

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

In the Matter of the Accusation Against:

Case No. 4362

**GJPL INC., DBA SAINT JOHNS  
MEDICAL PLAZA PHARMACY**

1301 20<sup>TH</sup> Street, #120  
Santa Monica, CA 90404

Original Pharmacy Permit No. PHY 43536

and

**FARNAZ MAHDAVI**  
1301 20<sup>TH</sup> Street, #120  
Santa Monica, CA 90404

Pharmacist License No. RPH 42814

Respondents.

**DECISION AND ORDER**

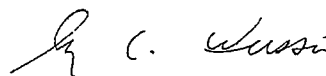
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on January 31, 2014.

It is so ORDERED on January 24, 2014.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By



\_\_\_\_\_  
STAN C. WEISSER  
Board President

1 KAMALA D. HARRIS  
Attorney General of California  
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Supervising Deputy Attorney General  
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*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. 4362

11 **GJPL INC., DBA SAINT JOHNS**  
12 **MEDICAL PLAZA PHARMACY;**  
13 **FARNAZ MAHDAVI**  
14 **1301 20th Street, #120**  
**Santa Monica, CA 90404**

OAH No. 2013040350  
**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

15 **Original Pharmacist License No. RPH 42814**  
**Original Permit No. PHY 43536**

16  
17 Respondents.

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

20 **PARTIES**

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

25 2. Respondents GJPL Inc., dba Saint Johns Medical Plaza Pharmacy and Farnaz  
26 Mahdavi (collectively, "Respondents") are represented in this proceeding by attorney Herbert L.  
27 Weinberg, whose address is: Herbert L. Weinberg, McGuireWoods LLP, 1800 Century Park East  
28 8<sup>th</sup> Floor, Los Angeles, CA 90067-1501.



1 compel the attendance of witnesses and the production of documents; the right to reconsideration  
2 and court review of an adverse decision; and all other rights accorded by the California  
3 Administrative Procedure Act and other applicable laws.

4 10. Respondents voluntarily, knowingly, and intelligently waive and give up each and  
5 every right set forth above.

6 **CULPABILITY**

7 11. Respondents understand and agree that the charges and allegations in First Amended  
8 Accusation No. 4362, if proven at a hearing, constitute cause for imposing discipline upon  
9 Respondent Pharmacy's Original Permit and Respondent Mahdavi's Original Pharmacist License.

10 12. For the purpose of resolving the Accusation without the expense and uncertainty of  
11 further proceedings, Respondents agree that, at a hearing, Complainant could establish a factual  
12 basis for the charges in the Accusation, and that Respondents hereby give up their right to contest  
13 those charges.

14 13. Respondent Pharmacy agrees that its Original Permit is subject to discipline and it  
15 agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

16 14. Respondent Mahdavi agrees that her Original Pharmacist License is subject to  
17 discipline and she agrees to be bound by the Board's probationary terms as set forth in the  
18 Disciplinary Order below.

19 **CONTINGENCY**

20 15. This stipulation shall be subject to approval by the Board of Pharmacy. Respondents  
21 understand and agree that counsel for Complainant and the staff of the Board of Pharmacy may  
22 communicate directly with the Board regarding this stipulation and settlement, without notice to  
23 or participation by Respondents or their counsel. By signing the stipulation, Respondents  
24 understand and agree that they may not withdraw their agreement or seek to rescind the  
25 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this  
26 stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of  
27 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between  
28

1 the parties, and the Board shall not be disqualified from further action by having considered this  
2 matter.

3 16. The parties understand and agree that Portable Document Format (PDF) and facsimile  
4 copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format  
5 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

6 17. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
7 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
8 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
9 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
10 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
11 writing executed by an authorized representative of each of the parties.

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

15 **DISCIPLINARY ORDER AS TO RESPONDENT PHARMACY**

16 IT IS HEREBY ORDERED that Original Permit No. PHY 43536 to Respondent GJPL Inc.,  
17 dba Saint Johns Medical Plaza Pharmacy is revoked. However, the revocation is stayed and  
18 Respondent is placed on probation for five (5) years on the following terms and conditions.

19 **1. Obey All Laws**

20 Respondent Pharmacy shall obey all state and federal laws and regulations.

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

- 23 • an arrest or issuance of a criminal complaint for violation of any provision of the  
24 Pharmacy Law, state and federal food and drug laws, or state and federal controlled  
25 substances laws
- 26 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to any  
27 criminal complaint, information or indictment
- 28 • a conviction of any crime

- 1 • discipline, citation, or other administrative action filed by any state or federal agency  
2 which involves Respondent Pharmacy's Original Permit or which is related to the  
3 practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing,  
4 or charging for any drug, device or controlled substance.

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

6 **2. Report to the Board**

7 Respondent Pharmacy's owner shall report to the board quarterly, on a schedule as directed  
8 by the board or its designee. The report shall be made either in person or in writing, as directed.  
9 Among other requirements, respondent owner shall state in each report under penalty of perjury  
10 whether there has been compliance with all the terms and conditions of probation. Failure to  
11 submit timely reports in a form as directed shall be considered a violation of probation. Any  
12 period(s) of delinquency in submission of reports as directed may be added to the total period of  
13 probation. Moreover, if the final probation report is not made as directed, probation shall be  
14 automatically extended until such time as the final report is made and accepted by the board.

