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

**OB INTERNATIONAL d.b.a.  
OB MEDICAL SUPPLIES &  
PHARMACY; GREGORY IMOCHI  
(President and Pharmacist-in-Charge)  
671 W. 2nd Street  
San Bernardino, CA 92410**

**Permit No. PHY 46742**

**GREGORY O. IMOCHI  
P. O. Box 110  
San Bernardino, CA 92402**

**Pharmacist License No. RPH 42948**

Case No. 5037

OAH No. 2014090751

**DEFAULT DECISION AND ORDER AS  
TO RESPONDENT GREGORY IMOCHI  
ONLY**

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about June 14, 2014, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 5037 against OB International dba OB Medical Supplies & Pharmacy (OB Medical); Gregory Imoohi (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)
2. On or about June 1, 2004, the Board of Pharmacy (Board) issued Pharmacy Permit No. PHY 46742 to Respondent. The Pharmacy Permit was in full force and effect at all times

1 relevant to the charges brought in Accusation No. 5037. On February 16, 2016, Complainant  
2 issued an order adopting OB Medical's voluntary surrender of Pharmacy Permit No. PHY 46742,  
3 effective on March 17, 2016. However, the surrender was stayed until May 16, 2016 at which  
4 time the pharmacy shall be sold, its ownership transferred, or it shall be closed.

5 3. On August 23, 1989, Complainant issued Pharmacist License No. RPH 42948 to  
6 Gregory Ohiorenuu Imoohi. The license was in full force and effect at all times relevant to the  
7 charges brought in Accusation No. 5037 and will expire on October 31, 2018.

8 4. On or about July 8, 2014, Respondent was served by Certified and First Class Mail  
9 copies of the Accusation No. 5037, Statement to Respondent, Notice of Defense, Request for  
10 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at  
11 Respondent's addresses of record which, pursuant to Business and Professions Code section 4100,  
12 are required to be reported and maintained with the Board. Respondent's addresses of record  
13 were:

14 671 W. 2nd Street  
15 San Bernardino, CA 92410

16 P.O. Box 110  
17 San Bernardino, CA 92410

18 5. Service of the Accusation was effective as a matter of law under the provisions of  
19 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
20 124.

21 6. On or about August 5, 2014, Respondent signed and returned a Notice of Defense,  
22 requesting a hearing in this matter. A Notice of Hearing was served by mail at Respondent's  
23 address of record and it informed them that an administrative hearing in this matter was scheduled  
24 for March 23, 2017. Respondent Gregory Imoohi failed to appear at that hearing.

25 7. Government Code section 11506(c) states, in pertinent part:

26 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
27 files a notice of defense . . . and the notice shall be deemed a specific denial of all  
28 parts of the accusation . . . not expressly admitted. Failure to file a notice of defense  
... shall constitute a waiver of respondent's right to a hearing, but the agency in its  
discretion may nevertheless grant a hearing.

///

1 8. California Government Code section 11520(a) states, in pertinent part:

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

5 9. Pursuant to its authority under Government Code section 11520, the Board finds  
6 Respondent Gregory Imoohi is in default. The Board will take action without further hearing and,  
7 based on the relevant evidence contained in the Default Decision Evidence Packet in this matter,  
8 as well as taking official notice of all the investigatory reports, exhibits and statements contained  
9 therein on file at the Board's offices regarding the allegations contained in Accusation No. 5037,  
10 finds that the charges and allegations in Accusation No. 5037, are separately and severally, found  
11 to be true and correct by clear and convincing evidence.

12 10. Taking official notice of its own internal records, pursuant to Business and  
13 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
14 and Enforcement is \$28,394.00 as of March 22, 2017.

15 DETERMINATION OF ISSUES

16 1. Based on the foregoing findings of fact, Respondent Gregory Imoohi has subjected  
17 his Pharmacist License No. RPH 42948 to discipline.

18 2. The agency has jurisdiction to adjudicate this case by default.

19 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacist License No.  
20 RPH 42948 based upon the following violations alleged in the Accusation which are supported by  
21 the evidence contained in the Default Decision Evidence Packet in this case:

22 a. Failure to Assume Corresponding Responsibility to Validate Legitimacy of  
23 Prescriptions, Business & Professions Code section 4301(d) and (j), for violating Health and  
24 Safety Code section 11153(a), and Business & Professions Code section 4301(o), for violating  
25 California Code of Regulations, title 16, section 1761.

26 ///  
27 ///  
28 ///

**ORDER**

IT IS SO ORDERED that Pharmacist License No. RPH 42948, heretofore issued to Respondent Gregory Imoohi, is revoked.

