

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

In the Matter of the Accusation Against:

**ENSI CAIDENCE BOLOUHARI**  
9808 Fair Oaks Blvd., #604  
Fair Oaks, CA 95628

Intern Pharmacist Registration No. INT 28445  
Pharmacy Technician Registration No. TCH  
96670

Respondent.

Case No. 4474

OAH No. 2013091002

**DECISION AND ORDER**

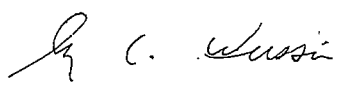
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on April 8, 2015.

It is so ORDERED on April 1, 2015.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By

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

1 KAMALA D. HARRIS  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Senior Assistant Attorney General  
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Supervising Deputy Attorney General  
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Sacramento, CA 94244-2550  
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Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:  
12 **ENSI CAIDENCE BOLOUHARI**  
13 **9808 Fair Oaks Blvd, #604**  
**Fair Oaks, CA 95628**  
14 **Intern Pharmacist Registration No. INT 28445**  
15 **Pharmacy Technician Registration No. TCH**  
**96670**  
16 Respondent.

Case No. 4474

OAH No. 2013091002

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

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 Janice K. Lachman, Supervising Deputy  
24 Attorney General.

25 2. Respondent Ensi Caidence Bolouhari ("Respondent") is represented in this  
26 proceeding by attorney Nicole D. Hendrickson, whose address is: Simas & Associates, Ltd.  
27 3835 North Freeway Blvd., Ste. 228, Sacramento, CA 95834.  
28





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

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

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

13 **DISCIPLINARY ORDER**

14 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 96670 issued  
15 to Respondent Ensi Caidence Bolouhari is surrendered and accepted by the Board of Pharmacy,  
16 and that Intern Pharmacist Registration No. INT 28445 issued to Respondent Ensi Caidence  
17 Bolouhari (Respondent) is revoked. However, the revocation is stayed and Respondent's Intern  
18 Pharmacist Registration is placed on probation for six (6) years on the terms and conditions set  
19 forth below. Upon successful completion of the Intern Registration probation, Respondent's  
20 Intern Registration will be cancelled automatically. Upon Respondent's satisfactory compliance  
21 with all probation terms and conditions required for Respondent's Intern Pharmacist Registration  
22 and satisfaction of all statutory and regulatory requirements and conditions for issuance of a  
23 pharmacist license, and providing that there is no other basis for discipline or denial of licensure  
24 at the time of application, a pharmacist license will be issued to Respondent. Respondent's  
25 pharmacist license shall be immediately revoked, with revocation stayed, and Respondent's  
26 pharmacist license shall be placed on probation for all remaining time of the six (6) years  
27 probation imposed on Respondent's Intern Pharmacist Registration, subject to the following  
28 terms and conditions:

1           1.    **Obey All Laws**

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

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

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

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

17          2.    **Report to the Board**

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

26          3.    **Interview with the Board**

27          Upon receipt of reasonable prior notice, respondent shall appear in person for interviews  
28          with the board or its designee, at such intervals and locations as are determined by the board or its

1 designee. Failure to appear for any scheduled interview without prior notification to board staff,  
2 or failure to appear for two (2) or more scheduled interviews with the board or its designee during  
3 the period of probation, shall be considered a violation of probation.

4 **4. Cooperate with Board Staff**

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

8 **5. Continuing Education**

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

11 **6. Notice to Employers**

12 During the period of probation, respondent shall notify all present and prospective  
13 employers of the decision in case number 4474 and the terms, conditions and restrictions imposed  
14 on respondent by the decision, as follows:

15 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
16 respondent undertaking any new employment, respondent shall cause her direct supervisor,  
17 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's  
18 tenure of employment) and owner to report to the board in writing acknowledging that the listed  
19 individual(s) has/have read the decision in case number 4474, and terms and conditions imposed  
20 thereby. It shall be respondent's responsibility to ensure that her employer(s) and/or supervisor(s)  
21 submit timely acknowledgment(s) to the board.