15 **3. Interview with the Board**

16 Upon receipt of reasonable prior notice, Respondent Pharmacy's owner shall appear in  
17 person for interviews with the board or its designee, at such intervals and locations as are  
18 determined by the board or its designee. Failure to appear for any scheduled interview without  
19 prior notification to board staff, or failure to appear for two (2) or more scheduled interviews with  
20 the board or its designee during the period of probation, shall be considered a violation of  
21 probation.

22 **4. Cooperate with Board Staff**

23 Respondent Pharmacy's owner shall cooperate with the board's inspection program and  
24 with the board's monitoring and investigation of respondent's compliance with the terms and  
25 conditions of their probation. Failure to cooperate shall be considered a violation of probation.

26 **5. Reimbursement of Board Costs**

27 As a condition precedent to successful completion of probation, Respondent Pharmacy's  
28 owner shall pay to the board its costs of investigation and prosecution in the amount of

1 \$18,441.50. Respondent Pharmacy's owner shall make said payments on a payment plan  
2 approved by the Board. Respondent Mahdavi and Respondent Pharmacy shall be jointly and  
3 severally liable for the reimbursement of Board costs.

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

7 The filing of bankruptcy by Respondent Pharmacy's owner shall not relieve respondent of  
8 their responsibility to reimburse the board its costs of investigation and prosecution.

9 **6. Probation Monitoring Costs**

10 Respondent Pharmacy's owner shall pay any costs associated with probation monitoring as  
11 determined by the board each and every year of probation. Such costs shall be payable to the  
12 board on a schedule as directed by the board or its designee. Failure to pay such costs by the  
13 deadline(s) as directed shall be considered a violation of probation.

14 **7. Status of License**

15 Respondent Pharmacy's owner shall, at all times while on probation, maintain current  
16 licensure with the board. If Respondent Pharmacy's owner submits an application to the board,  
17 and the application is approved, for a change of location, change of permit or change of  
18 ownership, the board shall retain continuing jurisdiction over the license, and Respondent  
19 Pharmacy shall remain on probation as determined by the board. Failure to maintain current  
20 licensure shall be considered a violation of probation.

21 ~~If Respondent Pharmacy owner's license expires or is cancelled by operation of law or~~  
22 ~~otherwise at any time during the period of probation, including any extensions thereof or~~  
23 ~~otherwise, upon renewal or reapplication Respondent Pharmacy owner's license shall be subject~~  
24 ~~to all terms and conditions of this probation not previously satisfied.~~

25 **8. License Surrender While on Probation/Suspension**

26 Following the effective date of this decision, should Respondent Pharmacy's owner  
27 discontinue business, Respondent Pharmacy's owner may tender the premises license to the board  
28 for surrender. The board or its designee shall have the discretion whether to grant the request for

1 surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance  
2 of the surrender of the license, Respondent Pharmacy will no longer be subject to the terms and  
3 conditions of probation.

4 Upon acceptance of the surrender, Respondent Pharmacy's owner shall relinquish the  
5 premises wall and renewal license to the board within ten (10) days of notification by the board  
6 that the surrender is accepted. Respondent Pharmacy's owner shall further submit a completed  
7 Discontinuance of Business form according to board guidelines and shall notify the board of the  
8 records inventory transfer.

9 Respondent Pharmacy's owner shall also, by the effective date of this decision, arrange for  
10 the continuation of care for ongoing patients of the pharmacy by, at minimum, providing a written  
11 notice to ongoing patients that specifies the anticipated closing date of the pharmacy and that  
12 identifies one or more area pharmacies capable of taking up the patients' care, and by cooperating  
13 as may be necessary in the transfer of records or prescriptions for ongoing patients. Within five  
14 days of its provision to the pharmacy's ongoing patients, Respondent Pharmacy's owner shall  
15 provide a copy of the written notice to the board. For the purposes of this provision, "ongoing  
16 patients" means those patients for whom the pharmacy has on file a prescription with one or more  
17 refills outstanding, or for whom the pharmacy has filled a prescription within the preceding sixty  
18 (60) days.

19 Respondent Pharmacy's owner may not apply for any new licensure from the board for  
20 three (3) years from the effective date of the surrender. Respondent Pharmacy's owner shall meet  
21 all requirements applicable to the license sought as of the date the application for that license is  
22 submitted to the board.

23 Respondent Pharmacy's owner further stipulates that he or she shall reimburse the board for  
24 its costs of investigation and prosecution prior to the acceptance of the surrender.

25 **9. Notice to Employees**

26 Respondent Pharmacy's owner shall, upon or before the effective date of this decision,  
27 ensure that all employees involved in permit operations are made aware of all the terms and  
28 conditions of probation, either by posting a notice of the terms and conditions, circulating such



1 notice, or both. If the notice required by this provision is posted, it shall be posted in a prominent  
2 place and shall remain posted throughout the probation period. Respondent Pharmacy's owner  
3 shall ensure that any employees hired or used after the effective date of this decision are made  
4 aware of the terms and conditions of probation by posting a notice, circulating a notice, or both.  
5 Additionally, Respondent Pharmacy's owner shall submit written notification to the board, within  
6 fifteen (15) days of the effective date of this decision, that this term has been satisfied. Failure to  
7 submit such notification to the board shall be considered a violation of probation.

8 "Employees" as used in this provision includes all full-time, part-time,  
9 volunteer, temporary and relief employees and independent contractors employed or  
10 hired at any time during probation.

