

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

In the Matter of the Accusation Against:

**HP BADESHA CO., dba GLENDORA
MEDICAL PHARMACY,
PARAMJIT KAUR RANDHAWA**
President and Pharmacist-in-Charge
Original Permit No. PHY 47517

and

PARAMJIT KAUR RANDHAWA
Pharmacist License No. RPH 45898

and

HEATHER MAUREEN EVARDOME
Pharmacy Technician Registration No.
TCH 13938

Respondents.

Case No. 5239

OAH No. 2015090629

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER AS TO
PARAMJIT KAUR RANDHAWA
ONLY**

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 September 7, 2016.

It is so ORDERED on August 8, 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 THOMAS L. RINALDI
Supervising Deputy Attorney General
3 HEATHER VO
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Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 5239

11 **H P BADESHA CO., dba GLENDORA**
12 **MEDICAL PHARMACY,**
13 **PARAMJIT KAUR RANDHAWA**
President and Pharmacist-In-Charge
14 130 W. Alostia Ave., Rte. 66
Glendora, CA 91740

OAH No. 2015090629

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER AS TO
PARAMJIT KAUR RANDHAWA ONLY

15 Original Permit Number PHY 47517

Pharmacist License No. RPH 45898

16 and

17 **PARAMJIT KAUR RANDHAWA**
1302 Covina Hills Road
18 Covina, CA 91722

19 Pharmacist License No. RPH 45898

20 and

21 **HEATHER MAUREEN EVARDOME**
201 E. Arrow, Hwy. #32
22 Glendora, CA 91740

23 Pharmacy Technician Registration No. TCH 13938

24 Respondents.

25
26
27 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
28 entitled proceedings that the following matters are true:

1 PARTIES

2 1. Virginia Herold ("Complainant") is the Executive Officer of the Board of Pharmacy.
3 She brought this action solely in her official capacity and is represented in this matter by Kamala
4 D. Harris, Attorney General of the State of California, by Heather Vo, Deputy Attorney General.

5 2. Respondent H P Badesha Co., dba Glendora Medical Pharmacy; Paramjit Kaur
6 Randhawa, President and Pharmacist-In-Charge ("Respondent") is represented in this proceeding
7 by attorney Herbert L. Weinberg, whose address is: 1990 S Bundy Drive Suite 777, Los Angeles,
8 CA 90025.

9 3. On or about April 11, 2006, the Board of Pharmacy issued Pharmacy Permit Number
10 PHY 47517 to H P Badesha Co., dba Glendora Medical Pharmacy; Paramjit Kaur Randhawa,
11 President (Respondent Glendora Medical Pharmacy). Paramjit Kaur Randhawa is and has been
12 the President and Pharmacist-In-Charge since April 11, 2006. The Pharmacy Permit was in full
13 force and effect at all times relevant to the charges brought herein and will expire on April 1,
14 2016, unless renewed.

15 4. On or about November 2, 1992, the Board issued Pharmacist License No. RPH 45898
16 to Paramjit Kaur Randhawa (Respondent Randhawa). The Pharmacist License was in full force
17 and effect at all times relevant to the charges brought herein and will expire on September 30,
18 2016, unless renewed.

19 5. On or about September 6, 1994, the Board issued Pharmacy Technician Registration
20 Number TCH 13938 to Heather Maureen Evardome (Respondent Evardome). The Pharmacy
21 Technician Registration was in full force and effect at all times relevant to the charges brought
22 herein and expired on May 31, 2014, and has been cancelled.

23 JURISDICTION

24 6. First Amended Accusation No. 5239 was filed before the Board of Pharmacy (Board),
25 Department of Consumer Affairs, and is currently pending against Respondent. The First
26 Amended Accusation and all other statutorily required documents were properly served on
27 Respondent on March 3, 2016. Respondent timely filed her Notice of Defense contesting the
28 First Amended Accusation.

1 7. A copy of First Amended Accusation No. 5239 is attached as exhibit A and
2 incorporated herein by reference.

3 **ADVISEMENT AND WAIVERS**

4 8. Respondent has carefully read, fully discussed with counsel, and understands the
5 charges and allegations in First Amended Accusation No. 5239. Respondent has also carefully
6 read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and
7 Disciplinary Order.

8 9. Respondent is fully aware of her legal rights in this matter, including the right to a
9 hearing on the charges and allegations in the First Amended Accusation; the right to be
10 represented by counsel at her own expense; the right to confront and cross-examine the witnesses
11 against them; the right to present evidence and to testify on her own behalf; the right to the
12 issuance of subpoenas to compel the attendance of witnesses and the production of documents;
13 the right to reconsideration and court review of an adverse decision; and all other rights accorded
14 by the California Administrative Procedure Act and other applicable laws.

15 10. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
16 every right set forth above.

17 **CULPABILITY**

18 11. Respondent admits the truth of each and every charge and allegation in the First
19 Amended Accusation No. 5239.

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

22 **CONTINGENCY**

23 13. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent
24 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may
25 communicate directly with the Board regarding this stipulation and settlement, without notice to
26 or participation by Respondent or her counsel. By signing the stipulation, Respondent
27 understands and agrees that she may not withdraw the agreement or seek to rescind the stipulation
28 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation.

1 as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or
2 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,
3 and the Board shall not be disqualified from further action by having considered this matter.

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

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

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

16 **DISCIPLINARY ORDER**

17 IT IS HEREBY ORDERED that Pharmacist License No. RPH 45898 issued to Respondent
18 Paramjit Kaur Randhawa is revoked. However, the revocation is stayed and Respondent is placed
19 on probation for five (5) years on the following terms and conditions.

20 1. **Obey All Laws**

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

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

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

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

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

7 **2. Report to the Board**

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

16 **3. Interview with the Board**

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

22 **4. Cooperate with Board Staff**

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

26 **5. Continuing Education**

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

1 6. **Notice to Employers**

2 During the period of probation, respondent shall notify all present and prospective
3 employers of the decision in case number 5239 and the terms, conditions and restrictions imposed
4 on respondent by the decision, as follows:

5 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
6 respondent undertaking any new employment, respondent shall cause her direct supervisor,
7 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's
8 tenure of employment) and owner to report to the board in writing acknowledging that the listed
9 individual(s) has/have read the decision in case number 5239, and terms and conditions imposed
10 thereby. It shall be respondent's responsibility to ensure that her employer(s) and/or supervisor(s)
11 submit timely acknowledgment(s) to the board.

12 If respondent works for or is employed by or through a pharmacy employment service,
13 respondent must notify her direct supervisor, pharmacist-in-charge, and owner at every entity
14 licensed by the board of the terms and conditions of the decision in case number 5239 in advance
15 of the respondent commencing work at each licensed entity. A record of this notification must be
16 provided to the board upon request.

