

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

In the Matter of the Accusation Against:

COMPLETE INFUSION CARE; ALI  
POURMOLA  
8588 Venice Blvd.  
Los Angeles, CA 90034  
Pharmacy Permit No. PHY 46839  
Sterile Compounding License No. LSC  
99250,

ALI POURMOLA  
P.O. Box 49251  
Los Angeles, CA 90049  
Pharmacist License No. RPH 48035,

and

MOSHE LALEHZARI  
1605 S. Shenandoah Street  
Los Angeles, CA 90035  
Pharmacist License No. RPH 59011

Respondent.

Case No. 4907

OAH No. 2015020271

**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 at 5:00 p.m. on October 24, 2016.

It is so ORDERED on September 23, 2016.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
Amy Gutierrez, Pharm.D.  
Board President

1 KAMALA D. HARRIS  
Attorney General of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
3 LESLIE A. WALDEN  
Deputy Attorney General  
4 State Bar No. 196882  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-3465  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
7

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9 **DEPARTMENT OF CONSUMER AFFAIRS**  
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14 Sterile Compounding License No. LCS  
99250,

OAH No. 2015020271

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER AS TO MOSHE  
LALEHZARI**

15 **ALI POURMOLA**  
16 **P.O. Box 49251**  
Los Angeles, CA 90049  
17 **Pharmacist License No. RPH 48035,**

18 **and**

19 **MOSHE LALEHZARI**  
1606 S. Shenandoah Street  
20 Los Angeles, CA 90035  
Pharmacist License No. RPH 59011  
21

22 Respondent.

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

25 PARTIES

26 1. Virginia Herold ("Complainant") is the Executive Officer of the Board of Pharmacy.  
27 She brought this action solely in her official capacity and is represented in this matter by Kamala  
28

1 D. Harris, Attorney General of the State of California, by Leslie A. Walden, Deputy Attorney  
2 General.

3 2. Respondent Moshe Lalehzari ("Respondent") is represented in this proceeding by  
4 attorney Tony Park , whose address is: Tony J. Park, Pharm.D., J.D.. Law Office of Tony J. Park,  
5 Inc., 2855 Michelle Drive, Suite 180, Irvine, CA 92606-1027.

6 JURISDICTION

7 3. Accusation No. 4907 was filed before the Board of Pharmacy (Board), Department of  
8 Consumer Affairs, and is currently pending against Respondent. The original Accusation and all  
9 other statutorily required documents were properly served on Respondent on September 5, 2014.  
10 Respondent timely filed his Notice of Defense contesting the Accusation. The Accusation was  
11 subsequently amended and the operative Accusation in the matter is the Third Amended  
12 Accusation, which was served on October 26, 2015.

13 4. A copy of the Third Amended Accusation No. 4907 is attached as exhibit A and  
14 incorporated herein by reference. . . . .

15 ADVISEMENT AND WAIVERS

16 5. Respondent has carefully read, fully discussed with counsel, and understands the  
17 charges and allegations in the Third Amended Accusation No. 4907. Respondent has also  
18 carefully read, fully discussed with counsel, and understands the effects of this Stipulated  
19 Settlement and Disciplinary Order.

20 6. Respondent is fully aware of his legal rights in this matter, including the right to a  
21 hearing on the charges and allegations in the Third Amended Accusation; the right to be  
22 represented by counsel at his own expense; the right to confront and cross-examine the witnesses  
23 against him; the right to present evidence and to testify on his own behalf; the right to the  
24 issuance of subpoenas to compel the attendance of witnesses and the production of documents;  
25 the right to reconsideration and court review of an adverse decision; and all other rights accorded  
26 by the California Administrative Procedure Act and other applicable laws.

27 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
28 every right set forth above.

1 CULPABILITY

2 8. Respondent understands and agrees that the charges and allegations in Accusation  
3 No. 4907, if proven at a hearing, constitute cause for imposing discipline upon his Pharmacist  
4 License No. 59011.

5 9. For the purpose of resolving the Accusation without the expense and uncertainty of  
6 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual  
7 basis for the charges in the Third Amended Accusation, and that Respondent hereby gives up his  
8 right to contest those charges.

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

11 CONTINGENCY

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

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

24 13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
25 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
26 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
27 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
28

1 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
2 writing executed by an authorized representative of each of the parties.

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

6 **DISCIPLINARY ORDER**

7 IT IS HEREBY ORDERED that Pharmacist License No. RPH 59011 issued to Respondent  
8 Moshe Lalehzari is revoked. However, the revocation is stayed and Respondent is placed on  
9 probation for four (4) years on the following terms and conditions.