11 **10. Owners and Officers: Knowledge of the Law**

12 Respondent Pharmacy shall provide, within thirty (30) days after the effective date of this  
13 decision, signed and dated statements from its owners, including any owner or holder of ten  
14 percent (10%) or more of the interest in Respondent Pharmacy or Respondent Pharmacy's stock,  
15 and any officer, stating under penalty of perjury that said individuals have read and are familiar  
16 with state and federal laws and regulations governing the practice of pharmacy. The failure to  
17 timely provide said statements under penalty of perjury shall be considered a violation of  
18 probation.

19 **11. Posted Notice of Probation**

20 Respondent Pharmacy's owner shall prominently post a probation notice provided by the  
21 board in a place conspicuous and readable to the public. The probation notice shall remain posted  
22 during the entire period of probation.

23 Respondent Pharmacy's owner shall not, directly or indirectly, engage in any conduct or  
24 make any statement which is intended to mislead or is likely to have the effect of misleading any  
25 patient, customer, member of the public, or other person(s) as to the nature of and reason for the  
26 probation of the licensed entity.

27 Failure to post such notice shall be considered a violation of probation.

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1           **12. Violation of Probation**

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

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

15           **13. Completion of Probation**

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

18           **14. Community Services Program**

19           Within sixty (60) days of the effective date of this decision, Respondent Pharmacy's owner  
20 shall submit to the board or its designee, for prior approval, a community service program in  
21 ~~which Respondent Pharmacy shall provide free health-care related services to a community or~~  
22 charitable facility or agency for at least seventy-two (72) hours per year of probation.

23           Within thirty (30) days of board approval thereof, Respondent Pharmacy's owner shall  
24 submit documentation to the board demonstrating commencement of the community service  
25 program. Respondent Pharmacy's owner shall report on progress with the community service  
26 program in the quarterly reports.

27           Failure to timely submit, commence, or comply with the program shall be considered a  
28 violation of probation.

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**15. Administrative Penalty**

As a condition precedent to successful completion of probation, Respondent Pharmacy's owner shall pay to the Board an administrative penalty in the amount of \$100,000.00. Respondent Pharmacy's owner shall make said payments on a payment plan approved by the Board. Respondent Mahdavi and Respondent Pharmacy shall be jointly and severally liable for the administrative penalty. There shall be no deviation from this schedule absent prior written approval by the board or its designee. Failure to pay the administrative penalty by the deadline(s) as directed shall be considered a violation of probation.

**16. Separate File of Records**

Respondent Pharmacy's owner shall maintain and make available for inspection a separate file of all records pertaining to the acquisition or disposition of all controlled substances. Failure to maintain such file or make it available for inspection shall be considered a violation of probation.

**DISCIPLINARY ORDER AS TO RESPONDENT MAHDAVI**

IT IS HEREBY ORDERED that Original Pharmacist License No. RPH 42814 issued to Respondent Farnaz Mahdavi is revoked. However, the revocation is stayed and Respondent Mahdavi is placed on probation for five (5) years on the following terms and conditions.

**17. Obey All Laws**

Respondent Mahdavi shall obey all state and federal laws and regulations.

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

- an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws
- a plea of guilty or nolo contendere in any state or federal criminal proceeding to any criminal complaint, information or indictment
- a conviction of any crime

- 1 • discipline, citation, or other administrative action filed by any state or federal agency  
2 which involves respondent's Original Pharmacist License or which is related to the  
3 practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing,  
4 or charging for any drug, device or controlled substance.

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

6 **18. Report to the Board**

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

15 **19. Interview with the Board**

16 Upon receipt of reasonable prior notice, Respondent Mahdavi shall appear in person for  
17 interviews with the board or its designee, at such intervals and locations as are determined by the  
18 board or its designee. Failure to appear for any scheduled interview without prior notification to  
19 board staff, or failure to appear for two (2) or more scheduled interviews with the board or its  
20 designee during the period of probation, shall be considered a violation of probation.

21 **20. Cooperate with Board Staff**

22 Respondent Mahdavi shall cooperate with the board's inspection program and with the  
23 board's monitoring and investigation of respondent's compliance with the terms and conditions of  
24 their probation. Failure to cooperate shall be considered a violation of probation.

25 **21. Continuing Education**

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

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1           22.   **Notice to Employers**

2           During the period of probation, Respondent Mahdavi shall notify all present and  
3 prospective employers of the decision in case number 4362 and the terms, conditions and  
4 restrictions imposed on respondent by the decision, as follows:

5           Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
6 respondent undertaking any new employment, Respondent Mahdavi shall cause their direct  
7 supervisor, pharmacist-in-charge (including each new pharmacist-in-charge employed during  
8 respondent's tenure of employment) and owner to report to the board in writing acknowledging  
9 that the listed individual(s) has/have read the decision in case number 4362, and terms and  
10 conditions imposed thereby. It shall be Respondent Mahdavi's responsibility to ensure that her  
11 employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

12           If Respondent Mahdavi works for or is employed by or through a pharmacy employment  
13 service, Respondent Mahdavi must notify her direct supervisor, pharmacist-in-charge, and owner  
14 at every entity licensed by the board of the terms and conditions of the decision in case number  
15 4362 in advance of the respondent commencing work at each licensed entity. A record of this  
16 notification must be provided to the board upon request.

