board may, without further notice or formal proceeding, issue and enter the
20 following Disciplinary Order:

21 DISCIPLINARY ORDER

22 IT IS HEREBY ORDERED that the Accusation in this matter against
23 Respondents Total Remedy and Prescription Center and Mohammad Reza Etminan is hereby
24 withdrawn. It is hereby ordered that a CITATION for violation of Business and Professions Code
25 Section 4332 is to be issued against these Respondents, and each of them, assessing civil
26 penalties as follows:

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28 Mohammad Reza Etminan - \$1,000.00 (One thousand dollars).

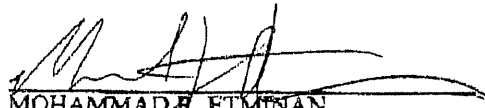
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ACCEPTANCE

RESPONDENT TOTAL REMEDY

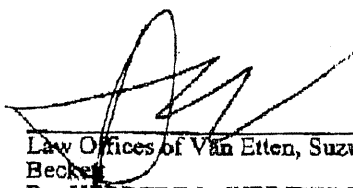
I have carefully read and fully understand the *Stipulated Settlement, Decision and Order* set forth above. I have discussed the terms and conditions set forth in the *Settlement*, with my attorney, Herbert L. Weinberg. I understand that in signing this document, I am, as a responsible managing officer of the license holder, waiving all rights to a hearing on the charges set forth in the Accusation on file in this matter, a copy of which is attached as "Exhibit A" to this Stipulated Settlement. I agree not to appeal any citation issued in accord with this Stipulated Settlement. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree the corporation will be bound by the Decision and Order of the Board of Pharmacy.

DATED: 10/25/04


MOHAMMAD R. ETMINAN
For Everything Pharmacy Related Inc.
For TOTAL REMEDY AND PRESCRIPTION
CENTER, Respondent

I concur in the *Stipulated Settlement, Decision and Order* as it pertains to my client, Everything Pharmacy Related, Inc., d.b.a. TOTAL REMEDY and PRESCRIPTION CENTER.

DATED: 10/25/04


Law Offices of Van Etten, Suzumoto &
Beckett
By: HERBERT L. WEINBERG
Attorney for Respondent

RESPONDENT ETMINAN

I have carefully read and fully understand the *Stipulated Settlement, Decision and Order* set forth above. I have discussed the terms and conditions set forth in the *Settlement* with my attorney, Herbert L. Weinberg. I understand that in signing this document, I am waiving all

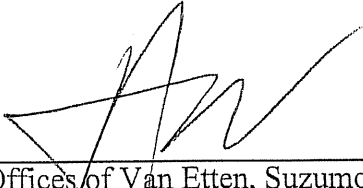
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4 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
5 Decision and Order of the Board of Pharmacy.

6
7 DATED: _____

MOHAMMAD R. ETMINAN,
Respondent

8
9 I concur in the *Stipulated Settlement, Decision and Order* as it pertains to my
10 client, Respondent Muhammad Reza Etminan.

11
12
13 DATED: 10/25/04




Law Offices of Van Etten, Suzumoto & Beckett
By: HERBERT L. WEINBERG
Attorney for Respondent

14
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16 ENDORSEMENT

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

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21 DATED: 12-3-04

22
23 BILL LOCKYER, Attorney General
of the State of California

24
25 

SUSAN MELTON WILSON
Deputy Attorney General
Attorneys for Complainant