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

In the Matter of the Accusation Against: RAVIRAJ URVAL 23806 Oakhurst Drive Santa Clarita, CA 91321 Pharmacist License No. RPH 47019 Respondent.	Case No. 2796 **DEFAULT DECISION AND ORDER** [Gov. Code, §11520]

FINDINGS OF FACT

1. On or about February 22, 2005, Complainant Patricia F. Harris, in her official capacity as the Executive Officer of the Board of Pharmacy, filed Accusation No. 2796 against Raviraj Urval (Respondent) before the Board of Pharmacy. On or about July 22, 2005, the First Amended Accusation was filed against the Respondent.

2. On or about March 16, 1994, the Board of Pharmacy (Board) issued Pharmacist License No. RPH 47019 to Respondent. The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and expired on June 30, 2005, and has not been renewed.

3. On or about March 3, 2005, S. Reyes, an employee of the Department of Justice, served by Certified and First Class Mail a copy of the Accusation No. 2796, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is 23806 Oakhurst Drive, Santa Clarita, CA 91321. On or about May 23, 2005, the Accusation and supporting documents were served on Respondent at 27508 N. Spencer Court, # 103, Santa

Clarita, CA 91321. On or about July 26, 2005, the First Amended Accusation was served on Respondent at the Spencer Court, Santa Clarita, CA address. A copy of the First Amended Accusation is attached as exhibit A, and is incorporated herein by reference.

4. Service of the Accusation and the First Amended Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c).

5. On or about March 13, 2005 and May 24, 2005, the aforementioned documents were returned by the U.S. Postal Service marked "No Forward Order on File, Unable to Forward." On or about August 11, 2005, the First Amended Accusation was returned by the U. S. Postal Service marked "Unclaimed". A copy of the postal returned documents are incorporated herein by reference.

6. Government Code section 11506 states, in pertinent part:

"(c) The Respondent shall be entitled to a hearing on the merits if the Respondent files a Notice of Defense, and the Notice shall be deemed a specific denial of all parts of the Accusation not expressly admitted. Failure to file a Notice of Defense shall constitute a waiver of Respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

7. Respondent failed to file a Notice of Defense within 15 days after service upon him of the First Amended Accusation, and therefore waived his right to a hearing on the merits of the First Amended Accusation No. 2796.

8. California Government Code section 11520 states, in pertinent part:

"(a) If the Respondent either fails to file a Notice of Defense or to appear at the hearing, the agency may take action based upon the Respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to Respondent."

9. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on Respondent's express admissions by way of default and the evidence before it, contained in xhibit A finds that the allegations in The First Amended Accusation No. 2796 are true.

10. The total costs for investigation and enforcement are $10,221.25 as of November 3, 2005.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Raviraj Urval has subjected his Pharmacist License No. RPH 47019 to discipline.

2. A copy of the First Amended Accusation is attached.

3. The agency has jurisdiction to adjudicate this case by default.

4. The Board of Pharmacy is authorized to revoke Respondent's Pharmacist License based upon the following violations alleged in the First Amended Accusation:

a. Business and Professions Code sections 4301, subdivision (h), and Health and Safety Code sections 11170, 11171, and 11173, subdivision (a) - obtained and possessed and self-administered controlled substances.

ORDER

IT IS SO ORDERED that Pharmacist License No. RPH 47019, heretofore issued to Respondent Raviraj Urval, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

Attachments:

Exhibit A: First Amended Accusation No. 2796

DOJ docket number:03583110-LA2004601630
60111174.wpd (jyb 11/2/2005)

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

In the Matter of the Accusation Against: **Raviraj Urval** Pharmacy Technician Registration No. TCH 47019 Respondent.	Case No. 2796 **Default Decision and Order**

DECISION AND ORDER

The attached Default Decision and Order is hereby adopted by the Board of Pharmacy of the Department of Consumer Affairs, as its Decision in the above-entitled matter.

This decision shall become effective on January 18, 2006.

It is so ORDERED on December 19, 2005.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By _____
STANLEY W. GOLDENBERG
Board President

Exhibit A
First Amended Accusation No. 2796

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

In the Matter of the Accusation Against: RAVIRAJ URVAL 27508 N. Spencer Ct. #103 Santa Clarita, CA 91321 Pharmacist License No. RPH 47019 Respondent.	Case No. 2796 **FIRST AMENDED ACCUSATION**

Complainant alleges:

PARTIES

1. Patricia F. Harris (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

2. On or March 16, 1994, the Board of Pharmacy issued Original Pharmacist License No. RPH 47019 to Raviraj Urval (Respondent). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2005, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board of Pharmacy (Board), Department of Consumer Affairs, under the authority of the following laws. All section

references are to the Business and Professions Code unless otherwise indicated.