10 1. **Obey All Laws**

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

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

14 X an arrest or issuance of a criminal complaint for violation of any provision of the  
15 Pharmacy Law, state and federal food and drug laws, or state and federal controlled  
16 substances laws

17 X a plea of guilty or nolo contendere in any state or federal criminal proceeding to any  
18 criminal complaint, information or indictment

19 X a conviction of any crime

20 X discipline, citation, or other administrative action filed by any state or federal agency  
21 which involves respondent's pharmacist license or which is related to the practice of  
22 pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging  
23 for any drug, device or controlled substance.

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

25 2. **Report to the Board**

26 Respondent shall report to the board quarterly, on a schedule as directed by the board or its  
27 designee. The report shall be made either in person or in writing, as directed. Among other  
28 requirements, respondent shall state in each report under penalty of perjury whether there has

1 been compliance with all the terms and conditions of probation. Failure to submit timely reports  
2 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency  
3 in submission of reports as directed may be added to the total period of probation. Moreover, if  
4 the final probation report is not made as directed, probation shall be automatically extended until  
5 such time as the final report is made and accepted by the board.

6 **3. Interview with the Board**

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

12 **4. Cooperate with Board Staff**

13 Respondent shall cooperate with the board's inspection program and with the board's  
14 monitoring and investigation of respondent's compliance with the terms and conditions of his  
15 probation. Failure to cooperate shall be considered a violation of probation.

16 **5. Continuing Education**

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

19 **6. Notice to Employers**

20 During the period of probation, respondent shall notify all present and prospective  
21 employers of the decision in case number 4907 and the terms, conditions and restrictions imposed  
22 on respondent by the decision, as follows:

23 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
24 respondent undertaking any new employment, respondent shall cause his direct supervisor,  
25 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's  
26 tenure of employment) and owner to report to the board in writing acknowledging that the listed  
27 individual(s) has/have read the decision in case number 4907, and terms and conditions imposed  
28

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

3 If respondent works for or is employed by or through a pharmacy employment service,  
4 respondent must notify his direct supervisor, pharmacist-in-charge, and owner at every entity  
5 licensed by the board of the terms and conditions of the decision in case number 4907 in advance  
6 of the respondent commencing work at each licensed entity. A record of this notification must be  
7 provided to the board upon request.

8 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
9 (15) days of respondent undertaking any new employment by or through a pharmacy employment  
10 service, respondent shall cause his direct supervisor with the pharmacy employment service to  
11 report to the board in writing acknowledging that he has read the decision in case number 4907  
12 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure  
13 that his employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

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

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

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

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

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1           **8. Reimbursement of Board Costs**

2           As a condition precedent to successful completion of probation, respondent shall pay to the  
3 board its costs of investigation and prosecution in the amount of \$1000.00.

4           Failure to pay costs by the deadline as directed shall be considered a violation of probation.

5           The filing of bankruptcy by respondent shall not relieve respondent of his responsibility to  
6 reimburse the board its costs of investigation and prosecution.

7           **9. Probation Monitoring Costs**

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

12           **10. Status of License**

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

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

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

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

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1           Upon acceptance of the surrender, respondent shall relinquish his pocket and wall license to  
2 the board within ten (10) days of notification by the board that the surrender is accepted.  
3 Respondent may not reapply for any license from the board for three (3) years from the effective  
4 date of the surrender. Respondent shall meet all requirements applicable to the license sought as  
5 of the date the application for that license is submitted to the board, including any outstanding  
6 costs.

7           **12. Notification of a Change in Name, Residence Address, Mailing Address or**  
8 **Employment**

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

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

16           **13. Tolling of Probation**

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

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

28

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

4 "Cessation of practice" means any calendar month during which respondent is  
5 not practicing as a pharmacist for at least 40 hours, as defined by Business and  
6 Professions Code section 4000 et seq . "Resumption of practice" means any calendar  
7 month during which respondent is practicing as a pharmacist for at least 40 hours as a  
8 pharmacist as defined by Business and Professions Code section 4000 et seq.

9 **14. Violation of Probation**

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

15 If respondent violates probation in any respect, the board, after giving respondent notice  
16 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that  
17 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a  
18 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If  
19 a petition to revoke probation or an accusation is filed against respondent during probation, the  
20 board shall have continuing jurisdiction and the period of probation shall be automatically  
21 extended until the petition to revoke probation or accusation is heard and decided, and the charges  
22 and allegations in the Accusation shall be deemed true and correct.

