

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

In the Matter of the Accusation Against:

Case No. 3517

IDA SHLALIN
P.O. Box 10793
Beverly Hills, CA 90213

Pharmacist License No. RPH 43194

Respondent.

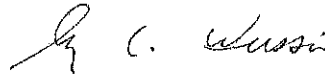
DECISION AND ORDER

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 May 29, 2013.

It is so ORDERED on April 29, 2013.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STANLEY C. WEISSER
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 DESIREE TULLENERS
Deputy Attorney General
4 State Bar No. 157464
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2578
6 Facsimile: (213) 897-2804
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:

12 **IDA SHLAIN**
2934 1/2 Beverly Glen Circle, #404
13 Los Angeles, CA 90077
Pharmacist License No. 43194

14 Respondent.
15

Case No. 3517

OAH No. 2012040442

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16
17 *IT IS HEREBY STIPULATED AND AGREED* by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
21 She brought this action solely in her official capacity and is represented in this matter by Kamala
22 D. Harris, Attorney General of the State of California, by Desiree Tulleners, Deputy Attorney
23 General.

24 2. Respondent Ida Shlain (Respondent) is represented in this proceeding by attorney
25 Benjamin J. Fenton, whose address is: Benjamin J. Fenton, Fenton Nelson, LLP, 11835 W.
26 Olympic Boulevard, 9th Floor, Los Angeles, CA 90064, 310 444-5244.

27 3. On or about March 8, 1990, the Board of Pharmacy issued Pharmacist License No.
28 43194 to Ida Shlain (Respondent). The Pharmacist License was in full force and effect at all

1 times relevant to the charges brought in Accusation No. 3517, and will expire on August 31,
2 2013, unless renewed.

3 **JURISDICTION**

4 4. Accusation No. 3517 was filed before the Board of Pharmacy (Board), Department of
5 Consumer Affairs, and is currently pending against Respondent. The Accusation and all other
6 statutorily required documents were properly served on Respondent on November 8, 2011.
7 Respondent timely filed her Notice of Defense contesting the Accusation.

8 5. A copy of Accusation No. 3517 is attached as Exhibit A, and incorporated herein by
9 reference.

10 **ADVISEMENT AND WAIVERS**

11 6. Respondent has carefully read, fully discussed with counsel, and understands the
12 charges and allegations in Accusation No. 3517. Respondent has also carefully read, fully
13 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
14 Order.

15 7. Respondent is fully aware of her legal rights in this matter, including the right to a
16 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
17 her own expense; the right to confront and cross-examine the witnesses against her; the right to
18 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
19 compel the attendance of witnesses and the production of documents; the right to reconsideration
20 and court review of an adverse decision; and all other rights accorded by the California
21 Administrative Procedure Act and other applicable laws.

22 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
23 every right set forth above.

24 **CULPABILITY**

25 9. Respondent admits the truth of each and every charge and allegation in Accusation
26 No. 3517.

27 10. Respondent agrees that her Pharmacist License is subject to discipline and she agrees
28 to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

1 Respondent shall report any of the following occurrences to the board, in writing, within
2 seventy-two (72) hours of such occurrence:

- 3 • an arrest or issuance of a criminal complaint for violation of any provision of the
4 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
5 substances laws
- 6 • a plea of guilty or *nolo contendere* in any state or federal criminal proceeding to any
7 criminal complaint, information or indictment
- 8 • a conviction of any crime
- 9 • discipline, citation, or other administrative action filed by any state or federal agency
10 which involves respondent's pharmacist license or which is related to the practice of
11 pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging
12 for any drug, device or controlled substance.

13 Failure to timely report such occurrence shall be considered a violation of probation.

14 **2. Report to the Board**

15 Respondent shall report to the board quarterly, on a schedule as directed by the board or its
16 designee. The report shall be made either in person or in writing, as directed. Among other
17 requirements, respondent shall state in each report under penalty of perjury whether there has
18 been compliance with all the terms and conditions of probation. Failure to submit timely reports
19 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency
20 in submission of reports as directed may be added to the total period of probation. Moreover, if
21 the final probation report is not made as directed, probation shall be automatically extended until
22 such time as the final report is made and accepted by the board.