17 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
18 (15) days of respondent undertaking any new employment by or through a pharmacy employment
19 service, respondent shall cause her direct supervisor with the pharmacy employment service to
20 report to the board in writing acknowledging that they has read the decision in case number 5239
21 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure
22 that her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

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

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

3 **7. No Supervision of Interns, Serving as Designated Representative-in-Charge, or**
4 **Serving as a Consultant**

5 During the period of probation, respondent shall not supervise any intern pharmacist, be the
6 designated representative-in-charge of any entity licensed by the board nor serve as a consultant
7 unless otherwise specified in this order. Assumption of any such unauthorized supervision
8 responsibilities shall be considered a violation of probation. Respondent may continue as
9 pharmacist-in-charge of Glendora Medical Pharmacy; however, Respondent shall practice only
10 under periodic review at least twice monthly for the first two (2) years of probation by a licensed
11 pharmacist consultant not on probation with the board. The board or its designee shall approve
12 the pharmacist consultant. The pharmacist consultant shall provide written reports to the board as
13 directed. After the first two (2) years of probation, the board or its designee may re-evaluate for
14 the need for twice monthly review by a consultant and may reset this term for a longer time
15 frame.

16 **8. Reimbursement of Board Costs**

17 As a condition precedent to successful completion of probation, Respondent HP Badesha
18 Co., dba Glendora Medical Supply and Respondent Paramjit Randhawa shall be jointly and
19 severally liable for payment to the Board its costs of investigation and prosecution in the amount
20 of thirteen thousand four hundred eighty-nine dollars (\$13,489.00). Respondent shall make said
21 payments according to the Board's payment plan.

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**

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.

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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 forty (40) hours per calendar month.
13 Any month during which this minimum is not met shall toll the period of probation, i.e., the
14 period of probation shall be extended by one month for each month during which this minimum is
15 not met. During any such period of tolling of probation, respondent must nonetheless comply
16 with all 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 forty (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 forty (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 forty (40)

1 hours as a pharmacist as defined by Business and Professions Code section 4000 et
2 seq.

3 **14. Violation of Probation**

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

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

16 **15. Completion of Probation**

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

19 **16. Community Services Program**

20 Within sixty (60) days of the effective date of this decision, respondent shall submit to the
21 board or its designee, for prior approval, a community service program in which respondent shall
22 provide free health-care related services on a regular basis to a community or charitable facility or
23 agency for at least eighty (80) hours per year for each year of probation. Within thirty (30) days
24 of board approval thereof, respondent shall submit documentation to the board demonstrating
25 commencement of the community service program. A record of this notification must be
26 provided to the board upon request. Respondent shall report on progress with the community
27 service program in the quarterly reports. Failure to timely submit, commence, or comply with the
28 program shall be considered a violation of probation.

1 **17. Remedial Education**

2 Within thirty (30) days of the effective date of this decision, respondent shall submit to the
3 board or its designee, for prior approval, an appropriate program of remedial education related to
4 pharmacy management, maintaining controlled substances, prescription drug abuse, and
5 preventing drug loss. The program of remedial education shall consist of at least twenty (20)
6 hours, which shall be completed within the first six (6) months of probation at respondent's own
7 expense. Failure to complete twenty (20) hours within the first six (6) months, shall be a violation
8 of probation and Respondent shall be placed on suspension. All remedial education shall be in
9 addition to, and shall not be credited toward, continuing education (CE) courses used for license
10 renewal purposes.

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

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

20 Respondent shall be restricted from the practice until the remedial education program has
21 been successfully completed.

22 **18. Periodic Review By Licensed Pharmacist Consultant Approved by the Board**

23 During the period of probation, Respondent shall practice only under periodic review at
24 least twice monthly for the first two (2) years of probation by a licensed pharmacist consultant not
25 on probation with the board. The board or its designee shall approve the pharmacist consultant.
26 The pharmacist consultant shall provide written reports to the board as directed. After the first
27 two (2) years of probation, the board or its designee may re-evaluate for the need for twice
28 monthly review by a consultant and may reset this term for a longer time frame.

1 Upon and after the effective date of this decision, respondent shall not practice pharmacy
2 and her license shall be automatically suspended until a consultant is approved by the board or its
3 designee.

4 Within thirty (30) days of the effective date of this decision, respondent shall have the
5 consultant submit notification to the board in writing stating that the consultant has read the
6 decision in case number 5239 and is familiar with the required level of consultation as determined
7 by the board or its designee. It shall be the respondent's responsibility to ensure that her
8 employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to the
9 board. Failure to cause the direct consultant and the pharmacist-in-charge to submit timely
10 acknowledgements to the board shall be considered a violation of probation.

11 If respondent changes employment, it shall be the respondent's responsibility to ensure that
12 her employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to
13 the board. Respondent shall have the new consultant, within fifteen (15) days after employment
14 commences, submit notification to the board in writing stating the direct consultation and
15 pharmacist-in-charge have read the decision in case number 5239 and is familiar with the level of
16 consultation as determined by the board. Respondent shall not practice pharmacy and her license
17 shall be automatically suspended until the board or its designee approves a new consultant.
18 Failure to cause the direct consultant and the pharmacist-in-charge to submit timely
19 acknowledgements to the board shall be considered a violation of probation.

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

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

24 **19. No Additional Ownership of Licensed Premises**

25 Respondent shall not acquire any new ownership, legal or beneficial interest nor serve as a
26 manager, administrator, member, officer, director, trustee, associate, or partner of any additional
27 business, firm, partnership, or corporation licensed by the board. If respondent currently owns or
28 has any legal or beneficial interest in, or serves as a manager, administrator, member, officer,

1 director, trustee, associate, or partner of any business, firm, partnership, or corporation currently
2 or hereinafter licensed by the board, respondent may continue to serve in such capacity or hold
3 that interest, but only to the extent of that position or interest as of the effective date of this
4 decision. Violation of this restriction shall be considered a violation of probation.

5 **20. Separate File of Records**

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

9 **ACCEPTANCE**

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

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DATED: _____

signature page attached

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PARAMJIT KAUR RANDHAWA
Respondent

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DATED: _____

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HERBERT L. WEINBERG, Esq.
Attorney for Respondent

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1 director, trustee, associate, or partner of any business, firm, partnership, or corporation currently
2 or hereinafter licensed by the board, respondent may continue to serve in such capacity or hold
3 that interest, but only to the extent of that position or interest as of the effective date of this
4 decision. Violation of this restriction shall be considered a violation of probation.


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7 pertaining to the acquisition or disposition of all controlled substances. Failure to maintain such
8 file or make it available for inspection shall be considered a violation of probation.

9 **ACCEPTANCE**

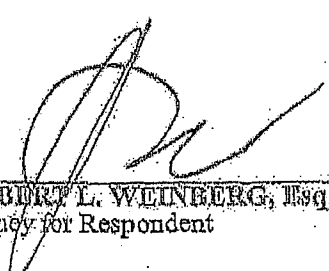
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12 will have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary
13 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
14 of the Board of Pharmacy.