23 **15. Completion of Probation**

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

26 **16. Remedial Education**

27 Within one year sixty (60) days of the effective date of this decision, respondent shall  
28 submit to the board or its designee, for prior approval, an appropriate program of remedial

1 education related to compounding. The program of remedial education shall consist of at least  
2 ten (10) hours, which shall be completed within twelve months at respondent's own expense. All  
3 remedial education shall be in addition to, and shall not be credited toward, continuing education  
4 (CE) courses used for license renewal purposes.

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

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

14 ACCEPTANCE

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

20  
21 DATED: 8/5/16

  
22 \_\_\_\_\_  
23 MOSHE LALEHZARI  
24 Respondent


25 ///

26 ///

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

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DATED: 08/07/2016

  
Tony Park  
Attorney for Respondent

ENDORSEMENT

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

Dated:

Respectfully submitted,

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

LESLIE A. WALDEN  
Deputy Attorney General  
*Attorneys for Complainant*

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61822185.doc

**Exhibit A**

**Accusation No. 4907**

1 KAMALA D. HARRIS  
Attorney General of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
3 LESLIE A. WALDEN  
Deputy Attorney General  
4 State Bar No. 196882  
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14 **Sterile Compounding License No. LSC**  
**99250**

**THIRD AMENDED ACCUSATION**

15 **ALI POURMOLA**  
16 **Pharmacist License No. RPH 48035**

17 **MOSHE LALEHZARI ;**  
18 **Pharmacist License No. RPH 59011**

19 **8588 Venice Blvd.**  
**Los Angeles, CA 90034**

20  
21 Respondent.

22  
23 Complainant alleges:

24 **PARTIES**

25 1. Virginia Herold (Complainant) brings this Third Amended Accusation solely in her  
26 official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer  
27 Affairs.  
28



1           "(c) The board may refuse a license to any applicant guilty of unprofessional conduct. The  
2 board may, in its sole discretion, issue a probationary license to any applicant for a license who is  
3 guilty of unprofessional conduct and who has met all other requirements for licensure. The board  
4 may issue the license subject to any terms or conditions not contrary to public policy, including,  
5 but not limited to, the following:

6           "(1) Medical or psychiatric evaluation.

7           "(2) Continuing medical or psychiatric treatment.

8           "(3) Restriction of type or circumstances of practice.

9           "(4) Continuing participation in a board-approved rehabilitation program.

10          "(5) Abstention from the use of alcohol or drugs.

11          "(6) Random fluid testing for alcohol or drugs.

12          "(7) Compliance with laws and regulations governing the practice of pharmacy.

13          "(d) The board may initiate disciplinary proceedings to revoke or suspend any probationary  
14 certificate of licensure for any violation of the terms and conditions of probation. Upon  
15 satisfactory completion of probation, the board shall convert the probationary certificate to a  
16 regular certificate, free of conditions.

17          "(e) The proceedings under this article shall be conducted in accordance with Chapter 5  
18 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board  
19 shall have all the powers granted therein. The action shall be final, except that the propriety of  
20 the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of  
21 Civil Procedure."

22          8.       Section 4301 of the Code states:

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

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



1           "(g) Knowingly making or signing any certificate or other document that falsely represents  
2 the existence or nonexistence of a state of facts.

3           ...

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

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

9           9.       Section 4300.1 of the Code states:

10          "The expiration, cancellation, forfeiture, or suspension of a board-issued license by  
11 operation of law or by order or decision of the board or a court of law, the placement of a license  
12 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board  
13 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary  
14 proceeding against, the licensee or to render a decision suspending or revoking the license."

15          10.     Section 4076 of the Code states:

16          "(a) A pharmacist shall not dispense any prescription except in a container that meets the  
17 requirements of state and federal law and is correctly labeled with all of the following:

18          "..."

19          (9) The expiration date of the effectiveness of the drug dispensed.

20          "...."

21          11.     Section 4342 of the Code states:

22          "(a) The board may institute any action or actions as may be provided by law and that, in its  
23 discretion, are necessary, to prevent the sale of pharmaceutical preparations and drugs that do not  
24 conform to the standard and tests as to quality and strength, provided in the latest edition of the  
25 United States Pharmacopoeia or the National Formulary, or that violate any provision of the  
26 Sherman Food, Drug and Cosmetic Law (Part 5 (commencing with Section 109875) of Division  
27 104 of the Health and Safety Code)."

1           “(b) Any knowing or willful violation of any regulation adopted pursuant to Section 4006  
2 shall be subject to punishment in the same manner as is provided in Sections 4336 and 4321.”

3           12. Section 4169 of the Code states:

4           “(a)A person or entity may not do any of the following:

5           “...”