22 If respondent works for or is employed by or through a pharmacy employment service,  
23 respondent must notify her direct supervisor, pharmacist-in-charge, and owner at every entity  
24 licensed by the board of the terms and conditions of the decision in case number 4474 in advance  
25 of the respondent commencing work at each licensed entity. A record of this notification must be  
26 provided to the board upon request.

27 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
28 (15) days of respondent undertaking any new employment by or through a pharmacy employment

1 service, respondent shall cause her direct supervisor with the pharmacy employment service to  
2 report to the board in writing acknowledging that she has read the decision in case number 4474  
3 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure  
4 that her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

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

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

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

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

18 **8. Reimbursement of Board Costs**

19 As a condition precedent to successful completion of probation, respondent shall pay to the  
20 board its costs of investigation and prosecution in the amount of \$12,215. Respondent shall make  
21 said payments pursuant to a schedule as approved by the Board or its designee.

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.

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

1           **14. Violation of Probation**

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

14           **15. Completion of Probation**

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

17           **16. Mental Health Examination**

18           Within thirty (30) days of the effective date of this decision, and on a periodic basis as may  
19 be required by the board or its designee, respondent shall undergo, at her own expense,  
20 psychiatric evaluation(s) by a board-appointed or board-approved licensed mental health  
21 practitioner. The approved evaluator shall be provided with a copy of the board's Accusation and  
22 decision. Respondent shall sign a release authorizing the evaluator to furnish the board with a  
23 current diagnosis and a written report regarding the respondent's judgment and ability to function  
24 independently as a pharmacist with safety to the public. Respondent shall comply with all the  
25 recommendations of the evaluator if directed by the board or its designee.

26           If the evaluator recommends, and the board or its designee directs, respondent shall  
27 undergo psychotherapy. Within thirty (30) days of notification by the board that a  
28 recommendation for psychotherapy has been accepted, respondent shall submit to the board or its

1 designee, for prior approval, the name and qualification of a licensed mental health practitioner of  
2 respondent's choice. Within thirty (30) days of approval thereof by the board, respondent shall  
3 submit documentation to the board demonstrating the commencement of psychotherapy with the  
4 approved licensed mental health practitioner. Should respondent, for any reason, cease treatment  
5 with the approved licensed mental health practitioner, respondent shall notify the board  
6 immediately and, within thirty (30) days of ceasing treatment therewith, submit the name of a  
7 replacement licensed mental health practitioner of respondent's choice to the board for its prior  
8 approval. Within thirty (30) days of approval thereof, respondent shall submit documentation to  
9 the board demonstrating the commencement of psychotherapy with the approved replacement.  
10 Failure to comply with any requirement or deadline stated by this paragraph shall be considered a  
11 violation of probation.

12       Upon approval of the initial or any subsequent licensed mental health practitioner,  
13 respondent shall undergo and continue treatment with that therapist, at respondent's own expense,  
14 until the therapist recommends in writing to the board, and the board or its designee agrees by  
15 way of a written notification to respondent, that no further psychotherapy is necessary. Upon  
16 receipt of such recommendation from the treating therapist, and before determining whether to  
17 accept or reject said recommendation, the board or its designee may require respondent to  
18 undergo, at respondent's expense, a mental health evaluation by a separate board-appointed or  
19 board-approved evaluator. If the approved evaluator recommends that respondent continue  
20 psychotherapy, the board or its designee may require respondent to continue psychotherapy.

21       Psychotherapy shall be at least once a week unless otherwise approved by the board.  
22 Respondent shall provide the therapist with a copy of the board's Accusation and decision no  
23 later than the first therapy session. Respondent shall take all necessary steps to ensure that the  
24 treating therapist submits written quarterly reports to the board concerning respondent's fitness to  
25 practice, progress in treatment, and other such information as may be required by the board or its  
26 designee.