17           Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
18 (15) days of Respondent Mahdavi undertaking any new employment by or through a pharmacy  
19 employment service, Respondent Mahdavi shall cause her direct supervisor with the pharmacy  
20 employment service to report to the board in writing acknowledging that they have read the  
21 decision in case number 4362 and the terms and conditions imposed thereby. It shall be  
22 Respondent Mahdavi's responsibility to ensure that her employer(s) and/or supervisor(s) submit  
23 timely acknowledgment(s) to the board.

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

27           "Employment" within the meaning of this provision shall include any full-time,  
28 part-time, temporary, relief or pharmacy management service as a pharmacist or any

1 position for which a pharmacist license is a requirement or criterion for employment,  
2 whether the respondent is an employee, independent contractor or volunteer.

3 **23. No Supervision of Interns, Serving as Pharmacist-in-Charge (PIC), Serving as**  
4 **Designated Representative-in-Charge, or Serving as a Consultant**

5 During the period of probation, Respondent Mahdavi shall not supervise any intern  
6 pharmacist, be the pharmacist-in-charge or designated representative-in-charge of any entity  
7 licensed by the board nor serve as a consultant unless otherwise specified in this order.  
8 Assumption of any such unauthorized supervision responsibilities shall be considered a violation  
9 of probation.

10 **24. Reimbursement of Board Costs**

11 As a condition precedent to successful completion of probation, Respondent Mahdavi shall  
12 pay to the board its costs of investigation and prosecution in the amount of \$18,441.50.  
13 Respondent Mahdavi shall make said payments on a payment plan approved by the Board.  
14 Respondent Mahdavi and Respondent Pharmacy shall be jointly and severally liable for the  
15 reimbursement of Board costs.

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

19 The filing of bankruptcy by respondent shall not relieve Respondent Mahdavi of her  
20 responsibility to reimburse the board its costs of investigation and prosecution.

21 **25. Probation Monitoring Costs**

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

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1           **26. Status of License**

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

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

9           **27. License Surrender While on Probation/Suspension**

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

18          Upon acceptance of the surrender, Respondent Mahdavi shall relinquish her pocket and  
19 wall license to the board within ten (10) days of notification by the board that the surrender is  
20 accepted. Respondent Mahdavi may not reapply for any license from the board for three (3) years  
21 from the effective date of the surrender. Respondent Mahdavi shall meet all requirements  
22 applicable to the license sought as of the date the application for that license is submitted to the  
23 board, including any outstanding costs.

24           **28. Notification of a Change in Name, Residence Address, Mailing Address or**  
25 **Employment**

26          Respondent Mahdavi shall notify the board in writing within ten (10) days of any change of  
27 employment. Said notification shall include the reasons for leaving, the address of the new  
28 employer, the name of the supervisor and owner, and the work schedule if known. Respondent

1 Mahdavi shall further notify the board in writing within ten (10) days of a change in name,  
2 residence address, mailing address, or phone number.

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

5 **29. Tolling of Probation**

6 Except during periods of suspension, Respondent Mahdavi shall, at all times while on  
7 probation, be employed as a pharmacist in California for a minimum of forty (40) hours per  
8 calendar month. Any month during which this minimum is not met shall toll the period of  
9 probation, i.e., the period of probation shall be extended by one month for each month during  
10 which this minimum is not met. During any such period of tolling of probation, Respondent  
11 Mahdavi must nonetheless comply with all terms and conditions of probation.

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

18 It is a violation of probation for Respondent Mahdavi's probation to remain tolled pursuant  
19 to the provisions of this condition for a total period, counting consecutive and non-consecutive  
20 months, exceeding thirty-six (36) months.

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

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1           **30. Violation of Probation**

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

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

15           **31. Completion of Probation**

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

18           **32. Supervised Practice**

19           During the first year of probation, Respondent Mahdavi shall practice only under the  
20 supervision of a licensed pharmacist not on probation with the board. Upon and after the  
21 effective date of this decision, Respondent Mahdavi shall not practice pharmacy and her license  
22 shall be automatically suspended until a supervisor is approved by the board or its designee. The  
23 supervision shall be, as required by the board or its designee, either:

24           Continuous – At least 75% of a work week

25           Substantial - At least 50% of a work week

26           Partial - At least 25% of a work week

27           Daily Review - Supervisor's review of probationer's daily activities within 24 hours

28           Within thirty (30) days of the effective date of this decision, Respondent Mahdavi shall

1 have her supervisor submit notification to the board in writing stating that the supervisor has read  
2 the decision in case number 4362 and is familiar with the required level of supervision as  
3 determined by the board or its designee. It shall be Respondent Mahdavi's responsibility to  
4 ensure that her employer(s), pharmacist-in-charge and/or supervisor(s) submit timely  
5 acknowledgement(s) to the board. Failure to cause the direct supervisor and the pharmacist-in-  
6 charge to submit timely acknowledgements to the board shall be considered a violation of  
7 probation.

8 If Respondent Mahdavi changes employment, it shall be Respondent Mahdavi's  
9 responsibility to ensure that her employer(s), pharmacist-in-charge and/or supervisor(s) submit  
10 timely acknowledgement(s) to the board. Respondent Mahdavi shall have her new supervisor,  
11 within fifteen (15) days after employment commences, submit notification to the board in writing  
12 stating the direct supervisor and pharmacist-in-charge have read the decision in case number 4362  
13 and are familiar with the level of supervision as determined by the board. Respondent Mahdavi  
14 shall not practice pharmacy and her license shall be automatically suspended until the board or its  
15 designee approves a new supervisor. Failure to cause the direct supervisor and the pharmacist-in-  
16 charge to submit timely acknowledgements to the board shall be considered a violation of  
17 probation.