6           “(3)Purchase, trade, sell, or transfer dangerous drugs that the person knew or reasonably  
7 should have known were misbranded, as defined in Section 111335 of the Health and Safety  
8 Code.”

9           “....”

10          13. Section 4307 of the Code states:

11          “Individuals with Denied, Revoked, Suspended, etc. Licenses Prohibited From Pharmacy  
12 Ownership or Association with Board Licensed Entities”

13          “(a) Any person who has been denied a license or whose license has been revoked or is  
14 under suspension, or who has failed to renew his or her license while it was under suspension, or  
15 who has been a manager, administrator, owner, member, officer, director, associate, or partner of  
16 any partnership, corporation, firm, or association whose application for a license has been denied  
17 or revoked, is under suspension or has been placed on probation, and while acting as the manager,  
18 administrator, owner, member, officer, director, associate, or partner had knowledge of or  
19 knowingly participated in any conduct for which the license was denied, revoked, suspended, or  
20 99 placed on probation, shall be prohibited from serving as a manager, administrator, owner,  
21 member, officer, director, associate, or partner of a licensee as follows:

22          “(1) Where a probationary license is issued or where an existing license is placed on  
23 probation, this prohibition shall remain in effect for a period not to exceed five years.

24          “(2) Where the license is denied or revoked, the prohibition shall continue until the license  
25 is issued or reinstated.

26          “(b) "Manager, administrator, owner, member, officer, director, associate, or partner," as  
27 used in this section and Section 4308, may refer to a pharmacist or to any other person who serves  
28 in that capacity in or for a licensee.



1 “(d) A drug product shall not be compounded until the pharmacy has first prepared a  
2 written master formula record that includes at least the following elements:”

3 “...”

4 “(5) Process and/or procedure used to prepare the drug.”

5 17. California Code of Regulations, title 16, section 1735.3 subdivision (a)(7), states:

6 “(a) For each compounded drug product, the pharmacy records shall include:

7 “...”

8 “(7) A pharmacy assigned reference or lot number for the compounded drug  
9 product.”

10 18. California Code of Regulations, title 16, section 1761 subdivision (a) states:

11 “(a) No pharmacist shall compound or dispense any prescription which contains any  
12 significant error, omission, irregularity, uncertainty, ambiguity or alteration. Upon receipt of any  
13 such prescription, the pharmacist shall contact the prescriber to obtain the information needed to  
14 validate the prescription.”

15 19. California Code of Regulations, title 16, section 1751.2 subdivision (c) states:

16 “In addition to the labeling information required under Business and Professions Code  
17 section 4076 and section 1735.4, a pharmacy which compounds sterile injectable products shall  
18 include the following information on the labels for those products:

19 “...”

20 “(c) Instructions for storage and handling.”

21 “....”

22 20. California Code of Regulations, title 16, section 1735.4 states:

23 “(a) In addition to the labeling information required under Business and Professions Code  
24 section 4076, the label of a compounded drug product shall contain the generic name(s) of the  
25 principal active ingredient(s).”

26 “(b) A statement that the drug has been compounded by the pharmacy shall be included on  
27 the container or on the receipt provided to the patient.”

28

1 “(c) Drug products compounded into unit-dose containers that are too small or otherwise  
2 impractical for full compliance with subdivisions (a) and (b) shall be labeled with at least the  
3 name(s) of the active ingredient(s), concentration or strength, volume or weight, pharmacy  
4 reference or lot number, and expiration date.”

5 21. California Code of Regulations, title 16, section 1735.3 subdivision (a)(2) states:

6 “(a) For each compounded drug product, the pharmacy records shall include:

7 “...”

8 “(2) The date the drug product was compounded.”

9 “(3) The identity of the pharmacy personnel who compounded the drug product.”

10 “(4) The identity of the pharmacist reviewing the final drug product.”

11 “...”

12 “(6) The manufacturer, expiration date and lot number of each component. If the  
13 manufacturer name is demonstrably unavailable, the name of the supplier may be substituted.  
14 Exempt from the requirements in this paragraph are sterile products compounded on a one-time  
15 basis for administration within seventy-two (72) hours and stored in accordance with standards  
16 for “Redispensed CSPS” found in Chapter 797 of the United States Pharmacopeia - National  
17 Formulary (USP-NF) (35th Revision, Effective May 1, 2012), hereby incorporated by reference,  
18 to an inpatient in a health care facility licensed under section 1250 of the Health and Safety  
19 Code.”

20 “....”