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

This Decision shall become effective at 5:00 p.m. on May 18, 2017.

It is so ORDERED on April 18, 2017.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By \_\_\_\_\_

Amy Gutierrez, Pharm.D.  
Board President

52430521.DOCX  
DOJ Matter ID:LA2014510967

Attachment: Exhibit A: Accusation

# Exhibit A

Accusation

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*Attorneys for Complainant*

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

In the Matter of the Accusation Against:  
**OB INTERNATIONAL d.b.a.  
OB MEDICAL SUPPLIES & PHARMACY;  
GREGORY IMOCHI  
(President and Pharmacist-in-Charge)  
671 W. 2nd Street  
San Bernardino, CA 92410**  
**Permit No. PHY 46742**  
**GREGORY O. IMOCHI  
P. O. Box 110  
San Bernardino, CA 92402**  
**Pharmacist License No. RPH 42948**  
  
Respondents.

Case No. 5037

**ACCUSATION**

Complainant alleges:

**PARTIES**

1. Virginia Herold ("Complainant") brings this Accusation solely in her official capacity as the Executive Officer of the Board of Pharmacy ("Board"), Department of Consumer Affairs.
2. On or about June 1, 2004, the Board issued Permit Number PHY 46742 to OB International d.b.a. OB Medical Supplies & Pharmacy ("Respondent Pharmacy"), with Gregory O. Imochi ("Respondent Imochi") as President and Pharmacist-in-Charge. The Permit was in full

1 force and effect at all times relevant to the charges brought herein and will expire on June 1, 2014,  
2 unless renewed.

3 3. On or about June 1, 2004, the Board issued Original Pharmacist License Number RPH  
4 42948 to Respondent Imoohi. The License was in full force and effect at all times relevant to the  
5 charges brought herein and will expire on October 31, 2014, unless renewed.

6 **JURISDICTION**

7 4. This Accusation is brought before the Board under the authority of the following laws.  
8 All section references are to the Business and Professions Code unless otherwise indicated.

9 5. Section 4300 of the Code states:

10 "(a) Every license issued may be suspended or revoked."

11 6. Section 4300.1 of the Code states:

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

17 **STATUTORY PROVISIONS**

18 7. Section 4301 of the Code states:

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

22 . . . .

23 "(d) The clearly excessive furnishing of controlled substances in violation of subdivision (a)  
24 of Section 11153 of the Health and Safety Code.

25 . . . .

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

28 . . . .

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

5           8. Section 4022 of the Code states:

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

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

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

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

15           9. Health and Safety Code section 11153 provides:

16           "(a) A prescription for a controlled substance shall only be issued for a legitimate medical  
17 purpose by an individual practitioner acting in the usual course of his or her professional practice.  
18 The responsibility for the proper prescribing and dispensing of controlled substances is upon the  
19 prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the  
20 prescription. Except as authorized by this division, the following are not legal prescriptions: (1) an  
21 order purporting to be a prescription which is issued not in the usual course of professional  
22 treatment or in legitimate and authorized research; or (2) an order for an addict or habitual user of  
23 controlled substances, which is issued not in the course of professional treatment or as part of an  
24 authorized narcotic treatment program, for the purpose of providing the user with controlled  
25 substances, sufficient to keep him or her comfortable by maintaining customary use."

26           ///

27           ///

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1 REGULATORY PROVISION

2 10. California Code of Regulations, title 16 ("Regulations"), section 1761 provides:

3 "(a) No pharmacist shall compound or dispense any prescription which contains any  
4 significant error, omission, irregularity, uncertainty, ambiguity or alteration. Upon receipt of any  
5 such prescription, the pharmacist shall contact the prescriber to obtain the information needed to  
6 validate the prescription.

7 "(b) Even after conferring with the prescriber, a pharmacist shall not compound or dispense  
8 a controlled substance prescription where the pharmacist knows or has objective reason to know  
9 that said prescription was not issued for a legitimate medical purpose."

10 COST RECOVERY PROVISION

11 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
12 administrative law judge to direct a licensee found to have committed a violation or violations of  
13 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
14 enforcement of the case, with failure of the licensee to comply subjecting the license to not being  
15 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
16 included in a stipulated settlement.

17 DRUG CLASSIFICATIONS

18 12. Roxicodone, brand name for oxycodone 30 mg, is a Schedule II controlled substance  
19 and a dangerous drug pursuant to Code section 4022. It is used for the relief of pain.

20 13. Xanax, brand name for alprazolam 2mg, is a Schedule IV controlled substance and a  
21 dangerous drug pursuant to Code section 4022. It is used for the relief of anxiety.