23 **3. Interview with the Board**

24 Upon receipt of reasonable prior notice, respondent shall appear in person for interviews
25 with the board or its designee, at such intervals and locations as are determined by the board or its
26 designee. Failure to appear for any scheduled interview without prior notification to board staff,
27 or failure to appear for two (2) or more scheduled interviews with the board or its designee during
28 the period of probation, shall be considered a violation of probation.

1 **4. Cooperate with Board Staff**

2 Respondent shall cooperate with the board's inspection program and with the board's
3 monitoring and investigation of respondent's compliance with the terms and conditions of her
4 probation. Failure to cooperate shall be considered a violation of probation.

5 **5. Continuing Education**

6 Respondent shall provide evidence of efforts to maintain skill and knowledge as a
7 pharmacist as directed by the board or its designee.

8 **6. Notice to Employers**

9 During the period of probation, respondent shall notify all present and prospective
10 employers of the decision in case number 3517 and the terms, conditions and restrictions imposed
11 on respondent by the decision, as follows:

12 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
13 respondent undertaking any new employment, respondent shall cause her direct supervisor,
14 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's
15 tenure of employment) and owner to report to the board in writing acknowledging that the listed
16 individual(s) has/have read the decision in case number 3517, and terms and conditions imposed
17 thereby. It shall be respondent's responsibility to ensure that her employer(s) and/or supervisor(s)
18 submit timely acknowledgment(s) to the board.

19 If respondent works for or is employed by or through a pharmacy employment service,
20 respondent must notify her direct supervisor, pharmacist-in-charge, and owner at every entity
21 licensed by the board of the terms and conditions of the decision in case number 3517 in advance
22 of the respondent commencing work at each licensed entity. A record of this notification must be
23 provided to the board upon request.

24 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
25 (15) days of respondent undertaking any new employment by or through a pharmacy employment
26 service, respondent shall cause her direct supervisor with the pharmacy employment service to
27 report to the board in writing acknowledging that she has read the decision in case number 3517
28

1 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure
2 that her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

3 Failure to timely notify present or prospective employer(s) or to cause that/those
4 employer(s) to submit timely acknowledgments to the board shall be considered a violation of
5 probation.

6 "Employment" within the meaning of this provision shall include any full-time,
7 part-time, temporary, relief or pharmacy management service as a pharmacist or any
8 position for which a pharmacist license is a requirement or criterion for employment,
9 whether the respondent is an employee, independent contractor or volunteer.

10 **7. No Supervision of Interns, Serving as Pharmacist-in-Charge (PIC), Serving as**
11 **Designated Representative-in-Charge, or Serving as a Consultant**

12 During the period of probation, respondent shall not supervise any intern pharmacist, be the
13 pharmacist-in-charge or designated representative-in-charge of any entity licensed by the board
14 nor serve as a consultant unless otherwise specified in this order. Assumption of any such
15 unauthorized supervision responsibilities shall be considered a violation of probation.

16 **8. Reimbursement of Board Costs**

17 As a condition precedent to successful completion of probation, respondent shall pay to the
18 board its costs of investigation and prosecution in the amount of \$12,934.50. Respondent shall
19 make said payments according to a payment schedule to be approved by the Board, and complete
20 the final payment within 33 months of the effective date assigned to the Decision and Order
21 adopting this stipulation.

22 There shall be no deviation from this schedule absent prior written approval by the board or
23 its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of
24 probation.

25 The filing of bankruptcy by respondent shall not relieve respondent of her responsibility to
26 reimburse the board its costs of investigation and prosecution.

27 ///

28 ///

1 **9. Probation Monitoring Costs**

2 Respondent shall pay any costs associated with probation monitoring as determined by the
3 board each and every year of probation. Such costs shall be payable to the board on a schedule as
4 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall
5 be considered a violation of probation.

6 **10. Status of License**

7 Respondent shall, at all times while on probation, maintain an active, current license with
8 the board, including any period during which suspension or probation is tolled. Failure to
9 maintain an active, current license shall be considered a violation of probation.