21 **COSTS**

22 22. Section 125.3 of the Code states, in pertinent part, that the Board may request the  
23 administrative law judge to direct a licentiate found to have committed a violation or violations of  
24 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
25 enforcement of the case.

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1 **DANGEROUS DRUGS AND CONTROLLED SUBSTANCES**

2 23. **Heparin**: Heparin is a dangerous drug pursuant to Business and Professions Code  
3 section 4022, and is used as an anticoagulant in the prevention and treatment of thrombosis and  
4 embolism and is a dangerous drug pursuant to Business and Professions Code section 4022.

5 24. **Ceftriaxone**: Ceftriaxone is a dangerous drug pursuant to Business and Professions  
6 Code section 4022, and is used as a prescription antibiotic.

7 25. **Carimune**: Carimune is a dangerous drug pursuant to Business and Professions  
8 Code section 4022, and is used to treat immune deficiencies.

9 26. **Morphine**: Morphine is a Schedule II controlled substance pursuant to Health and  
10 Safety Code section 11055(b)(1)(L) and a dangerous drug pursuant to Business and Professions  
11 Code section 4022, and is used to treat severe pain.

12 27. **Bupivacaine**: Bupivacaine is a dangerous drug pursuant to Business and Professions  
13 Code section 4022, and is used as a local anesthetic.

14 **FIRST CAUSE FOR DISCIPLINE**

15 [Unprofessional Conduct (Staff Training of Injectable Compounding) - Complete Infusion Care  
16 and Moshe Lalehzari]

17 28. Respondents Complete Infusion Care and Moshe Lalehzari are subject to disciplinary  
18 action under Business and Professions Code section 4301, subdivision (o) in conjunction with  
19 California Code of Regulations, title 16, section 1751.6, subdivisions (b) and (c) in that the  
20 Respondents failed to ensure all pharmacy personnel engaging in compounding sterile injectable  
21 drug products had training and had demonstrated competence in the safe handling and  
22 compounding of sterile injectable products, and that records of training were available for each  
23 individual for three years beyond employment. The circumstances are as follows:

24 29. On or about October 16, 2012 an onsite inspection by the Board of Pharmacy  
25 revealed that Complete Infusion Care and pharmacist-in-charge Moshe Lalehzari did not have  
26 training records of demonstrated competencies for pharmacy personnel.

27 ////

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1 **SECOND CAUSE FOR DISCIPLINE**

2 [Unprofessional Conduct (Compounding Limitations and Requirements) - Complete Infusion  
3 Care and Moshe Lalehzari]

4 30. Respondents Complete Infusion Care and Moshe Lalehzari are subject to disciplinary  
5 action under Business and Professions Code section 4301, subdivision (o) in conjunction with  
6 California Code of Regulations, title 16, section 1735.2 subdivision (d)(5) where prior to  
7 compounding drug products, Respondents failed to prepare a written master formula record that  
8 included at least a process or procedure used to prepare the drug. The circumstances are as  
9 follows:

10 31. On or about October 16, 2012, an onsite inspection by the Board of Pharmacy  
11 revealed that at Complete Infusion Care, the compounding records dated January 23, 2012 for RX  
12 6850 and June 7, 2012 for RX 8437 for patient C.B. prepared by pharmacist-in-charge Moshe  
13 Lalehzari did not have the process or procedure used to prepare and compound the preservative  
14 free non-sterile to sterile morphine 50 mg/ml + bupivacaine 30 mg/ml compound on the  
15 Compound Sheet under "Mix Instructions".

16  
17 **THIRD CAUSE FOR DISCIPLINE**

18 [Unprofessional Conduct (Record Keeping of Compounded Drug Products) - Complete Infusion  
19 Care and Moshe Lalehzari]

20 32. Respondents Complete Infusion Care and Moshe Lalehzari are subject to disciplinary  
21 action under Business and Professions Code section 4301, subdivision (o) in conjunction with  
22 California Code of Regulations, title 16, section 1735.3 subdivision (a), which states (a) for each  
23 compounded drug product, the pharmacy records failed to include: (7) the equipment used in  
24 compounding the drug product. The circumstances are as follows:

25 33. On or about October 16, 2012, an onsite inspection by the Board of Pharmacy  
26 revealed that at Complete Infusion Care, the compounding records dated January 23, 2012 for RX  
27  
28

1 6850 and June 7, 2012 for RX 8437 for patient C.B.<sup>1</sup> prepared by pharmacist-in-charge Moshe  
2 Lalehzari did not document the equipment used in the compounding of the preservative free non-  
3 sterile to sterile morphine 50 mg/ml + bupivacaine 30 mg/ml compound on the Compound Sheet.