18 Within ten (10) days of leaving employment, Respondent Mahdavi shall notify the board in  
19 writing.

20 During suspension, Respondent Mahdavi shall not enter any pharmacy area or any portion  
21 of the licensed premises of a wholesaler, veterinary food-animal drug retailer or any other  
22 distributor of drugs which is licensed by the board, or any manufacturer, or where dangerous  
23 drugs and devices or controlled substances are maintained. Respondent Mahdavi shall not  
24 practice pharmacy nor do any act involving drug selection, selection of stock, manufacturing,  
25 compounding, dispensing or patient consultation; nor shall respondent manage, administer, or be  
26 a consultant to any licensee of the board, or have access to or control the ordering, manufacturing  
27 or dispensing of dangerous drugs and controlled substances. Respondent Mahdavi shall not  
28 resume practice until notified by the board.

1 During suspension, Respondent Mahdavi shall not engage in any activity that requires the  
2 professional judgment of a pharmacist. Respondent Mahdavi shall not direct or control any  
3 aspect of the practice of pharmacy. Respondent Mahdavi shall not perform the duties of a  
4 pharmacy technician or a designated representative for any entity licensed by the board.

5 Subject to the above restrictions, Respondent Mahdavi may continue to own or hold an  
6 interest in any licensed premises in which she holds an interest at the time this decision becomes  
7 effective unless otherwise specified in this order.

8 Failure to comply with this suspension shall be considered a violation of probation.

9 **33. Administrative Penalty**

10 As a condition precedent to successful completion of probation, Respondent Mahdavi shall  
11 pay to the Board an administrative penalty in the amount of \$100,000.00. Respondent Mahdavi  
12 shall make said payments on a payment plan approved by the Board. Respondent Mahdavi and  
13 Respondent Pharmacy shall be jointly and severally liable for the administrative penalty. There  
14 shall be no deviation from this schedule absent prior written approval by the board or its designee.  
15 Failure to pay the administrative penalty by the deadline(s) as directed shall be considered a  
16 violation of probation.

17 **34. Remedial Education**

18 Within sixty (60) days of the effective date of this decision, Respondent Mahdavi shall  
19 submit to the board or its designee, for prior approval, an appropriate program of remedial  
20 education related to documentation and distribution of drug samples as well as "take back"  
21 prescription medication. The program of remedial education shall consist of at least ten (10)  
22 hours per year of probation at respondent's own expense. All remedial education shall be in  
23 addition to, and shall not be credited toward, continuing education (CE) courses used for license  
24 renewal purposes.

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

1 Following the completion of each course, the board or its designee may require the  
2 Respondent Mahdavi, at her own expense, to take an approved examination to test the  
3 respondent's knowledge of the course. If Respondent Mahdavi does not achieve a passing score  
4 on the examination, this failure shall be considered a violation of probation. Any such  
5 examination failure shall require respondent to take another course approved by the board in the  
6 same subject area.

7 **35. No New Ownership of Licensed Premises**

8 Respondent Mahdavi shall not acquire any new ownership, legal or beneficial interest nor  
9 serve as a manager, administrator, member, officer, director, trustee, associate, or partner of any  
10 additional business, firm, partnership, or corporation licensed by the board. If Respondent  
11 Mahdavi currently owns or has any legal or beneficial interest in, or serves as a manager,  
12 administrator, member, officer, director, trustee, associate, or partner of any business, firm,  
13 partnership, or corporation currently or hereinafter licensed by the board, respondent may  
14 continue to serve in such capacity or hold that interest, but only to the extent of that position or  
15 interest as of the effective date of this decision. Violation of this restriction shall be considered a  
16 violation of probation.

17 **36. Consultant for Owner or Pharmacist-In-Charge**

18 During the period of probation, Respondent Mahdavi shall not supervise any intern  
19 pharmacist or serve as a consultant to any entity licensed by the board. Respondent Mahdavi may  
20 be a pharmacist-in-charge. However, if during the period of probation Respondent Mahdavi  
21 serves as a pharmacist-in-charge, Respondent Mahdavi shall retain an independent consultant at  
22 her own expense who shall be responsible for reviewing pharmacy operations on a monthly basis  
23 for compliance by respondent with state and federal laws and regulations governing the practice  
24 of pharmacy and for compliance by respondent with the obligations of a pharmacist-in-charge.  
25 The Board or its designee, in its sole discretion, may change the reporting requirement from  
26 monthly to quarterly. The consultant shall be a pharmacist licensed by and not on probation with  
27 the board and whose name shall be submitted to the board or its designee, for prior approval,  
28 within thirty (30) days of the effective date of this decision. Respondent Mahdavi shall not be a

1 pharmacist-in-charge at more than one pharmacy or at any pharmacy of which they is not the sole  
2 owner. Failure to timely retain, seek approval of or ensure timely reporting by the consultant  
3 shall be considered a violation of probation.