27       If at any time the approved evaluator or therapist determines that respondent is unable to  
28 practice safely or independently as a pharmacist, the licensed mental health practitioner shall

1 notify the board immediately by telephone and follow up by written letter within three (3)  
2 working days. Upon notification from the board or its designee of this determination, respondent  
3 shall be automatically suspended and shall not resume practice until notified by the board that  
4 practice may be resumed.

5 **17. Supervised Practice**

6 During the period of probation, respondent shall practice only under the supervision of a  
7 licensed pharmacist not on probation with the board. Upon and after the effective date of this  
8 decision, respondent shall not practice pharmacy and her license shall be automatically suspended  
9 until a supervisor is approved by the board or its designee. The supervision shall be, as required  
10 by the board or its designee, either:

11 Continuous – At least 75% of a work week

12 Substantial - At least 50% of a work week

13 Partial - At least 25% of a work week

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

15 Within thirty (30) days of the effective date of this decision, respondent shall have her  
16 supervisor submit notification to the board in writing stating that the supervisor has read the  
17 decision in case number 4474 and is familiar with the required level of supervision as determined  
18 by the board or its designee. It shall be the respondent's responsibility to ensure that her  
19 employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to the  
20 board. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely  
21 acknowledgements to the board shall be considered a violation of probation.

22 If respondent changes employment, it shall be the respondent's responsibility to ensure that  
23 her employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to  
24 the board. Respondent shall have her new supervisor, within fifteen (15) days after employment  
25 commences, submit notification to the board in writing stating the direct supervisor and  
26 pharmacist-in-charge have read the decision in case number 4474 and is familiar with the level of  
27 supervision as determined by the board. Respondent shall not practice pharmacy and her license  
28 shall be automatically suspended until the board or its designee approves a new supervisor.

1 Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely  
2 acknowledgements to the board shall be considered a violation of probation.

3 Within ten (10) days of leaving employment, respondent shall notify the board in writing.

4 During suspension, respondent shall not enter any pharmacy area or any portion of the  
5 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of  
6 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices  
7 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act  
8 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient  
9 consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the  
10 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs  
11 and controlled substances. Respondent shall not resume practice until notified by the board.

12 During suspension, respondent shall not engage in any activity that requires the  
13 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the  
14 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a  
15 designated representative for any entity licensed by the board.

16 Subject to the above restrictions, respondent may continue to own or hold an interest in any  
17 licensed premises in which she holds an interest at the time this decision becomes effective unless  
18 otherwise specified in this order.

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

20 **18. No Supervision of Ancillary Personnel**

21 During the period of probation, respondent shall not supervise any ancillary personnel,  
22 including, but not limited to, pharmacy technicians or designated representatives in any entity  
23 licensed by the board.

24 Failure to comply with this provision shall be considered a violation of probation.

25 **19. No Ownership of Licensed Premises**

26 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,  
27 administrator, member, officer, director, trustee, associate, or partner of any business, firm,  
28 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell

1 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)  
2 days following the effective date of this decision and shall immediately thereafter provide written  
3 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide  
4 documentation thereof shall be considered a violation of probation.

5 **20 Ethics Course**

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

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

12 ACCEPTANCE

13 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
14 discussed it with my attorney, Nicole D. Hendrickson. I understand the stipulation and the effect  
15 it will have on my Intern Pharmacist Registration. I enter into this Stipulated Settlement and  
16 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
17 Decision and Order of the Board of Pharmacy.

18  
19 DAILED 2/11/15



20 ENSI CAIDENCE BOLOUHARI  
21 Respondent

22  
23 I have read and fully discussed with Respondent Ensi Caidence Bolouhari the terms and  
24 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
25 I approve its form and content.

26 DATED:

27 Nicole D. Hendrickson  
28 Attorney for Respondent

1 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)  
2 days following the effective date of this decision and shall immediately thereafter provide written  
3 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide  
4 documentation thereof shall be considered a violation of probation.

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9 year of probation, is a violation of probation.