4 **FOURTH CAUSE FOR DISCIPLINE**

5 [Unprofessional Conduct (Fraudulent Billing) - Complete Infusion Care, Ali Pourmola]

6 34. Respondent Complete Infusion Care and Ali Pourmola are subject to disciplinary  
7 action under Business and Professions Code section 4301, subdivisions (f) and (g) in that  
8 Respondent committed unprofessional conduct due to the commission of acts involving moral  
9 turpitude, dishonesty, fraud, deceit, or corruption, by knowingly making or signing any certificate  
10 or other document that falsely represents the existence or nonexistence of a state of facts. The  
11 circumstances are as follows:

12 35. On or about March 12, 2010, Respondent fraudulently billed Anthem Blue Shield for  
13 services not rendered to patient K.W. as follows:

14 a) Claim #956, Date of Service: February 24, 2010; Service Codes S1015, J0696  
15 and S9500 totaling \$7,438.80.

16 b) Claim #957, Date of Service: February 24, 2010; Service Codes A4216, J1644,  
17 S9590, totaling \$6,686.05.

18 36. On or about July 31, 2011, Respondent fraudulently re-billed Anthem Blue Shield,  
19 changing the codes for services on Patient K.W. on the following dates:

20 a) Claim #6229, Date of Service: February 24, 2010, Service Code S9336 totaling  
21 \$3,500.00.

22 b) Claim #6230, Date of Service: February 24, 2010, Service Code S9336 totaling  
23 \$3,772.50.

24 c) Claim #6231, Date of Service: February 17, 2010, Service Code S5501 totaling  
25 \$6,772.50.

26  
27 <sup>1</sup> The patient's initials are used throughout this pleading in lieu of the patient name in  
28 order to protect patient privacy rights.



1 d) Claim #6232, Date of Service: February 17, 2010, Service Code S9810 totaling  
2 \$4,000.00.

3 e) Claim #6233, Date of Service: February 18, 2010, Service Code 99601 totaling  
4 \$3,500.00.

5 f) Claim #6234, Date of Service: February 19, 2010, Service Code 99601 totaling  
6 \$3,500.00.

7 **FIFTH CAUSE FOR DISCIPLINE**

8 [Sale of Drugs Lacking Quality of Strength - Complete Infusion Care and Moshe Lalehzari]

9 37. Respondents Complete Infusion Care and Moshe Lalehzari are subject to disciplinary  
10 action under Business and Professions Code section 4342 and 4169 subdivision (a)(3) in that  
11 Respondents sold and/or transferred dangerous drugs that a reasonable person would know or  
12 reasonably should have known were misbranded. The circumstances are as follows:

13 38. On or about March 8, 2012, April 9, 2012, and May 25, 2012, Respondent Moshe  
14 Lalehzari, while working at Complete Infusion Care located at 8588 Venice Blvd., Los Angeles  
15 CA 90034, dispensed sterile injectable compound Carimune 20gm RX Nos. 7267, 7673, and  
16 8258 with labeled expiration dates of six (6) days, six (6) days and three (3) days, respectively,  
17 after preparation. The manufacturers beyond the use date for Carimune was within twenty-four  
18 hours of reconstitution of the drug. Complete Infusion Care conducted and obtained extended  
19 stability and potency testing results for Carimune on April 25, 2014, but did not have extended  
20 stability and potency data at the time the Carimune was dispensed on March 8, 2012, April 9,  
21 2012, and May 25, 2012.

22 **SIXTH CAUSE FOR DISCIPLINE**

23 [Erroneous or Uncertain Prescription - Complete Infusion Care, Moshe Lalehzari and Ali  
24 Pourmola]

25 39. Respondents Complete Infusion Care, Moshe Lalehzari and Ali Pourmola are subject  
26 to disciplinary action under Business and Professions Code section 4300 in conjunction with  
27 California Code of Regulations, title 16, section 1761 subdivision (a) in that Respondents  
28 dispensed a prescription which contained significant errors, omissions, irregularities,

1 uncertainties, ambiguities, or alterations without contacting the prescriber for clarification. The  
2 circumstances are as follows:

3 40. On or about March 8, 2012, April 9, 2012, and May 22, 2012, Respondents Moshe  
4 Lalehzari and Ali Pourmola while working at Complete Infusion Care located at 8588 Venice  
5 Blvd., Los Angeles CA 90034, dispensed uncertain and ambiguous prescriptions for Carimune  
6 20gm RX, Nos. 7267, 7673, and 8258 to patient E.L.<sup>2</sup> without first clarifying the dose of the  
7 prescriptions with the prescriber. Specifically, E.L.'s Carimune prescriptions were written  
8 incorrectly for a daily dose of "0.4 mg/kg" for a calculated dose of 20mg per day and not the  
9 correct dose of "0.4gm/kg" for a calculated dose of 20gm per day. The prescriptions were  
10 dispensed by Respondents without first obtaining clarification of the correct ordered dose from  
11 the prescriber.