4 **37. Ethics Course**

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

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

11 **ACCEPTANCE**

12 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
13 discussed it with my attorney, Herbert L. Weinberg. I understand the stipulation and the effect it  
14 will have on my Original Permit. I enter into this Stipulated Settlement and Disciplinary Order  
15 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the  
16 Board of Pharmacy.

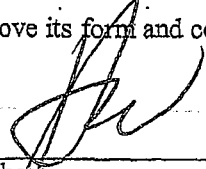
17  
18 DATED: 9/24/2013 GJPL DBA St. Johns Medical Plaza  
19 GJPL, INC. DBA SAINT JOHNS MEDICAL PLAZA  
20 PHARMACY  
Respondent Pharmacy

21 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
22 discussed it with my attorney, Herbert L. Weinberg. I understand the stipulation and the effect it  
23 will have on my Original Pharmacist License. I enter into this Stipulated Settlement and  
24 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
25 Decision and Order of the Board of Pharmacy.

26  
27 DATED: 9/24/2013 [Signature] 4284  
28 FARNAZ MAHDAVI  
Respondent Mahdavi

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I have read and fully discussed with Respondents GJPL, Inc. dba Saint Johns Medical Plaza Pharmacy and Farnaz Mahdavi the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

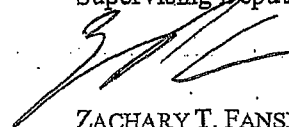
DATED: 9/25/2013  
  
Herbert Weinberg  
Attorney for Respondents

**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: 9/27/13

Respectfully submitted,  
KAMALA D. HARRIS  
Attorney General of California  
MARC D. GREENBAUM  
Supervising Deputy Attorney General

  
ZACHARY T. FANSELOW  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**First Amended Accusation No. 4362**

1 KAMALA D. HARRIS  
Attorney General of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
3 ZACHARY T. FANSELOW  
Deputy Attorney General  
4 State Bar No. 274129  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2562  
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. 4362

11 **GJPL INC., DBA SAINT JOHNS**  
12 **MEDICAL PLAZA PHARMACY;**  
13 **FARNAZ MAHDAVI**  
14 **1301 20th Street, #120**  
**Santa Monica, CA 90404**

**FIRST AMENDED ACCUSATION**

15 **Original Pharmacist License No. RPH42814**  
**Original Permit No. PHY 43536**

16 Respondents.

17  
18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about August 10, 1989, the Board of Pharmacy issued Original Pharmacist  
24 License Number RPH 42814 to Farnaz Mahdavi ("Respondent Mahdavi"). The Pharmacist  
25 License was in full force and effect at all times relevant to the charges brought herein and will  
26 expire on August 31, 2013, unless renewed.

27 3. On or about May 20, 1998, the Board of Pharmacy issued Original Permit Number  
28 PHY 43536 to GJPL Inc., dba Saint Johns Medical Plaza Pharmacy; Farnaz Mahdavi



1 ("Respondent Pharmacy"). The Original Permit was in full force and effect at all times relevant  
2 to the charges brought herein and will expire on May 1, 2014, unless renewed.

3 **JURISDICTION**

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

7 **STATUTORY PROVISIONS**

8 5. Section 118, subdivision (b), provides that the suspension, expiration, surrender, or  
9 cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary  
10 action during the period within which the license may be renewed, restored, reissued or  
11 reinstated.

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

14 7. Section 4301 states, in pertinent part:

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

18 . . . .

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

23 8. Section 4022 states:

24 "Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use in  
25 humans or animals, and includes the following:

26 "(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without  
27 prescription," "Rx only," or words of similar import.

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1           "(b) Any device that bears the statement: "Caution: federal law restricts this device to sale  
2 by or on the order of a \_\_\_\_\_," "Rx only," or words of similar import, the blank to be filled  
3 in with the designation of the practitioner licensed to use or order use of the device.

4           "(c) Any other drug or device that by federal or state law can be lawfully dispensed only on  
5 prescription or furnished pursuant to Section 4006."

6           9.     Section 4022.5 states, in pertinent part:

7           "(a) "Designated Representative" means an individual to whom a license has been granted  
8 pursuant to Section 4053. A pharmacist fulfilling the duties of Section 4053 shall not be required  
9 to obtain a license as a designated representative."

10          10.    Section 4053 states, in pertinent part:

11          "(a) Notwithstanding Section 4051, the board may issue a license as a designated  
12 representative to provide sufficient and qualified supervision in a wholesaler or veterinary food-  
13 animal drug retailer. The designated representative shall protect the public health and safety in  
14 handling, storage, and shipment of dangerous drugs and dangerous devices in the wholesaler or  
15 veterinary food-animal drug retailer."

16          11.    Section 4059.5 states, in pertinent part:

17          "(a) Except as otherwise provided in this chapter, dangerous drugs or dangerous devices  
18 may only be ordered by an entity licensed by the board and shall be delivered to the licensed  
19 premises and signed for and received by a pharmacist. Where a licensee is permitted to operate  
20 through a designated representative, the designative representative shall sign for and receive the  
21 delivery."