22 14. Norco, brand name for hydrocodone/acetaminophen 10/325 mg, is a Schedule III  
23 controlled substance and a dangerous drug pursuant to Code section 4022. It is used for the relief  
24 of pain.

25 15. Phenergan with Codeine, brand name for promethazine with codeine, is a Schedule V  
26 controlled substance and a dangerous drug pursuant to Code section 4022. It is used for the relief  
27 of cough.

28 ///

1 BOARD INVESTIGATION

2 16. Pursuant to a series of investigations which occurred on March 2, 2013, May 10,  
3 2013, and July 11, 2013, the computer records provided by Respondent Pharmacy for the period  
4 01/03/2011 to 07/13/2013 revealed the following:

5 a. Respondent Pharmacy dispensed a total of 19,887 prescriptions. 85.18% were for  
6 non-controlled substances, and 14.82% were for controlled substances.

7 b. Of all the controlled substances dispensed (Schedules II to V), prescriptions from Dr.  
8 C.A. and Dr. D.C. were the highest. Over 50% of all Schedule II medications were written by  
9 these two physicians, which were 5.5 times greater than the next prescriber.

10 c. Respondent Pharmacy's dispensing ratio of oxycodone 30 mg was greatly  
11 disproportionate when compared with neighboring pharmacies -- about 13 times greater than its  
12 closest competitor in terms of prescriptions filled, and 22 times greater in terms of total tablets  
13 dispensed. However, based on the total number of controlled substance prescriptions filled for  
14 the queried time period, Respondent Pharmacy dispensed 6.7 times less prescriptions when  
15 compared to one neighboring pharmacy and 8 times less when compared to another neighboring  
16 pharmacy. Yet, Respondent Pharmacy dispensed a quantity of oxycodone 30 mg which exceeds  
17 these major pharmacies by the tens of thousands.

18 d. Respondent Pharmacy dispensed more alprazolam 2 mg (in terms of tablets) than its  
19 neighboring pharmacies.

20 17. Dr. C.A.'s Prescriber Profile reveals the following:

21 a. A review of Respondent Pharmacy's overall practice shows a more even distribution  
22 of payment methods for all prescriptions, but 100% of all prescriptions dispensed under Dr. C.A.  
23 were paid for without the use of insurance.

24 b. Patients who purchased 180 oxycodone 30 mg without the use of insurance paid  
25 between \$338.99 to \$900 per prescription.

26 c. According to Respondent Imoohl, Dr. C.A. is a pain specialist. However, of the 276  
27 prescriptions written by Dr. C.A., no prescriptions were written for gabapentin (Neurontin),  
28 pregabalin (Lyrica), and duloxetine (Cymbalta), which are all common medications indicated for

1 the treatment of nerve pain, and only 5 were written for anti-inflammatory medications (ibuprofen,  
2 meloxicam, celecoxib/Celebrex).

3 d. On some days, the sequential numbering of RX numbers and the time each  
4 prescription was processed suggested that groups of patients arrived at Respondent Pharmacy or 1  
5 person provided prescriptions for other patients at or about the same time.

6 e. On multiple occasions, multiple patients received the exact same prescription (same  
7 medication, same dose, same directions, and same quantity) from an out-of-area prescriber.

8 f. Selected data shows that all of the alprazolam prescriptions were written for 2 mg (the  
9 highest dose in immediate release form), #90, 1 tablet by mouth twice daily, with 0 refills.

10 g. Selected data shows that nearly all of the oxycodone prescriptions were written for 30  
11 mg (the highest dose in immediate release form), #180, 1 tablet by mouth every 4 hours, with 0  
12 refills.

13 h. The patients' age range was from birth year 1946 to 1992.

14 i. Selected samples show that Dr. C.A.'s patients drove an average of 141.7 miles to  
15 obtain medications at Respondent Pharmacy. The shortest distance was 137.7 miles and the  
16 longest was 145.5 miles.

17 18. Dr. D.C.'s Prescriber Profile reveals the following:

18 a. A review of Respondent Pharmacy's overall practice shows a more even distribution  
19 of payment methods for all prescriptions, but 99.47% of all prescriptions dispensed under Dr. D.C.  
20 were paid for without the use of insurance. 100% of controlled substances were paid for without  
21 the use of insurance.

22 b. Patients who purchased 180 oxycodone 30 mg without the use of insurance paid  
23 between \$338.99 to \$900 per prescription.