15
16
17 DATED: 3/25/2016


18 ~~PARAMJIT KAUR RANDHAWA~~
19 Respondent

20 I have read and fully discussed with Respondent Paramjit Kaur Randhawa the terms and
21 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
22 I approve its form and content.

23
24
25 DATED: 3/25/2016


26 HERBERT L. WEINBERG, Esq.
27 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: *March 25, 2016*

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
THOMAS L. RINALDI
Supervising Deputy Attorney General



HEATHER VO
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

First Amended Accusation No. 5239

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Attorney General of California
2 THOMAS RINALDI
Supervising Deputy Attorney General
3 HEATHER VO
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President and Pharmacist-In-Charge
15 130 W. Alostia Ave., Rte. 66
Glendora, CA 91740

FIRST AMENDED
ACCUSATION

16 Original Permit Number PHY 47517

17 and

18 **PARAMJIT KAUR RANDHAWA**
1302 Covina Hills Road
19 Covina, CA 91722

20 Pharmacist License No. RPH 45898

21 and

22 **HEATHER MAUREEN EVARDOME**
201 E. Arrow, Hwy. #32
23 Glendora, CA 91740

24 Pharmacy Technician License No. TCH 13938

25 Respondents.
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1 Complainant alleges:

2 **PARTIES**

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

6 2. On or about April 11, 2006, the Board of Pharmacy issued Pharmacy Permit Number
7 PHY 47517 to H P Badesha Co., dba Glendora Medical Pharmacy; Paramjit Kaur Randhawa,
8 President (Respondent Glendora Medical Pharmacy). Paramjit Kaur Randhawa is and has been
9 the President and Pharmacist-In-Charge since April 11, 2006. The Pharmacy Permit was in full
10 force and effect at all times relevant to the charges brought herein and will expire on April 1,
11 2016, unless renewed.

12 3. On or about November 2, 1992, the Board issued Pharmacist License No. RPH 45898
13 to Paramjit Kaur Randhawa (Respondent Randhawa). The Pharmacist License was in full force
14 and effect at all times relevant to the charges brought herein and will expire on September 30,
15 2016, unless renewed.

16 4. On or about September 6, 1994, the Board issued Pharmacy Technician Registration
17 Number TCH 13938 to Heather Maureen Evardome (Respondent Evardome). The Pharmacy
18 Technician Registration was in full force and effect at all times relevant to the charges brought
19 herein and expired on May 31, 2014, and has been cancelled.

20 **JURISDICTION**

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

24 6. Section 4011 of the Code provides that the Board shall administer and enforce both
25 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances
26 Act [Health & Safety Code, § 11000 et seq.].

27 7. Section 4300(a) of the Code provides that every license issued by the Board may be
28 suspended or revoked.

1 8. Section 118(b) of the Code provides, in pertinent part, that the suspension, expiration,
2 surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
3 disciplinary action during the period within which the license may be renewed, restored, reissued
4 or reinstated. Section 4402(a) of the Code provides that any pharmacist license that is not
5 renewed within three years following its expiration may not be renewed, restored, or reinstated
6 and shall be canceled by operation of law at the end of the three-year period. Section 4402(e) of
7 the Code provides that any other license issued by the Board may be canceled by the Board if not
8 renewed within 60 days after its expiration, and any license canceled in this fashion may not be
9 reissued but will instead require a new application to seek reissuance.

10 **STATUTORY AND REGULATORY PROVISIONS**

11 9. Section 4059, subdivision (a) of the Code states:

12 “A person may not furnish any dangerous drug, except upon the prescription of a physician,
13 dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7. A
14 person may not furnish any dangerous device, except upon the prescription of a physician,
15 dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7.”

16 10. Section 4059.5, subdivision (a) of the Code states:

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

21 11. Code section 4060 provides, in pertinent part, that no person shall possess any
22 controlled substance, except that furnished upon a valid prescription/drug order.

23 12. Section 4081, subdivision (a) of the Code states:

24 “All records of manufacture and of sale, acquisition, receipt, shipment, or disposition of
25 dangerous drugs or dangerous devices shall be at all times during business hours open to
26 inspection by authorized officers of the law, and shall be preserved for at least three years from
27 the date of making. A current inventory shall be kept by every manufacturer, wholesaler, third-
28 party logistics provider, pharmacy, veterinary food-animal drug retailer, physician, dentist,

1 podiatrist, veterinarian, laboratory, clinic, hospital, institution, or establishment holding a
2 currently valid and unrevoked certificate, license, permit, registration, or exemption under
3 Division 2 (commencing with Section 1200) of the Health and Safety Code or under Part 4
4 (commencing with Section 16000) of Division 9 of the Welfare and Institutions Code who
5 maintains a stock of dangerous drugs or dangerous devices.”

6 13. Section 4115, subdivision (h) of the Code states:

7 “The pharmacist on duty shall be directly responsible for the conduct of a pharmacy
8 technician supervised by that pharmacist.”

9 14. Section 4301 of the Code provides, in pertinent part, that the Board shall take action
10 against any holder of a license who is guilty of “unprofessional conduct,” defined to include, but
11 not be limited to, any of the following:

12

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

16

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

19

20 (l) The conviction of a crime substantially related to the qualifications, functions, and duties
21 of a licensee under this chapter. The record of conviction of a violation of Chapter 13
22 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
23 substances or of a violation of the statutes of this state regulating controlled substances or
24 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
25 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
26 The board may inquire into the circumstances surrounding the commission of the crime, in order
27 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
28 or dangerous drugs, to determine if the conviction is of an offense substantially related to the

1 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
2 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
3 of this provision. The board may take action when the time for appeal has elapsed, or the
4 judgment of conviction has been affirmed on appeal or when an order granting probation is made
5 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
6 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
7 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
8 indictment.

9

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

14 15. California Code of Regulations, title 16, section 1714, subdivision (b) provides that
15 each pharmacy licensed by the board shall maintain its facilities, space, fixtures, and equipment
16 so that drugs are safely and properly prepared, maintained, secured and distributed.

17 16. California Code of Regulations, title 16, section 1714, subdivision (d) provides that
18 each pharmacist licensed by the board shall be responsible for the security of the prescription
19 department, including provisions for effective control against theft or diversion of dangerous
20 drugs and devices, and records for such drugs and devices, and that possession of a key to the
21 pharmacy where dangerous drugs and controlled substances are stored shall be restricted to a
22 pharmacist.

23 17. California Code of Regulations, title 16, section 1718, states:

24 "Current Inventory" as used in Sections 4081 and 4332 of the Business and Professions
25 Code shall be considered to include complete accountability for all dangerous drugs handled by
26 every licensee enumerated in Sections 4081 and 4332.

27 The controlled substances inventories required by Title 21, CFR, Section 1304 shall be
28 available for inspection upon request for at least 3 years after the date of the inventory."