22          12.    Section 4081 states, in pertinent part:

23          "(a) All records of manufacture and of sale, acquisition, or disposition of dangerous drugs  
24 or dangerous devices shall be at all times during business hours open to inspection by authorized  
25 officers of the law, and shall be preserved for at least three years from the date of making. A  
26 current inventory shall be kept by every manufacturer, wholesaler, pharmacy, veterinary  
27 food-animal drug retailer, physician, dentist, podiatrist, veterinarian, laboratory, clinic, hospital,  
28 institution, or establishment holding a currently valid and unrevoked certificate, license, permit,

1 registration, or exemption under Division 2 (commencing with Section 1200) of the Health and  
2 Safety Code or under Part 4 (commencing with Section 16000) of Division 9 of the Welfare and  
3 Institutions Code who maintains a stock of dangerous drugs or dangerous devices.”

4 13. Section 4342 states, in pertinent part:

5 “(a) The board may institute any action or actions as may be provided by law and that, in its  
6 discretion, are necessary, to prevent the sale of pharmaceutical preparations and drugs that do not  
7 conform to the standard and tests as to quality and strength, provided in the latest edition of the  
8 United States Pharmacopoeia or the National Formulary, or that violate any provision of the  
9 Sherman Food, Drug and Cosmetic Law (Part 5 (commencing with Section 109875) of Division  
10 104 of the Health and Safety Code).”

11 14. Code of Federal Regulations 1301.75 states, in pertinent part:

12 “(b) Controlled substances listed in Schedules II, III, IV and V shall be stored in a securely  
13 locked, substantially constructed cabinet. However, pharmacies and institutional practitioners  
14 may disperse such substances throughout the stock of noncontrolled substances in such a manner  
15 as to obstruct the theft or diversion of the controlled substances.”

16 15. Code of Federal Regulations 1304.11 states, in pertinent part:

17 “(c) Biennial inventory date. After the initial inventory is taken, the registrant shall take a  
18 new inventory of all stocks of controlled substances on hand at least every two years. The  
19 biennial inventory may be taken on any date which is within two years of the previous biennial  
20 inventory date.”

21 16. California Code of Regulations, title 16, section 1714, states, in pertinent part:

22 “(e) The temporary absence authorized by this section shall be limited to the minimum  
23 period authorized for pharmacists by section 512 of the Labor Code or orders of the Industrial  
24 Welfare Commission and any meal shall be limited to 30 minutes. The pharmacist who is on  
25 break shall not be required to remain in the pharmacy area during the break period.

26 “(f) The pharmacy shall have written policies and procedures regarding the operations of  
27 the pharmacy during the temporary absence of the pharmacist for breaks and meal periods. The  
28 policies and procedures shall include the authorized duties of ancillary staff, the pharmacist’s

1 responsibilities for checking all work performed by ancillary staff and the pharmacist's  
2 responsibility for maintaining the security of the pharmacy. The policies and procedures shall be  
3 open to inspection by the board or its designee at all times during business hours."

4 **COST RECOVERY**

5 17. Section 125.3 states, in pertinent part, that the Board may request the administrative  
6 law judge to direct a licensee found to have committed a violation or violations of the licensing  
7 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the  
8 case.

9 **FIRST CAUSE FOR DISCIPLINE**

10 **(Failing to Maintain Records of Acquisition and Disposition of Dangerous Drugs)**

11 18. Respondent Mahdavi's Pharmacist License and Respondent Pharmacy's Original  
12 Permit are subject to disciplinary action under section 4081, subsection (a) in that Respondents  
13 Mahdavi and Pharmacy failed to maintain records, as required for three years, of the acquisition  
14 and disposition of dangerous drugs. The circumstances are as follows:

15 a. On or about September 26, 2011, an investigation of Saint Johns Medical Plaza  
16 Pharmacy ("Saint Johns") revealed that the pharmacy was in possession of trash bags full of  
17 prescription drug samples in addition to bottled prescription drugs that were labeled as previously  
18 distributed by other pharmacies. Saint Johns did not have any records pertaining to the  
19 acquisition or disposition of the prescription drug samples. Saint Johns also did not have any  
20 records pertaining to the acquisition or disposition of the "take back" medications that had been  
21 previously distributed by other pharmacies. Respondent Mahdavi stated that the prescription drug  
22 samples came from doctors in the adjacent medical building and that the prescription drugs from  
23 other pharmacies were given to Saint Johns by patients who had medication they no longer  
24 needed either because the medication had been prescribed to a deceased family member or the  
25 medication had expired. Respondent Mahdavi admitted to Board Inspector White that Saint  
26 Johns did not keep records of the "take back" medications or the prescription drug samples the  
27 pharmacy obtained.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Maintaining Misbranded or Unlabeled Dangerous Drugs)**

3 19. Respondent Mahdavi's Pharmacist License and Respondent Pharmacy's Original  
4 Permit are subject to disciplinary action under section 4342, subsection (a), in that Respondents  
5 Mahdavi and Pharmacy maintained dangerous drugs that were misbranded or unlabeled. The  
6 circumstances are as follows:

7 a. On or about September 26, 2011, Respondents Mahdavi and Pharmacy maintained  
8 unlabeled or misbranded tablets and capsules that were stored in the pharmacy's regular drug  
9 stock. Respondents also stored dangerous drugs in prescription bottles containing no label or  
10 identifying information regarding the drug name, strength, lot number or expiration date.  
11 Additionally, Respondents maintained unlabeled drugs in prescription bottles that were attached  
12 by rubber band to a manufacturer's labeled container.