24 c. According to Respondent Imoohi, Dr. D.C. is a also pain specialist. However, of the  
25 376 prescriptions written by Dr. D.C., 2 prescriptions were written for gabapentin (Neurontin), 0  
26 for pregabalin (Lyrica), and 0 for duloxetine (Cymbalta), which are all common medications  
27 indicated for the treatment of nerve pain, and only 1 was written for anti-inflammatory medications  
28 (ibuprofen meloxicam, celecoxib/Celebrex).

1 d. On some days, the sequential numbering of RX numbers and the time each  
2 prescription was processed suggested that groups of patients arrived at Respondent Pharmacy or 1  
3 person provided prescriptions for other patients at or about the same time.

4 e. On multiple occasions, multiple patients received the exact same prescription (same  
5 medication, same dose, same directions, and same quantity) from an out-of-area prescriber.

6 f. Selected data shows that nearly all of the oxycodone prescriptions were written for 30  
7 mg (the highest dose in immediate release form), #150 or #180, 1 tablet by mouth five times a day  
8 or 2 tablets by mouth three times a day, with 0 refills.

9 g. The patients' age range was from birth year 1932 to 1984.

10 h. Selected samples show that Dr. D.C.'s patients drove an average of 95.3 miles to  
11 obtain medications at Respondent Pharmacy. The shortest distance was 91.1 miles and the longest  
12 was 100.6 miles.

#### 13 CAUSE FOR DISCIPLINE

##### 14 (Failure to Assume Corresponding Responsibility to Validate Legitimacy of Prescriptions)

15 19. Respondents Pharmacy and Imoohi are subject to disciplinary action under  
16 Code section 4301, subdivisions (d) and (j) for violating Health and Safety Code section 11153,  
17 subdivision (a), and Code section 4301, subdivision (o), for violating Regulations sections 1761, in  
18 that between 01/03/2011 to 07/13/2013, Respondents failed to assume corresponding  
19 responsibility by failing to validate the legitimacy of the prescriptions and/or reviewing the  
20 patients' drug therapy, by dispensing prescriptions without regard to objective factors, and/or by  
21 dispensing irregular/uncertain prescriptions. Complainant refers to and incorporates all the  
22 allegations contained in paragraphs 16-18, as though set forth fully.

#### 23 DISCIPLINE CONSIDERATIONS

24 20. To determine the degree of discipline, if any, to be imposed on Respondent Pharmacy,  
25 Complainant alleges that on or about September 11, 2013, in a prior action, the Board of  
26 Pharmacy issued Citation Number CI 2011 49326 and ordered Respondent Pharmacy to pay a fine  
27 of \$500 for violation of Regulations sections 1714.1, subdivision (b) and 1714, subdivision (e)  
28 [temporary absence of a pharmacist; operational standards and security; pharmacy responsible for

1 pharmacy security], and Regulations section 1715 [self-assessment of a pharmacy by the  
2 pharmacist-in-charge.] That Citation is now final and is incorporated by reference as if fully set  
3 forth.

4 21. To determine the degree of discipline, if any, to be imposed on Respondent Imoohi,  
5 Complainant alleges that on or about September 11, 2013, in a prior action, the Board of  
6 Pharmacy issued Citation Number CI 2013 58110 and ordered Respondent Imoohi to pay a fine of  
7 \$1,000 for violation of Regulations sections 1714.1, subdivision (b) and 1714 subdivision (e)  
8 [temporary absence of a pharmacist; operational standards and security; pharmacy responsible for  
9 pharmacy security], and Regulations section 1715 [self-assessment of a pharmacy by the  
10 pharmacist-in-charge.] That Citation is now final and is incorporated by reference as if fully set  
11 forth.

12 PRAYER

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

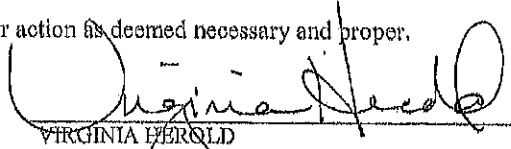
15 1. Revoking or suspending Permit Number PHY 46742, issued to OB International d.b.a.  
16 OB Medical Supplies & Pharmacy; with Gregory O. Imoohi as President and Pharmacist-in-  
17 Charge;

18 2. Revoking or suspending Original Pharmacist License Number RPH 42948 issued to  
19 Gregory O. Imoohi;

20 3. Ordering OB International d.b.a. OB Medical Supplies & Pharmacy, and Gregory O.  
21 Imoohi to pay the Board of Pharmacy, jointly and severally, the reasonable costs of the  
22 investigation and enforcement of this case, pursuant to Code section 125.3;

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

24 DATED: 6/14/14

  
25 VIRGINIA HEROLD  
26 Executive Officer  
27 Board of Pharmacy  
28 Department of Consumer Affairs  
State of California  
Complainant

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