1 18. Health and Safety Code section 11209, subdivision (a) states:

2 "No person shall deliver Schedule II, III, or IV controlled substances to a pharmacy or
3 pharmacy receiving area, nor shall any person receive controlled substances on behalf of a
4 pharmacy unless, at the time of delivery, a pharmacist or authorized receiving personnel signs a
5 receipt showing the type and quantity of the controlled substances received. Any discrepancy
6 between the receipt and the type or quantity of controlled substances actually received shall be
7 reported to the delivering wholesaler or manufacturer by the next business day after delivery to
8 the pharmacy."

9 19. Health and Safety Code section 11350, subdivision (a) states:

10 "Except as otherwise provided in this division, every person who possesses (1) any
11 controlled substance specified in subdivision (b), (c), (e), or paragraph (1) of subdivision (f) of
12 Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or
13 specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section
14 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic
15 drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian
16 licensed to practice in this state, shall be punished by imprisonment in a county jail for not more
17 than one year, except that such person shall instead be punished pursuant to subdivision (h) of
18 Section 1170 of the Penal Code if that person has one or more prior convictions for an offense
19 specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 of
20 the Penal Code or for an offense requiring registration pursuant to subdivision (c) of Section 290
21 of the Penal Code."

22 20. Health and Safety Code section 11351, states:

23 "Except as otherwise provided in this division, every person who possesses for sale or
24 purchases for purposes of sale (1) any controlled substance specified in subdivision (b), (c), or (e)
25 of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054,
26 or specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section
27 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic
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1 drug, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal
2 Code for two, three, or four years.”

3 21. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
4 administrative law judge to direct a licentiate found to have committed a violation of the licensing
5 act to pay a sum not to exceed its reasonable costs of investigation and enforcement.

6 **CONTROLLED SUBSTANCES / DANGEROUS DRUGS**

7 22. Section 4021 of the Code states:

8 “‘Controlled substance’ means any substance listed in Chapter 2 (commencing with Section
9 11053) of Division 10 of the Health and Safety Code.”

10 23. Section 4022 of the Code states, in pertinent part:

11 “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for self use,
12 except veterinary drugs that are labeled as such, and includes the following:

13 “(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing without
14 prescription,’ ‘Rx only,’ or words of similar import.

15 “(c) Any other drug or device that by federal or state law can be lawfully dispensed only on
16 prescription or furnished pursuant to Section 4006.”

17 24. **Norco, Vicodin, Vicodin ES**, are among the brand names for compounds of varying
18 dosages of acetaminophen (aka APAP) and **hydrocodone**, a Schedule III controlled substance as
19 designated by Health and Safety Code section 11056(e)(4) and dangerous drug as designated by
20 Business and Professions Code section 4022. The varying compounds are also known
21 generically as **Hydrocodone with APAP**. These are all narcotic drugs.

22 25. **Alprazolam** (brand name **Xanax**) is a Schedule IV controlled substance as
23 designated by Health and Safety Code section 11057(d)(1) and a dangerous drug as designated by
24 Business and Professions Code section 4022. It is an anti-anxiety agent.

25 **SUMMARY OF FACTS**

26 26. The following facts are common to all charges in the Accusation:

27 a. On or about April 9, 2013, Respondents filed a “Report of Theft or Loss of
28 Controlled Substances” (“Report”) with the Board, in which they reported significant losses of

1 drug stock which were attributed to theft by a former employee, pharmacy technician Heather
 2 Evardome, who was criminally prosecuted and convicted on January 10, 2014 of violating Penal
 3 Code section 487(a)(Grand theft by embezzlement) a felony, for said theft in the criminal case
 4 entitled *The People of the State of California v. Heather Maureen Evardome* (Super. Ct. Los
 5 Angeles County, 2014, Case No.: KA103461).

6 b. In that Report, Respondents indicated that on or about April 3, 2013, Respondent
 7 Glendora Medical Pharmacy discovered a discrepancy of hydrocodone/acetaminophen tablets in
 8 that there was an unusually high order placed for this drug. On or about that date, Respondent
 9 Randhawa confronted Respondent Evardome regarding the discrepancy. Later, Respondent
 10 Evardome admitted taking drugs from the pharmacy, which resulted in her termination.
 11 Respondent Evardome admitted that she made and received delivery of unauthorized orders of
 12 Norco tablets.

13 c. Ensuing investigation by the Board of Pharmacy showed that between October
 14 2011 through April 2013, Respondent Glendora Medical Pharmacy had numerous deliveries
 15 made for dangerous drugs not signed for and "received" by a pharmacist. Rather, Respondent
 16 Glendora Medical Pharmacy allowed pharmacy technicians Heather Evardome and Norma Lopez
 17 to sign for the deliveries as shown on the following dates:

Date-Signed By	Date-Signed By
7/25/2012- Lopez	7/27/2012- Lopez
8/7/2012- Lopez	8/17/2012- Lopez
8/24/2012- Lopez	8/30/2012- Lopez
9/7/2012- Lopez	9/14/2012- Evardome
9/28/2012-Evardome	10/11/2012- Lopez
10/23/2012- Evardome	10/26/2012- Lopez
11/16/2012- Lopez	11/28/2012- Lopez
12/4/2012- Lopez	12/14/2012- Lopez
1/2/2013- Lopez	1/7/2013- Lopez
1/11/2013- Lopez	1/28/2013- Lopez
2/19/2013- Evardome	2/25/2013- Evardome
2/26/2013- Lopez	2/28/2013- Evardome
3/6/2013- Evardome	3/7/2013- Lopez
3/13/2013- Evardome	3/27/2013- Lopez
3/29/2013- Lopez	

27 d. Respondent Evardome was interviewed by Board Inspector S. Desai and by
 28 officers from the Glendora Police Department and admitted that she had been taking Norco

1 tablets from the pharmacy for over two (2) years. Initially, she was giving them to friends who
 2 needed the medication, but could not afford it. Later, she started to sell the Norco tablets to make
 3 money.

4 e. Prior to April 3, 2013, Respondent Glendora Medical Pharmacy paid for some
 5 of Respondent Evardome's unauthorized orders, having failed to notice unauthorized entries on
 6 pharmacy invoices. Respondent Evardome destroyed the purchase invoices showing Norco
 7 tablets to conceal diversion and theft.

8 f. Commencing on or around September 2013, a drug audit for
 9 hydrocodone/acetaminophen, Alprazolam, and Lorazepam was performed by Board Inspector S.
 10 Desai for the period from April 25, 2011 through April 4, 2013, which revealed a theft of
 11 approximately 93,000 tablets of hydrocodone/acetaminophen.