12 **SEVENTH CAUSE FOR DISCIPLINE**

13 [Labeling Requirements - Complete Infusion Care and Moshe Lalehzari]

14 41. Respondents Complete Infusion Care and Moshe Lalehzari are subject to disciplinary  
15 action under Business and Professions Code section 4076 subdivision (a)(9) which precludes a  
16 pharmacist from dispensing any prescription unless in a container that is correctly labeled with  
17 the expiration dates of the effectiveness of the drug dispensed. The circumstances are as follows:

18 42. On or about May 25, 2012, Respondent Moshe Lalehzari, while working at Complete  
19 Infusion Care located at 8588 Venice Blvd., Los Angeles CA 90034, dispensed five bags of  
20 Carimune RX# 8258 to patient E.L. labeled with the incorrect expiration date of May 28, 2012.  
21 Specifically, on or about May 25, 2012, Respondent Moshe Lalehzari dispensed a five (5) day  
22 course of Carimune 20gm RX # 8258 with a labeled expiration dated of May 28, 2012, which  
23 resulted in the last two (2) days of the five (5) day Carimune doses being labeled as expired at the  
24 time of use.

25  
26 ////

27 \_\_\_\_\_  
28 <sup>2</sup> Patient initials are used in lieu of real names in order to protect the privacy rights of the  
individuals.

1 **EIGHTH CAUSE FOR DISCIPLINE**

2 [Sterile Injectable Labeling Requirements - Complete Infusion Care and Moshe Lalehzari]

3 43. Respondents Complete Infusion Care and Moshe Lalehzari are subject to disciplinary  
4 action under Business and Professions Code section 4076 in conjunction with California Code of  
5 Regulations, title 16, section 1751.2 and 1735.4, which requires a pharmacy that compounds  
6 sterile injectable products to include on the label the instructions for storage and handling. The  
7 circumstances are as follows:

8 44. On or about March 8, 2012 and April 9, 2012, Respondent Moshe Lalehzari while  
9 working at Complete Infusion Care located at 8588 Venice Blvd., Los Angeles CA 90034,  
10 dispensed Carimune 20gm RX Nos. 7267 and 7673 labeled with instructions to store medication  
11 at room temperature instead of being stored by the required method of refrigeration.

12 **NINTH CAUSE FOR DISCIPLINE**

13 [Records of Compounding Products - Complete Infusion Care and Moshe Lalehzari]

14 45. Respondents Complete Infusion Care and Moshe Lalehzari are subject to disciplinary  
15 action under Business and Professions Code section 4300 in conjunction with California Code of  
16 Regulations, title 16, section 1735.3 subdivisions (a)(2), (3), (4), (6), and (10), which requires for  
17 each compounded product, that the pharmacy records include the date the drug was compounded,  
18 the identity of the pharmacy personnel who compounded the product, the identity of the  
19 pharmacist reviewing the final product, the manufacturer and a lot number of each component,  
20 and the quantity or amount of the drug compounded. The circumstances are as follows:

21 46. On or about March 8, 2012, April 9, 2012, and May 25, 2012, Respondent Moshe  
22 Lalehzari, while working at Complete Infusion Care located at 8588 Venice Blvd., Los Angeles  
23 CA 90034, dispensed sterile injectable compound Carimune 20gm, RX nos. 7267, 7673 and 8258  
24 without maintaining proper compounding records for each of the products dispensed.

25 **OTHER MATTERS**

26 173. Pursuant to Code section 4307, if discipline is imposed on Pharmacy  
27 Permit Number PHY 46839 or Sterile Compounding License Number LSC 99250, issued to  
28 Complete Infusion Care, and Ali Pourmola (Pourmola) while acting as the manager,

1 administrator, owner, member, officer, director, associate, or partner of Complete Infusion Care  
2 had knowledge of or knowingly participated in any conduct for which Pharmacy Permit Number  
3 PHY 46939 or Sterile Compounding License Number LSC 99250, issued to Complete Infusion  
4 Care was revoked, suspended or placed on probation, Pourmola shall be prohibited from serving  
5 as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee  
6 for five years if Pharmacy Permit Number PHY 46839 or Sterile Compounding License Number  
7 LSC 99250, issued to Complete Infusion Care is placed on probation or until Pharmacy Permit  
8 Number PHY 46839 or Sterile Compounding License Number LSC 99250, issued to Complete  
9 Infusion Care is reinstated if it is revoked.