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

12 ACCEPTANCE

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

18  
19 DATED: \_\_\_\_\_

20 ENSI CAIDENCE BOLOUHARI  
21 Respondent

22  
23 I have read and fully discussed with Respondent Ensi Caidence Bolouhari the terms and  
24 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
25 I approve its form and content.

26 DATED: 2/12/2015

27 Nicole Hendrickson  
28 Nicole D. Hendrickson  
Attorney for Respondent



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ENDORSEMENT

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

Dated: 5/18/15

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
LINDA K. SCHNEIDER  
Senior Assistant Attorney General

  
JANICE K. LACHMAN  
Supervising Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 4474**

1 KAMALA D. HARRIS  
Attorney General of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
3 BORA SONG  
Deputy Attorney General  
4 State Bar No. 276475  
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E-mail: Bora.Song@doj.ca.gov  
7

8 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:  
13 **ENSI CAIDENCE BOLOUHARI**  
9808 Fair Oaks Blvd, 604  
14 Fair Oaks, CA 95628  
15 Intern Pharmacist Registration No. INT 28445  
(From 10/5/2011 to Present)  
16 Pharmacy Technician Registration No. TCH  
96670  
17 (From 12/22/2009 to 9/30/2011)  
18 Respondent.  
19

Case No. 4474

**ACCUSATION**

20  
21 Complainant alleges:

22 **PARTIES**

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

25 2. On or about October 5, 2011, the Board of Pharmacy ("Board") issued Intern  
26 Pharmacist Registration Number INT 28445 to Ensi Caidence Bolouhari ("Respondent"). The  
27 Intern Pharmacist Registration will expire on May 31, 2016, unless renewed.  
28



1 ...  
2 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
3 violation of or conspiring to violate any provision or term of this chapter or of the applicable  
4 federal and state laws and regulations governing pharmacy, including regulations established by  
5 the board or by any other state or federal regulatory agency."

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

8 9. Health and Safety Code section 11173 states, in pertinent part:

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

12 "(b) No person shall make a false statement in any prescription, order, report, or record,  
13 required by this division.

14 "(c) No person shall, for the purpose of obtaining controlled substances, falsely assume the  
15 title of, or represent himself to be, a manufacturer, wholesaler, pharmacist, physician, dentist,  
16 veterinarian, registered nurse, physician's assistant, or other authorized person."

17 10. Section 4324 states:

18 "(a) Every person who signs the name of another, or of a fictitious person, or falsely makes,  
19 alters, forges, utters, publishes, passes, or attempts to pass, as genuine, any prescription for any  
20 drugs is guilty of forgery and upon conviction thereof shall be punished by imprisonment in the  
21 state prison, or by imprisonment in the county jail for not more than one year.

22 "(b) Every person who has in his or her possession any drugs secured by a forged  
23 prescription shall be punished by imprisonment in the state prison, or by imprisonment in the  
24 county jail for not more than one year."

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1 **DANGEROUS DRUG**

2 11. Section 4022 states:

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

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

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

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

12 12. Alprazolam is the generic name for Xanax and is a dangerous drug pursuant to  
13 Section 4022. It is a controlled substance as designated by Section 4021 and Health and Safety  
14 Code section 11057.

15 **COST RECOVERY**

16 13. Section 125.3 states, in pertinent part, that the Board may request the administrative  
17 law judge to direct a licentiate found to have committed a violation or violations of the licensing  
18 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the  
19 case.