13 **THIRD CAUSE FOR DISCIPLINE**

14 **(Failure to Inventory Controlled Substances)**

15 20. Respondent Mahdavi's Pharmacist License and Respondent Pharmacy's Original  
16 Permit are subject to disciplinary action under section 4301, subsection (o), in that Respondents  
17 violated Code of Federal Regulations section 1304.11, subsection (c), by failing to inventory all  
18 controlled substances in stock at least every two years as required by the Drug Enforcement  
19 Administration ("DEA") Controlled Substances Inventory. The circumstances are as follows:

20 a. On or about July 14, 2010, the DEA biennial inventory was performed but  
21 Respondents Mahdavi and Pharmacy failed to include and inventory all controlled substances  
22 maintained at Saint Johns. Not included in the DEA biennial inventory were controlled liquids  
23 and anabolic steroids.

24 **FOURTH CAUSE FOR DISCIPLINE**

25 **(Improper Storage of Controlled Substances)**

26 21. Respondent Mahdavi's Pharmacist License and Respondent Pharmacy's Original  
27 Permit are subject to disciplinary action under section 4301, subsection (o), in that Respondents  
28 violated Code of Federal Regulations section 1301.75, subsection (b), by failing to securely lock

1 controlled substances or alternatively disperse the controlled substances throughout non  
2 controlled drug stock in a manner to obstruct the theft or diversion of controlled substances. The  
3 circumstances are as follows:

4 a. On or about September 26, 2011, an investigation of Saint Johns revealed that the  
5 pharmacy did not have a separate lockable prescription area. Additionally, considerable amounts  
6 of Schedule II controlled substances were found in Saint Johns stored in unsecured open baskets.

7 **FIFTH CAUSE FOR DISCIPLINE**

8 **(Failure to Develop Policies for Operating without a Pharmacist)**

9 22. Respondent Mahdavi's Pharmacist License and Respondent Pharmacy's Original  
10 Permit are subject to disciplinary action under section 4301, subsection (o), in that Respondents  
11 violated California Code of Regulations section 1714, subsection (f), by failing to have written  
12 policies and procedures regarding the operation of the pharmacy during the temporary absence of  
13 the pharmacist. The circumstances are as follows:

14 a. On or about February 14, 2012, Board Inspector White arrived at Saint Johns for an  
15 inspection at approximately 8:40 a.m. When Board Inspector White arrived, Saint Johns was  
16 operating without a pharmacist present. Technician Mehrdad Mavadat, who was present at the  
17 time, stated that Respondent Mahdavi opened the pharmacy at 8:30 a.m. before going upstairs to  
18 visit doctors in the adjacent office building. Respondent Mahdavi arrived at the pharmacy at 9:05  
19 a.m. When questioned regarding her absence, Respondent Mahdavi admitted that there was no  
20 written policy governing temporary absences of the pharmacist.

21 **SIXTH CAUSE FOR DISCIPLINE**

22 **(Non-Pharmacist Signing for Drug Delivery)**

23 23. Respondent Mahdavi's Pharmacist License and Respondent Pharmacy's Original  
24 Permit are subject to disciplinary action under section 4059.5, subsection (a), in that Respondents  
25 Mahdavi and Pharmacy failed to comply with the requirement that only a pharmacist sign for the  
26 delivery of dangerous drugs. The circumstances are as follows:

27 a. On or about February 14, 2012, Technician Mehrdad Mavadat, while working at  
28 Saint Johns, was observed signing for a dangerous drug delivery associated with Cardinal Health

1 invoice numbers 5526219 and 552745 while Respondent Mahdavi was absent from the pharmacy.  
2 Records indicate Technician Mavadat has also signed for at least eighty-six (86) other dangerous  
3 drug deliveries from Cardinal Health.

4 **DISCIPLINARY CONSIDERATIONS**

5 24. To determine the degree of discipline, Complainant alleges the following:

6 a. On or about August 29, 2012, the Board issued Respondent Mahdavi Citation  
7 Number CI 2012 53645, with a \$500.00 fine. Respondent Mahdavi complied with the citation  
8 and it is final. The Citation alleged that on or about December 1, 2011, at Respondent Pharmacy,  
9 Respondent Mahdavi dispensed a patient a new prescription for Lansoprazole with the  
10 prescription directions incorrectly typed as "Take 1 capsule 4 times a day" instead of "Take 1  
11 capsule daily" as prescribed by the doctor.

12 b. On or about August 29, 2012, the Board issued Respondent Pharmacy Citation  
13 Number CI 2011 50694, with no associated fine. Respondent Pharmacy complied with the  
14 citation and it is final. The Citation alleged that on or about December 1, 2011, at Respondent  
15 Pharmacy, Respondent Mahdavi dispensed a patient a new prescription for Lansoprazole with the  
16 prescription directions incorrectly typed as "Take 1 capsule 4 times a day" instead of "Take 1  
17 capsule daily" as prescribed by the doctor.

18 **PRAYER**

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

21 1. Revoking or suspending Original Permit Number PHY 43536, issued to GJPL Inc.,  
22 dba Saint Johns Medical Plaza Pharmacy; Farnaz Mahdavi;

23 2. Revoking or suspending Original Pharmacist License Number RPH 42814 issued to  
24 Farnaz Mahdavi;

25 3. Ordering Respondents GJPL Inc., dba Saint Joseph Medical Plaza Pharmacy and  
26 Farnaz Mahdavi to pay the Board of Pharmacy the reasonable costs of the investigation and  
27 enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED: 8/22/13

*Mar Graham*  
by direction for

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

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