<u>Drug</u>	<u>Inventory Count (4/25/2011)</u>	<u>Total Purchases (4/25/2011- 4/4/2013)</u>	<u>Total Sales (4/25/2011- 4/4/2013)</u>	<u>Expected On Hand Inventory</u>	<u>Actual Inventory Count 4/4/2013)</u>	<u>Variance</u>
HC/AP 10/325	300	128,300 (Cardinal- 56,300; API-66,000; Valley-6,000	36,778	91,822	1,151	(-90,671)
HC/AP 7.5/750	400	42,900 (Cardinal- 37,900; Valley- 5,000)	40,138	3,162	860	(-) 2,302
HC/AP 5/325mg	110	2,400 (API)	2,643	-133	587	(+) 720
lorazepam 1mg	900	9,100 (Cardinal- 1,100; API-8,000)	10,654	-654	800	(+) 1,454
alprazolam 0.25mg	900	8,000 (Cardinal 2,000; API-6,000)	7,608	1,292	511	(-) 781
alprazolam 2mg	450	3,000 (Cardinal 1,100; API-1,900)	2,960	490	120	(-)370

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Failure to Maintain Complete Acquisition/Disposition Records)**

3 27. Respondents GLENDORA MEDICAL PHARMACY and PARAMJIT
4 RANDHAWA are subject to disciplinary action under section 4300 for unprofessional conduct as
5 defined in section 4301, subdivisions (j) and (o), in conjunction with section 4081, subdivision
6 (a), and California Code of Regulations, title 16, section 1718 for failure to maintain all records
7 of acquisition and disposition for three (3) years from date of making and to keep a current
8 inventory of dangerous drugs. While Respondents' employee may have destroyed purchase
9 invoices to conceal diversion and theft, neither the destroyed invoices, nor the large volume of
10 controlled substances ordered and delivered to the pharmacy but missing from the stock – were
11 discovered for almost 2 years. A Board audit during the period from April 25, 2011 and April 4,
12 2013 showed that Glendora Medical Pharmacy could not account for an inventory overage
13 (disposition greater than acquisition) of (i) 720 tablets of hydrocodone/acetaminophen 5/325 mg;
14 and (ii) 1,454 tablets of lorazepam 1mg. Complainant refers to, and by this reference
15 incorporates, the allegations set forth above in paragraph 26 as though set forth fully.

16 **SECOND CAUSE FOR DISCIPLINE**

17 **(Deliveries Of Dangerous Drugs Signed For And Received By Non-Pharmacists)**

18 28. Respondents GLENDORA MEDICAL PHARMACY and PARAMJIT
19 RANDHAWA are subject to disciplinary action under sections 4059.5(a) and 4301(j) and/or (o),
20 and/or Health and Safety Code section 11209(a), in that from October 2011 through April 2013,
21 deliveries of dangerous drugs and/or Schedule II-IV controlled substances, from Associated
22 Pharmacies Inc. (API) to Glendora Medical Pharmacy were signed for and received by non-
23 pharmacists. Complainant refers to, and by this reference incorporates, the allegations set forth
24 above in paragraph 26 as though set forth fully.

25 **THIRD CAUSE FOR DISCIPLINE**

26 **(Failure to Maintain Security of Pharmacy)**

27 29. Respondent GLENDORA MEDICAL PHARMACY is subject to disciplinary action
28 under section 4300 for unprofessional conduct as defined in section 4301, subdivision (o), in

1 conjunction with California Code of Regulations, title 16, section 1714, subdivision (b), for
2 failing to maintain its facilities, space, fixtures, and/or equipment so that drugs are safely and
3 properly prepared, and secured to maintain effective controls to prevent theft or diversion.
4 Complainant refers to, and by this reference incorporates, the allegations set forth above in
5 paragraph 26 as though set forth fully.

6 **FOURTH CAUSE FOR DISCIPLINE**

7 **(Failure to Maintain Security of Controlled Substances)**

8 30. Respondent PARAMJIT RANDHAWA is subject to disciplinary action under section
9 4300 for unprofessional conduct as defined in section 4301, subdivision (o), in conjunction with
10 section 4115, subdivision (h) and California Code of Regulations, title 16, section 1714,
11 subdivision (d), for failing to secure the prescription department and provide effective controls to
12 prevent theft or diversion. Complainant refers to, and by this reference incorporates, the
13 allegations set forth above in paragraph 26 as though set forth fully.

14 **FIFTH CAUSE FOR DISCIPLINE**

15 **(Conviction of a Substantially Related Crime)**

16 31. Respondent HEATHER EVARDOME is subject to disciplinary action under sections
17 4301, subdivision (l) and 490, in conjunction with California Code of Regulations, title 16,
18 section 1770, in that she was convicted of a crime substantially related to the qualifications,
19 functions or duties of a pharmacy technician. Complainant refers to, and by this reference
20 incorporates, the allegations set forth above in paragraph 26 as though set forth fully.

21 **SIXTH CAUSE FOR DISCIPLINE**

22 **(Furnishing Dangerous Drugs Without a Prescription)**

23 32. Respondent HEATHER EVARDOME is subject to disciplinary action under section
24 4059, subdivisions (a), and 4301, subdivisions (j) and (o), in that she furnished dangerous drugs
25 to herself without a valid prescription. Specifically, on April 18, 2013, a home search at her
26 residence by Glendora Police Department revealed that Respondent had in her possession the
27 following dangerous drugs: (i) 96 tablets of benzonatate 100mg, (ii) 11 tablets of benzonatate
28

1 200mg, and (iii) 34 tablets of Librax. Complainant refers to, and by this reference incorporates,
2 the allegations set forth above in paragraph 26 as though set forth fully.

3 **SEVENTH CAUSE FOR DISCIPLINE**

4 **(Unlawful Possession and Sale of Controlled Substances)**

5 33. Respondent HEATHER EVARDOME is subject to disciplinary action under section
6 4301, subdivisions (f) and (j), on the grounds of unprofessional conduct for violating section
7 4060 in conjunction with Health and Safety Code sections 11350(a) and 11351, in that she
8 committed acts involving moral turpitude, dishonesty, fraud, deceit or corruption. Complainant
9 refers to, and by this reference incorporates, the allegations set forth above in paragraph 26 as
10 though set forth fully.

11 **EIGHTH CAUSE FOR DISCIPLINE**

12 **(Unprofessional Conduct-Dishonesty and Fraud)**

13 34. Respondent HEATHER EVARDOME is subject to disciplinary action under
14 Business and Professions Code section 4301 subdivision (f) for obtaining controlled substances
15 through theft and dishonesty. Complainant refers to, and by this reference incorporates, the
16 allegations set forth above in paragraph 26 as though set forth fully.