20 **FIRST CAUSE FOR DISCIPLINE**

21 **(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)**

22 14. Respondent is subject to disciplinary action under Section 4301, subdivision (f), in  
23 that Respondent committed an act involving moral turpitude, dishonesty, fraud, deceit, or  
24 corruption. The circumstances are as follows:

25 15. On January 31, 2011, Dr. E.A. prescribed #100 Alprazolam 2 mg with two refills for  
26 Respondent. On February 3, 2011, Respondent's prescription was processed by Costco Pharmacy  
27 117 ("Costco"), located at 5700 Lindero Canyon Road in Westlake Village, under Rx no. 840057.  
28 Respondent obtained her first refill under the prescription on May 5, 2011. Respondent's second

1 refill could not be processed because of a six-month statutory limitation on dispensing controlled  
2 substances from the date the prescription was written. On August 13, 2011, Respondent  
3 fraudulently authorized and processed her own prescription refill for Alprazolam by forging a  
4 refill authorization request for herself and processing the prescription at her place of work,  
5 Costco. Respondent processed the refill under Pharmacy Technician M.J.'s initials without  
6 M.J.'s knowledge. On the same day, the refill authorization request was intercepted by M.J.  
7 when he noticed that it had been processed under his initials and that the request looked  
8 suspicious. The refill authorization request was dated August 13, 2011 and appeared to be  
9 authorized by "Bonnie" with an illegible signature. M.J. reported the incident to Pharmacist S.R.  
10 S.R. held the prescription back for investigation.

11 On August 15, 2011, at approximately 8 a.m., Costco Pharmacist T.M. called Dr.  
12 E.A.'s office to inquire as to the validity of the prescription. The office manager, Bonnie D., told  
13 T.M. that she did not approve the refill and that she was not even working on August 13, 2011.  
14 On the same day, at approximately 10 a.m., Bonnie D. called T.M. back and told her that  
15 Respondent had called her to ask that she (Bonnie D.) call Costco to say she approved the  
16 prescription. At approximately 2 p.m., Dr. E.A. called Costco and told T.M. that Respondent was  
17 in her office and that she was calling to confirm, in front of Respondent, that neither the doctor  
18 nor her office approved a refill for her prescription and that the last approval was written on  
19 January 31, 2011. Soon thereafter, Respondent abandoned her shifts at Costco by failing to come  
20 to work, and was eventually terminated from her position.

21 **SECOND CAUSE FOR DISCIPLINE**

22 **(Forging a Prescription Refill)**

23 16. Respondent is subject to disciplinary action under Sections 4301, subdivisions (g),  
24 and 4324, in that Respondent forged a prescription refill for Alprazolam. Complainant refers to,  
25 and by this reference incorporates, the allegations set forth above in paragraph 15, as though set  
26 forth fully herein.

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**THIRD CAUSE FOR DISCIPLINE**

**(Prescribing a Controlled Substance)**

17. Respondent is subject to disciplinary action under Section 4301, subdivision (j), and Health and Safety Code section 11170, in that Respondent prescribed a controlled substance to herself. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraph 15, as though set forth fully herein.

**FOURTH CAUSE FOR DISCIPLINE**

**(Attempting to Unlawfully Possess a Controlled Substance)**

18. Respondent is subject to disciplinary action under Section 4301, subdivision (j), and Health and Safety Code section 11173 in that Respondent forged a prescription refill in an attempt to procure the prescription for a controlled substance, to wit: Alprazolam. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraph 15, as though set forth fully herein.

**FIFTH CAUSE FOR DISCIPLINE**

**(Violation of State Laws and Regulations Governing Pharmacy)**

19. Respondent is subject to disciplinary action under Section 4301, subdivision (o), in that Respondent committed an act or several acts in violation of the state laws and regulations governing pharmacy, including regulations established by the Board or by any other state or federal regulatory agency. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 15 through 18, inclusive, as though set forth fully herein.

**PRAYER**

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

- 1. Revoking or suspending Intern Pharmacist Registration Number INT 28445, issued to Respondent;
- 2. Revoking or suspending Pharmacy Technician Registration Number TCH 96670, previously issued to Respondent and cancelled;

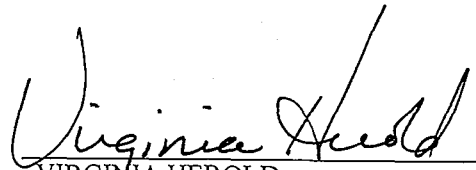


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3. Ordering Respondent to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Section 125.3;

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

DATED: 9/6/13



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

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