### **DISCIPLINE CONSIDERATIONS**

11 47. To determine the degree of discipline, if any, to be imposed on Respondents,  
12 Complainant alleges as follows:

13 a) On or about October 15, 2009, in a prior action, the Board of Pharmacy issued  
14 Citation Number CI 2009 41466 to Respondent Ali Pourmola for violations of Business and  
15 Professions Code section 4059, subdivision (a) (furnishing dangerous drugs without prescription)  
16 and Health & Safety Code section 11200, subdivision (c) (no prescription for Schedule II  
17 substance may be refilled). Respondent was ordered to pay \$4000. On or about March 21, 2012,  
18 the Citation was modified and reduced. Respondent was ordered to pay \$1000. That Citation is  
19 now final and is incorporated by reference as if fully set forth.

20 b) On or about October 15, 2009, in a prior action, the Board of Pharmacy issued  
21 Citation Number CI 2008 38864 to Respondent Complete Infusion Care for violations of  
22 Business and Professions Code section 4059, subdivision (a) (furnishing dangerous drugs without  
23 prescription) and Health & Safety Code section 11200, subdivision (c) (no prescription for  
24 Schedule II substance may be refilled). Respondent was ordered to pay \$4000. On or about April  
25 20, 2012, the Citation was modified and reduced. Respondent was ordered to pay \$1500. That  
26 Citation is now final and is incorporated by reference as if fully set forth.

1 c) On or about July 1, 2013, in a prior action, the Board of Pharmacy issued  
2 Citation Number CI 2012 53606 to Respondent Complete Infusion Care for violations of  
3 Business and Professions Code Section 4115 subdivision (e) and California Code of Regulations  
4 section 1793.2 subdivision (b) (no person shall act as a pharmacy technician without being  
5 licensed by the Board) and ordered Respondent to pay \$1000. That Citation is now final and is  
6 incorporated by reference as if fully set forth.

7 d) On or about July 1, 2013, in a prior action, the Board of Pharmacy issued  
8 Citation Number CI 2012 57415 to Respondent Moshe Lalehzari for violations of Business and  
9 Professions Code Section 4115 subdivision (e) and California Code of Regulations section 1793.2  
10 subdivision (b) (no person shall act as a pharmacy technician without being licensed by the  
11 Board) and ordered Respondent to pay \$1000. That Citation is now final and is incorporated by  
12 reference as if fully set forth.

13 **PRAYER**

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

16 1. Revoking or suspending Pharmacy Permit Number PHY 46839, issued to Complete  
17 Infusion Care; Ali Pourmola

18 2. Revoking or suspending Sterile Compounding License Number LSC 99250, issued to  
19 Complete Infusion Care; Ali Pourmola;

20 3. Revoking or suspending Pharmacy License Number RPH 48035 issued to Ali  
21 Pourmola;

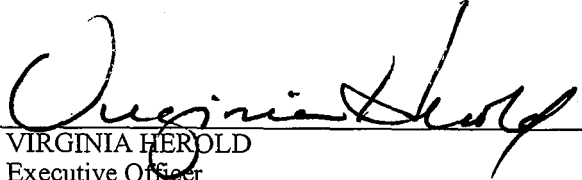
22 4. Revoking or suspending Pharmacy License Number RPH 59011 issued to Moshe  
23 Lalehzari;

24 5. Prohibiting Ali Pourmola from serving as a manager, administrator, owner,  
25 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit  
26 Number 46839 or Sterile Compounding License Number LSC 99250 issued to Complete Infusion  
27 Care is placed on probation or until Pharmacy Permit Number 46839 or Sterile Compounding  
28 License Number LSC 99250 issued to Complete Infusion Care is reinstated if Pharmacy Permit

1 Number 46839 or Sterile Compounding License Number LSC 99250 issued to Complete Infusion  
2 Care issued is revoked;

3 6. Ordering Complete Infusion Care, Ali Pourmola and Moshe Lalehzari to pay the  
4 Board of Pharmacy the reasonable costs of the investigation and enforcement of this case,  
5 pursuant to Business and Professions Code section 125.3; and

6 7. Taking such other and further action as deemed necessary and proper.  
7

8  
9 DATED: 10/26/15   
10 VIRGINIA HEROLD  
11 Executive Officer  
12 Board of Pharmacy  
13 Department of Consumer Affairs  
14 State of California  
15 *Complainant*

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