17 **PRAYER**

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

- 20 1. Revoking or suspending Pharmacy Permit Number PHY 47517, issued to H P
21 Badesha Co., dba Glendora Medical Pharmacy;
- 22 2. Revoking or suspending Pharmacist License No. RPH 45898, issued to Paramjit Kaur
23 Randhawa;
- 24 3. Revoking or suspending Pharmacist Technician Registration No. TCH 13938, issued
25 to Heather Maureen Evardome;
- 26 4. Ordering H P Badesha Co., dba Glendora Medical Pharmacy, Paramjit Kaur
27 Randhawa, and Heather Maureen Evardome to pay the Board of Pharmacy the reasonable costs
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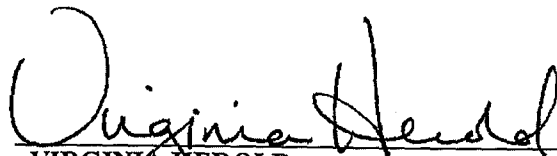
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of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED:

3/11/16



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

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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:

Case No. 5239

**H P BADESHA CO. , dba GLENDORA
MEDICAL PHARMACY**
130 W. Alostia Ave., Rte. 66
Glendora, CA 91740

ACCUSATION

Original Permit Number PHY 47517

and

PARAMJIT KAUR RANDHAWA
President and Pharmacist-In-Charge
1302 Covina Hills Road
Covina, CA 91722

Pharmacy Permit No. PHY 45898

and

HEATHER MAUREEN EVARDOME
201 E. Arrow, Hwy. #32
Glendora, CA 91740

Pharmacy Technician License No. TCH 13938

Respondents.

1 Complainant alleges:

2 **PARTIES**

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

5 2. On or about April 11, 2006, the Board of Pharmacy issued Pharmacy Permit Number
6 PHY 47517 to H P Badesha Co., dba Glendora Medical Pharmacy and Paramjit Kaur Randhawa
7 (Respondent Pharmacy). Paramjit Kaur Randhawa is and has been the President and Pharmacist-
8 In-Charge since April 11, 2006. The Pharmacy Permit was in full force and effect at all times
9 relevant to the charges brought herein and will expire on April 1, 2015, unless renewed.

10 3. On or about November 2, 1992, the Board issued Pharmacist License No. RPH 45898
11 to Paramjit Kaur Randhawa (Respondent Randhawa). The Pharmacist License was in full force
12 and effect at all times relevant to the charges brought herein and will expire on September 30,
13 2016, unless renewed.

14 4. On or about September 6, 1994, the Board issued Pharmacy Technician Registration
15 Number TCH 13938 to Heather Maureen Evardome (Respondent Evardome). The Pharmacy
16 License was in full force and effect at all times relevant to the charges brought herein and expired
17 on May 31, 2014, and has not been renewed.

18 **JURISDICTION**

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

22 6. Section 4011 of the Code provides that the Board shall administer and enforce both
23 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances
24 Act [Health & Safety Code, § 11000 et seq.].

25 7. Section 4300(a) of the Code provides that every license issued by the Board may be
26 suspended or revoked.

27 8. Section 118(b) of the Code provides, in pertinent part, that the suspension, expiration,
28 surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a

1 disciplinary action during the period within which the license may be renewed, restored, reissued
2 or reinstated. Section 4402(a) of the Code provides that any pharmacist license that is not
3 renewed within three years following its expiration may not be renewed, restored, or reinstated
4 and shall be canceled by operation of law at the end of the three-year period. Section 4402(e) of
5 the Code provides that any other license issued by the Board may be canceled by the Board if not
6 renewed within 60 days after its expiration, and any license canceled in this fashion may not be
7 reissued but will instead require a new application to seek reissuance.

8 **STATUTORY AND REGULATORY PROVISIONS**

9 9. Section 4005 of the Code states:

10 "The board may adopt rules and regulations, not inconsistent with the laws of this state, as
11 may be necessary for the protection of the public. Included therein shall be the right to adopt rules
12 and regulations as follows: for the proper and more effective enforcement and administration of
13 this chapter; pertaining to the practice of pharmacy; relating to the sanitation of persons and
14 establishments licensed under this chapter; pertaining to establishments wherein any drug or
15 device is compounded, prepared, furnished, or dispensed; providing for standards of minimum
16 equipment for establishments licensed under this chapter; pertaining to the sale of drugs by or
17 through any mechanical device; and relating to pharmacy practice experience necessary for
18 licensure as a pharmacist."

19 10. Section 4059, subdivision (a) of the Code states:

20 "A person may not furnish any dangerous drug, except upon the prescription of a physician,
21 dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7. A
22 person may not furnish any dangerous device, except upon the prescription of a physician,
23 dentist, podiatrist, optometrist, veterinarian; or naturopathic doctor pursuant to Section 3640.7."

24 11. Section 4059.5, subdivision (a) of the Code states:

25 "Except as otherwise provided in this chapter, dangerous drugs or dangerous devices may
26 only be ordered by an entity licensed by the board and shall be delivered to the licensed premises
27 and signed for and received by a pharmacist. Where a licensee is permitted to operate through a
28 designated representative, the designated representative shall sign for and receive the delivery."

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12. Code section 4060 provides, in pertinent part, that no person shall possess any controlled substance, except that furnished upon a valid prescription/drug order.

13. Section 4081, subdivision (a) of the Code states:

“All records of manufacture and of sale, acquisition, receipt, shipment, or disposition of dangerous drugs or dangerous devices shall be at all times during business hours open to inspection by authorized officers of the law, and shall be preserved for at least three years from the date of making. A current inventory shall be kept by every manufacturer, wholesaler, third-party logistics provider, pharmacy, veterinary food-animal drug retailer, physician, dentist, podiatrist, veterinarian, laboratory, clinic, hospital, institution, or establishment holding a currently valid and unrevoked certificate, license, permit, registration, or exemption under Division 2 (commencing with Section 1200) of the Health and Safety Code or under Part 4 (commencing with Section 16000) of Division 9 of the Welfare and Institutions Code who maintains a stock of dangerous drugs or dangerous devices.”

14. Section 4115, subdivision (h) of the Code states:

“The pharmacist on duty shall be directly responsible for the conduct of a pharmacy technician supervised by that pharmacist.”

15. Section 4301 of the Code provides, in pertinent part, that the Board shall take action against any holder of a license who is guilty of “unprofessional conduct,” defined to include, but not be limited to; any of the following:

....

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

....

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

....

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

18
19 (o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
20 violation of or conspiring to violate any provision or term of this chapter or of the applicable
21 federal and state laws and regulations governing pharmacy, including regulations established by
22 the board or by any other state or federal regulatory agency.

23 16. California Code of Regulations, title 16, section 1714, subdivision (b) provides that
24 each pharmacy licensed by the board shall maintain its facilities, space, fixtures, and equipment
25 so that drugs are safely and properly prepared; maintained, secured and distributed.

26 17. California Code of Regulations, title 16, section 1714, subdivision (d) provides that
27 each pharmacist licensed by the board shall be responsible for the security of the prescription
28 department, including provisions for effective control against theft or diversion of dangerous

1 drugs and devices, and records for such drugs and devices, and that possession of a key to the
2 pharmacy where dangerous drugs and controlled substances are stored shall be restricted to a
3 pharmacist.

4 18. California Code of Regulations, title 16, section 1718, states:

5 "Current Inventory" as used in Sections 4081 and 4332 of the Business and Professions
6 Code shall be considered to include complete accountability for all dangerous drugs handled by
7 every licensee enumerated in Sections 4081 and 4332.