10 If respondent's license expires or is cancelled by operation of law or otherwise at any time
11 during the period of probation, including any extensions thereof due to tolling or otherwise, upon
12 renewal or reapplication respondent's license shall be subject to all terms and conditions of this
13 probation not previously satisfied.

14 **11. License Surrender While on Probation/Suspension**

15 Following the effective date of this decision, should respondent cease practice due to
16 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
17 respondent may tender her license to the board for surrender. The board or its designee shall have
18 the discretion whether to grant the request for surrender or take any other action it deems
19 appropriate and reasonable. Upon formal acceptance of the surrender of the license, respondent
20 will no longer be subject to the terms and conditions of probation. This surrender constitutes a
21 record of discipline and shall become a part of the respondent's license history with the board.

22 Upon acceptance of the surrender, respondent shall relinquish her pocket and wall license to
23 the board within ten (10) days of notification by the board that the surrender is accepted.

24 Respondent may not reapply for any license from the board for three (3) years from the effective
25 date of the surrender. Respondent shall meet all requirements applicable to the license sought as
26 of the date the application for that license is submitted to the board, including any outstanding
27 costs.

28 ///

1 **12. Notification of a Change in Name, Residence Address, Mailing Address or**
2 **Employment**

3 Respondent shall notify the board in writing within ten (10) days of any change of
4 employment. Said notification shall include the reasons for leaving, the address of the new
5 employer, the name of the supervisor and owner, and the work schedule if known. Respondent
6 shall further notify the board in writing within ten (10) days of a change in name, residence
7 address, mailing address, or phone number.

8 Failure to timely notify the board of any change in employer(s), name(s), address(es), or
9 phone number(s) shall be considered a violation of probation.

10 **13. Tolling of Probation**

11 Except during periods of suspension, respondent shall, at all times while on probation, be
12 employed as a pharmacist in California for a minimum of 40 hours per calendar month. Any
13 month during which this minimum is not met shall toll the period of probation, i.e., the period of
14 probation shall be extended by one month for each month during which this minimum is not met.
15 During any such period of tolling of probation, respondent must nonetheless comply with all
16 terms and conditions of probation.

17 Should respondent, regardless of residency, for any reason (including vacation) cease
18 practicing as a pharmacist for a minimum of 40 hours per calendar month in California,
19 respondent must notify the board in writing within ten (10) days of the cessation of practice, and
20 must further notify the board in writing within ten (10) days of the resumption of practice. Any
21 failure to provide such notification(s) shall be considered a violation of probation.

22 It is a violation of probation for respondent's probation to remain tolled pursuant to the
23 provisions of this condition for a total period, counting consecutive and non-consecutive months,
24 exceeding thirty-six (36) months.

25 "Cessation of practice" means any calendar month during which respondent is
26 not practicing as a pharmacist for at least 40 hours, as defined by Business and
27 Professions Code section 4000 et seq . "Resumption of practice" means any calendar
28

1 month during which respondent is practicing as a pharmacist for at least 40 hours as a
2 pharmacist as defined by Business and Professions Code section 4000 et seq.

3 **14. Violation of Probation**

4 If a respondent has not complied with any term or condition of probation, the board shall
5 have continuing jurisdiction over respondent, and probation shall automatically be extended, until
6 all terms and conditions have been satisfied or the board has taken other action as deemed
7 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and
8 to impose the penalty that was stayed.

9 If respondent violates probation in any respect, the board, after giving respondent notice
10 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
11 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a
12 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If
13 a petition to revoke probation or an accusation is filed against respondent during probation, the
14 board shall have continuing jurisdiction and the period of probation shall be automatically
15 extended until the petition to revoke probation or accusation is heard and decided.

16 **15. Completion of Probation**

17 Upon written notice by the board or its designee indicating successful completion of
18 probation, respondent's license will be fully restored.

19 **16. Community Services Program**

20 Within sixty (60) days of the effective date of this decision, respondent shall submit to the
21 board or its designee, for prior approval, a community service program in which respondent shall
22 provide free health-care related services on a regular basis to a community or charitable facility or
23 agency for at least 100 hours per year for each year of probation. Within thirty (30) days of board
24 approval thereof, respondent shall submit documentation to the board demonstrating
25 commencement of the community service program. A record of this notification must be
26 provided to the board upon request. Respondent shall report on progress with the community
27 service program in the quarterly reports. Failure to timely submit, commence, or comply with the
28 program shall be considered a violation of probation.