4. Section 4300 provides, in pertinent part, that every license issued by the Board is subject to discipline, including suspension or revocation.

5. Section 4301 states:

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

. . . .

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

. . . .

"(h) The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, to a person holding a license under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by the license.

. . . .

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

. . . .

"(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the

record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision. The board may take action when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

. . . .

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

6. Section 4060 states:

"No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, or veterinarian, or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1. This section shall not apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy, physician, podiatrist, dentist, optometrist, veterinarian, certified nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly labeled with the name and address of the supplier or producer.

"Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, or a physician assistant to order his or her own stock of dangerous drugs and devices."

7. Section 490 states:

"A Board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued, or the ground of knowingly making a false statement of fact required to be revealed in an application for such license. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a Board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code."

8. Health and Safety Code section 11170 states: "No person shall prescribe, administer, or furnish a controlled substance for himself."

9. Health and Safety Code section 11171 states: "No person shall prescribe, administer, or furnish a controlled substance except under the conditions and in the manner provided by this division."

10. Health and Safety Code section 11173 states:

"(a) No person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure the administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation , or subterfuge; or (2) by the concealment of a material fact."

11. 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."

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12. Section 118, subdivision (b) states:

"The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground."

13. Section 125.3, subdivision (a), states, in pertinent part:

"Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department . . . the board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case."

CONTROLLED SUBSTANCES

14. "Amphetamine," is the generic name for Adderall. It is a Schedule II controlled substance as designated by Health and Safety Code section 11055, subdivision (d)(2) and is categorized as a "dangerous drug" pursuant to Business and Professions Code section 4022.

FIRST CAUSE FOR DISCIPLINE

(Conviction of a Substantially Related Crime)

15. Respondent is subject to disciplinary action under sections 4301, subdivision (l), and 490 of the Code, in conjunction with California Code of Regulations, title 16, section 1770 for unprofessional conduct, in that Respondent was convicted of a crime substantially related to the qualifications, functions, or duties of a licensed pharmacist, as follows:

A. On or about March 22, 2005, Respondent was convicted by the court on a plea of nolo contendere of one count of violating Health and Safety Code section 11377,

subdivision (a) (possession of a controlled substance), a felony and Penal Code section 487, subdivision (a), a felony in the Superior Court of the State of California, County of Los Angeles, entitled *People v. Ravi Raj Urval*, Case No. PA046646. The court ordered the complaint amended to allege Penal Code section 487, a misdemeanor, pursuant to Penal Code section 17, subdivision (b)(4).

B. The circumstances surrounding the conviction are that on or about January 25, 2003 through January 25, 2004, Respondent, while an agent, servant, and employee of Rite-Aid, unlawfully took from Rite-Aid money and personal property of a value exceeding Four Hundred Dollars ($400).

SECOND CAUSE FOR DISCIPLINE

(Obtaining, Possessing, or Administering a Controlled Substance by Fraud or Deceit)

16. Respondent is subject to disciplinary action under sections 4300 and 4301, subdivision (h) and (j) on the grounds of unprofessional conduct, for violating section 4060 and Health and Safety Code sections 11170, 11171, and 11173, subdivision (a), in that while employed as a pharmacist by Rite Aid Pharmacies #5557 and #5562, in Valencia, California, Respondent, obtained, possessed, and self-administered controlled substances, by fraud or deceit, as follows:

A. On or about March 29, 2004, Respondent wrote a statement, admitting to illegally taking 1200 Adderall tablets (a schedule II controlled substance) from Rite Aid Pharmacy #5557, during the previous year.

B. On or about March 29, 2004, Respondent also wrote in his statement, admitting illegally to taking medications from Rite Aid Pharmacy #5562.

C. On or about March 29, 2004, Respondent also indicated in his written statement that he does "have a problem with drug abuse."

D. On or about March 29 2004, Respondent's results from a drug screen, conducted by Employee Health Programs/Substance Abuse Management, Inc. (EHP/SAMI), revealed the presence of amphetamines in his system.

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THIRD CAUSE FOR DISCIPLINE

(Violation of Law)

17. Respondent is subject to disciplinary action under sections 4300 and 4301, subdivisions (f) and (o), on the grounds of unprofessional conduct, in that on or about March 22, 2005, Respondent was convicted of a crime for possession of a controlled substance, as more fully set forth in paragraph 15 above.

PRAYER

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

1. Revoking or suspending Original Pharmacist License No. RPH 47019, issued to Raviraj Urval;

2. Ordering Raviraj Urval to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: 7/22/05

P. F. Harris

PATRICIA F. HARRIS
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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