8 The controlled substances inventories required by Title 21, CFR, Section 1304 shall be
9 available for inspection upon request for at least 3 years after the date of the inventory."

10 19. Health and Safety Code section 11209, subdivision (a) states:

11 "No person shall deliver Schedule II, III, or IV controlled substances to a pharmacy or
12 pharmacy receiving area, nor shall any person receive controlled substances on behalf of a
13 pharmacy unless, at the time of delivery, a pharmacist or authorized receiving personnel signs a
14 receipt showing the type and quantity of the controlled substances received. Any discrepancy
15 between the receipt and the type or quantity of controlled substances actually received shall be
16 reported to the delivering wholesaler or manufacturer by the next business day after delivery to
17 the pharmacy."

18 20. Health and Safety Code section 11350, subdivision (a) states:

19 "Except as otherwise provided in this division, every person who possesses (1) any
20 controlled substance specified in subdivision (b), (c), (e), or paragraph (1) of subdivision (f) of
21 Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or
22 specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section
23 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic
24 drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian
25 licensed to practice in this state, shall be punished by imprisonment in a county jail for not more
26 than one year, except that such person shall instead be punished pursuant to subdivision (h) of
27 Section 1170 of the Penal Code if that person has one or more prior convictions for an offense
28 specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 of

1 the Penal Code or for an offense requiring registration pursuant to subdivision (c) of Section 290
2 of the Penal Code.”

3 21. Health and Safety Code section 11351, states:

4 “Except as otherwise provided in this division, every person who possesses for sale or
5 purchases for purposes of sale (1) any controlled substance specified in subdivision (b), (c), or (e)
6 of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054,
7 or specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section
8 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic
9 drug, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal
10 Code for two, three, or four years.”

11 22. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
12 administrative law judge to direct a licentiate found to have committed a violation of the licensing
13 act to pay a sum not to exceed its reasonable costs of investigation and enforcement.

14 **CONTROLLED SUBSTANCES / DANGEROUS DRUGS**

15 23. Section 4021 of the Code states:

16 “‘Controlled substance’ means any substance listed in Chapter 2 (commencing with Section
17 11053) of Division 10 of the Health and Safety Code.”

18 24. Section 4022 of the Code states, in pertinent part:

19 “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for self use,
20 except veterinary drugs that are labeled as such, and includes the following:

21 “(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing without
22 prescription,’ ‘Rx only,’ or words of similar import.

23 “(c) Any other drug or device that by federal or state law can be lawfully dispensed only on
24 prescription or furnished pursuant to Section 4006.”

25 25. **Norco, Vicodin, Vicodin ES**, are among the brand names for compounds of varying
26 dosages of acetaminophen (aka APAP) and **hydrocodone**, a Schedule III controlled substance as
27 designated by Health and Safety Code section 11056(e)(4) and dangerous drug as designated by
28

1 Business and Professions Code section 4022. The varying compounds are also known
2 generically as **Hydrocodone with APAP**. These are all narcotic drugs.

3 26. **Alprazolam** (brand name **Xanax**) is a Schedule IV controlled substance as
4 designated by Health and Safety Code section 11057(d)(1) and a dangerous drug as designated by
5 Business and Professions Code section 4022. It is an anti-anxiety agent.

6 **SUMMARY OF FACTS**

7 27. The following facts are common to all charges in the Accusation:

8 a. On or about April 9, 2013, Respondents filed a "Report of Theft or Loss of
9 Controlled Substances" ("Report") with the Board, in which they reported significant losses of
10 drug stock which were attributed to theft by a former employee, pharmacy technician Heather
11 Evardome, who was criminally prosecuted and convicted on January 10, 2014 of violating Penal
12 Code section 487(a)(Grand theft by embezzlement) a felony, for said theft in the criminal case
13 entitled *The People of the State of California v. Heather Maureen Evardome* (Super. Ct. Los
14 Angeles County, 2014, Case No.: KA103461).

15 b. In that Report, Respondents indicated that on or about April 3, 2013, Respondent
16 GLENDORA MEDICAL PHARMACY discovered a discrepancy of
17 hydrocodone/acetaminophen tablets in that there was an unusually high order of this drug. On or
18 about that date, Respondent Paramjit confronted Respondent Evardome regarding the
19 discrepancy. Later, Respondent Evardome admitted taking drugs from the pharmacy, which
20 resulted in her termination from the pharmacy. Respondent Evardome admitted that she made
21 and received delivery of unauthorized orders of Norco tablets.

22 c. Respondent Evardome was interviewed by Board Inspector S. Desai and by
23 officers from the Glendora Police Department and admitted that she had been taking Norco
24 tablets from the pharmacy for over 2 years. Initially, she was giving them to friends who needed
25 the medication, but could not afford it. Later, she started to sell the Norco drug to make money.

26 d. Prior to April 3, 2013, Respondent Glendora Medical Pharmacy paid for some
27 of Respondent Evardome's unauthorized orders, having failed to notice unauthorized entries on
28

1 pharmacy invoices. Respondent Evardome destroyed the purchase invoices showing Norco
2 tablets to conceal diversion and theft.

3 e. Commencing on or around September 2013, a drug audit was performed by
4 Board Inspector S. Desai. The drugs that were audited were hydrocodone/acetaminophen,
5 Alprazolam, and Lorazepam. The audit period was from April 25, 2011 through April 4, 2013.
6 The audit revealed a theft of over 93,000 tablets of hydrocodone/acetaminophen.

7 Drug	8 Inventory Count (4/25/2011)	9 Total Purchases (4/25/2011- 4/4/2013)	10 Total Sales (4/25/2011 - 4/4/2013)	11 Expected on Hand Inventory	12 Actual Inventory Count (4/4/2013)	13 Variance
14 HC/AP 10/325	300	128,300	36,778	91,822	1,151	(-) 90,671
15 HC/AP 7.5/750	400	42,900	40,138	3,162	860	(-)2,302
16 HC/AP 5/325mg	110	2,400	2,643	-133	587	(+) 720
17 lorazepam 1mg	900	9,100	10,654	-654	800	(+) 1,454
18 alprazolam 0.25mg	900	8,000	7,608	1,292	511	(-) 781
19 alprazolam 2mg	450	3,000	2,960	490	120	(-) 370

22
23 **FIRST CAUSE FOR DISCIPLINE**

24 **(Failure to Maintain Complete and Accurate Records)**

25 28. Respondents GLENDORA MEDICAL PHARMACY and PARAMJIT
26 RANDHAWA are subject to disciplinary action under section 4300 for unprofessional conduct as
27 defined in section 4301, subdivisions (j) and (o), in conjunction with section 4081 and California
28 Code of Regulations, title 16, section 1718 for failure to maintain a complete and accurate record

1 for all controlled substances/dangerous drugs received, sold, or otherwise disposed. As described
2 in paragraph 27 above, Respondents were unable to account for all controlled substances and
3 dangerous drugs, per an audit performed by Board Inspector S. Desai. The audit period was
4 between April 25, 2011 through April 4, 2013, and revealed that (i) 90,671 tablets of
5 hydrocodone/acetaminophen 10/325mg; (ii) 2,302 tablets of hydrocodone/acetaminophen
6 7.5/750mg; (iii) 781 tablets of alprazolam 0.25mg; and (iv) 370 tablets of alprazolam 2mg had
7 been ordered and received but were not in stock and unaccounted for.