1 **17. Remedial Education**

2 Within sixty (60) days of the effective date of this decision, respondent shall submit to the
3 board or its designee, for prior approval, an appropriate program of remedial education related to
4 [the grounds for discipline]. The program of remedial education shall consist of at least 10 hours,
5 which shall be completed within the first two years of probation at respondent's own expense. All
6 remedial education shall be in addition to, and shall not be credited toward, continuing education
7 (CE) courses used for license renewal purposes.

8 Failure to timely submit or complete the approved remedial education shall be considered a
9 violation of probation. The period of probation will be automatically extended until such
10 remedial education is successfully completed and written proof, in a form acceptable to the board,
11 is provided to the board or its designee.

12 Following the completion of each course, the board or its designee may require the
13 respondent, at her own expense, to take an approved examination to test the respondent's
14 knowledge of the course. If the respondent does not achieve a passing score on the examination,
15 this failure shall be considered a violation of probation. Any such examination failure shall
16 require respondent to take another course approved by the board in the same subject area.

17 **18. No Ownership of Licensed Premises**

18 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,
19 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
20 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell
21 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)
22 days following the effective date of this decision and shall immediately thereafter provide written
23 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide
24 documentation thereof shall be considered a violation of probation.

25 **19. Ethics Course**

26 Within sixty (60) calendar days of the effective date of this decision, respondent shall enroll
27 in a course in ethics, at respondent's expense, approved in advance by the board or its designee.
28 Failure to initiate the course during the first year of probation, and complete it within the second


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

year of probation, is a violation of probation.


Respondent shall submit a certificate of completion to the board or its designee within five days after completing the course.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Benjamin J. Fenton. I understand the stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 10/11/12 
IDA SHLAIN
Respondent

I have read and fully discussed with Respondent Ida Shlain the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 10/11/12 
BENJAMIN J. FENTON
Attorney for Respondent

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

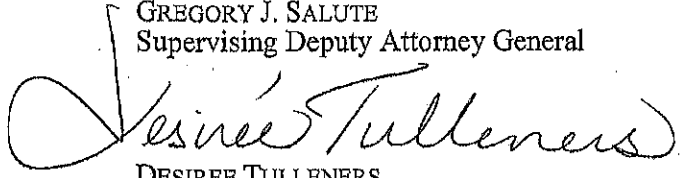
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Dated: *October 11, 2012*

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General



DESIREE TULLENERS
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 3517

1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 DESIREE TULLENERS
Deputy Attorney General
4 State Bar No. 157464
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2578
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 3517

13 **IDA SHLAIN**
aka IDA HOVAY
P.O. Box 10793
14 Beverly Hills, CA 90213

ACCUSATION

15 **Original Pharmacist License No. 43194**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about March 8, 1990, the Board of Pharmacy (Board) issued Original
23 Pharmacist License No. 43194 to Ida Shlain (Respondent Shlain). The Pharmacist License was
24 in full force and effect at all times relevant to the charges brought herein, and will expire on
25 August 31, 2011, unless renewed.

26 ///

27 ///

28 ///

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

16 8. Welfare and Institutions Code section 14123.25, provides in pertinent part:

17 “(a) In lieu of, or in addition to, the imposition of any other sanction available to it,
18 including the sanctions and penalties authorized under Section 14123.2 or 14171.6, and as the
19 “single state agency” for California vested with authority to administer the Medi-Cal program, the
20 department shall exercise the authority granted to it in Section 1002.2 of Title 42 of the Code of
21 Federal Regulations, and may also impose the mandatory and permissive exclusions identified in
22 Section 1128 of the federal Social Security Act (42 U.S.C. Sec. 1320a-7), and its implementing
23 regulations, and impose civil penalties identified in Section 1128A of the federal Social Security
24 Act (42 U.S.C. Sec. 1320a-7a), and its implementing regulations, against applicants and
25 providers, as defined in Section 14043.1, or against billing agents, as defined in Section 14040.1.
26 The department may also terminate, or refuse to enter into, a provider agreement authorized under
27 Section 14043.2 with an applicant or provider, as defined in Section 14043.1, upon the grounds
28 specified in Section 1866(b)(2) of the federal Social Security Act (42 U.S.C. Sec. 1395cc(b)(2)).