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Failure to Maintain Complete Acquisition/Disposition Records)**

10 29. Respondents GLENDORA MEDICAL PHARMACY and PARAMJIT
11 RANDHAWA are subject to disciplinary action under section 4300 for unprofessional conduct as
12 defined in section 4301, subdivisions (j) and (o), and in conjunction with section 4081,
13 subdivision (a), for failure to maintain all records of acquisition and disposition for three (3) years
14 from date of making and to keep a current inventory of dangerous drugs. While Respondents'
15 employee may have destroyed purchase invoices to conceal diversion and theft, neither the
16 destroyed invoices, nor the large volume of controlled substances ordered and delivered to the
17 pharmacy but missing from the stock -- were discovered for almost 2 years, as described in
18 paragraph 27 above. A Board audit during the period from April 25, 2011 and April 4, 2013
19 showed that Glendora Medical Pharmacy could not account for an inventory overage (disposition
20 greater than acquisition) of (i) 720 tablets of hydrocodone/acetaminophen 5/325mg; and (ii) 1,454
21 tablets of lorazepam 1mg.

22 **THIRD CAUSE FOR DISCIPLINE**

23 **(Deliveries Of Dangerous Drugs Signed For And Received By Non-Pharmacists)**

24 30. Respondents GLENDORA MEDICAL PHARMACY and PARAMJIT
25 RANDHAWA are subject to disciplinary action under sections 4059.5(a) and 4301(j) and/or (o),
26 and/or Health and Safety Code section 11209(a), in that from October 2011 through April 2013,
27 deliveries of dangerous drugs and/or Schedule II-IV controlled substances, from Associated
28

1 Pharmacies Inc. (Apirx) to Glendora Medical Pharmacy were signed for and received by non-
2 pharmacists, as described in paragraph 27, above.

3 **FOURTH CAUSE FOR DISCIPLINE**

4 **(Failure to Maintain Security of Pharmacy)**

5 31. Respondents GLENDORA MEDICAL PHARMACY and PARAMJIT
6 RANDHAWA are subject to disciplinary action under section 4300 for unprofessional conduct as
7 defined in section 4301, subdivision (o), in conjunction with section 4005, section 4115,
8 subdivision (h) and California Code of Regulations, title 16, section 1714, subdivision (b), for
9 failing to maintain its facilities, space, fixtures, and equipment so that drugs are safely and
10 properly prepared, maintained, and secured. Respondents failed to secure and maintain its
11 facilities from an unauthorized employee ordering controlled substances, destroying controlled
12 substance acquisition invoices, and unlawfully distributing controlled substances, as described in
13 paragraph 27, above.

14 **FIFTH CAUSE FOR DISCIPLINE**

15 **(Failure to Maintain Security of Controlled Substances)**

16 32. Respondent PARAMJIT RANDHAWA is subject to disciplinary action under section
17 4300 for unprofessional conduct as defined in section 4301, subdivision (o), in conjunction with
18 section 4005, section 4115, subdivision (h) and California Code of Regulations, title 16, section
19 1714, subdivision (d), for failing to secure the prescription department and provide effective
20 controls to prevent theft or diversion of: (i) 90,671 tablets of hydrocodone/acetaminophen
21 7.5/750mg, (ii) 781 tablets of alprazolam 0.25mg; and (iii) 370 tablets of alprazolam 2mg,
22 controlled substances and dangerous drugs; and maintain records for such drugs, as described in
23 paragraphs 27 - 31, above.

24 **SIXTH CAUSE FOR DISCIPLINE**

25 **(Conviction of a Substantially Related Crime)**

26 33. Respondent HEATHER EVARDOME is subject to disciplinary action under sections
27 4301, subdivision (l) and 490, in conjunction with California Code of Regulations, title 16,
28 section 1770, in that Respondent has been convicted of a crime substantially related to the

1 qualifications, functions or duties of a pharmacy technician, as described in paragraph 27, above.

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SEVENTH CAUSE FOR DISCIPLINE

(Furnishing Dangerous Drugs Without a Prescription)

34. Respondent HEATHER EVARDOME is subject to disciplinary action under section 4059, subdivisions (a), and 4301, subdivisions (j) and (o), in that she furnished dangerous drugs to herself without a valid prescription, as described in paragraph 27, above. Specifically, on April 18, 2013, a home search at her residence by Glendora Police Department revealed that Respondent had in her possession the following dangerous drugs: (i) 96 tablets of benzonatate 100mg, (ii) 11 tablets of benzonatate 200mg, and (iii) 34 tablets of Librax.

EIGHTH CAUSE FOR DISCIPLINE

(Unlawful Possession and Sale of Controlled Substances)

35. Respondent HEATHER EVARDOME is subject to disciplinary action under section 4301, subdivisions (f) and (j), on the grounds of unprofessional conduct for violating section 4060 in conjunction with Health and Safety Code sections 11350(a) and 11351, in that she committed acts involving moral turpitude, dishonesty, fraud, deceit or corruption. Specifically, between April 25, 2011 and April 4, 2013, Respondent stole an unknown quantity of hydrocodone/acetaminophen while working as a pharmacy technician at Glendora Medical Pharmacy. Respondent admitted to the theft and resale of controlled substances (hydrocodone/acetaminophen 10/325mg) from Glendora Medical Pharmacy, as described in paragraph 27, above.

NINTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct-Dishonesty and Fraud)

36. Respondent HEATHER EVARDOME is subject to disciplinary action under section Business and Professions Code 4301 subdivision (f) for obtaining controlled substances through theft and dishonesty, as set forth in paragraph 27.

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 Pharmacy Permit Number PHY 47517, issued to H P Badesha Co., dba Glendora Medical Pharmacy;

2. Revoking or suspending Pharmacist License No. RPH 45898, issued to Paramjit Kaur Randhawa;

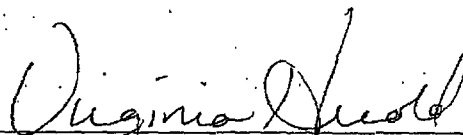
3. Revoking or suspending Pharmacist Technician Registration No. TCH 13938, issued to Heather Maureen Evardome;

4. Ordering H P Badesha Co., dba Glendora Medical Pharmacy, Paramjit Kaur Randhawa, and Heather Maureen Evardome to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: _____

5/28/15



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

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