1 Notwithstanding Section 100171 of the Health and Safety Code or any other provision of law,
2 any appeal by an applicant, provider, or billing agent of the imposition of a civil
3 penalty, exclusion, or other sanction pursuant to this subdivision shall be in accordance with
4 Section 14043.65, except that where the action is based upon a conviction for any crime involving
5 fraud or abuse of the Medi-Cal, Medicaid, or Medicare programs, or an exclusion by the federal
6 government from the Medicaid or Medicare programs, the action shall be automatic and not
subject to appeal or hearing."

7 9. United States Code, title 18, section 1035 states:

8 "(a) Whoever, in any matter involving a health care benefit program, knowingly
9 and willfully—(1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;
10 or (2) makes any materially false, fictitious, or fraudulent statements or representations, or makes
11 or uses any materially false writing or document knowing the same to contain any materially
12 false, fictitious, or fraudulent statement or entry, in connection with the delivery of or payment
13 for health care benefits, items, or services, shall be fined under this title or imprisoned not more
14 than 5 years, or both.

15 (b) As used in this section, the term "health care benefit program" has the meaning
16 given such term in section 24 (b) of this title."

17 **REGULATORY PROVISION**

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

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

25 **COST RECOVERY**

26 11. Section 125.3 of the Code states, in pertinent part, that the Board may request the
27 administrative law judge to direct a licentiate found to have committed a violation or violations of
28

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 **FIRST CAUSE FOR DISCIPLINE**

4 ***(Criminal Conviction)***

5 12. Respondent Shlain is subject to disciplinary action under sections 4300, 4301,
6 subdivisions (f) and (l), and 490 of the Code, as defined in the California Code of Regulations,
7 title 16, section 1770, in that, Respondent was convicted of a crime substantially related to the
8 qualifications, functions or duties of a pharmacist, as follows:

9 a. On or about December 20, 2005, after pleading guilty, Respondent was
10 convicted of one felony count of violating 18 USC § 1035 [false statement relating to health care
11 matters-class D felony], in the criminal proceeding entitled *U.S. vs. Hovav* (U.S. District Court,
12 Eastern District, 2005, No. CR-03-00126.) The Federal court ordered Respondent to make
13 restitution to the California Department of Health and Human Services of \$46,604.00 and the
14 Center for Medicare and Medi-Cal Services of \$46,604.00, and placed her on probation for a
15 period of 2 years with terms and conditions.

16 **SECOND CAUSE FOR DISCIPLINE**

17 ***(Unprofessional Conduct)***

18 13. Respondent Shlain is subject to disciplinary action under section 4301, subdivisions
19 (f) and (j), in conjunction with United States Code, title 18, section 1035, and Welfare and
20 Institutions Code section 14123.25, subdivision (a), on the grounds of unprofessional conduct in
21 that she committed acts involving moral turpitude, dishonesty, fraud, deceit or corruption in
22 violation of the statutes of this state or of the United States regulating controlled substances and
23 dangerous drugs. Specifically, November 16, 2001, Respondent knowingly and willfully made a
24 materially false statement regarding claims for payment of health care services by the Medi-Cal
25 program, namely, she submitted invoices and other purchase documentation to the Department of
26 Health Services which falsely stated that her pharmacy, West Hollywood Pharmacy, had
27 purchased \$93,208 of drugs and other pharmacy items for which the pharmacy had later
28 submitted claims to the Medi-Cal Program.

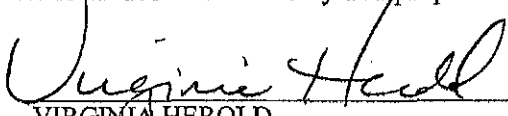
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PRAYER

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

1. Revoking or suspending Pharmacist License No. 43194, issued to Respondent;
2. Ordering Respondent to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 10/28/11



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

RECEIVED
OCT 28 2011
STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS