

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

In the Matter of the Accusation Against:

**LIVE OAK PHARMACY
RANJIT SINGH, Owner/Pharmacist-In-Charge
9970 Live Oak Blvd.
Live Oak, CA 95953**

Original Pharmacy Permit No. PHY 45317

**RANJIT SINGH
3215 Pennington Road
Live Oak, CA 95953**

Original Pharmacist License No. RPH 46870

Respondents.

Case No. 5527

OAH No. 2016041126

DECISION AND ORDER

The attached Stipulated Surrender of License and 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 June 8, 2017.

It is so ORDERED on May 9, 2017.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

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Attorney General of California
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Supervising Deputy Attorney General
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9 **BEFORE THE**
BOARD OF PHARMACY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the First Amended Accusation
12 Against:

Case No. 5527

13 **LIVE OAK PHARMACY**
14 **RANJIT SINGH, Owner/Pharmacist-In-**
Charge
15 **9970 Live Oak Blvd.**
Live Oak, CA 95953

OAH No. 2016041126

STIPULATED SURRENDER OF
LICENSE AND ORDER

16 **Original Pharmacy Permit No. PHY 45317**

17 **and**

18 **RANJIT SINGH**
19 **3215 Pennington Road**
Live Oak, CA 95953

20 **Original Pharmacist License No. RPH 46870**

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

25 PARTIES

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

1 Xavier Becerra, Attorney General of the State of California, by Phillip L. Arthur, Deputy
2 Attorney General.

3 2. Ranjit Singh (Respondent), owner/pharmacist-in-charge of Live Oak Pharmacy, is
4 represented in this proceeding by attorney Herbert L. Weinberg, Esq., whose address is 1990 S.
5 Bundy Drive, Suite 777, Los Angeles, CA 90025.

6 3. On or about April 12, 2001, the Board issued Original Pharmacy Permit Number
7 PHY 45317 to Respondent, owner and pharmacist-in-charge of Live Oak Pharmacy. The original
8 pharmacy permit was in full force and effect at all times relevant to the charges brought herein,
9 and was canceled on January 3, 2017.

10 4. On or about March 7, 1994, the Board issued Original Pharmacist License Number
11 RPH 46870 to Respondent. The original pharmacist license was in full force and effect at all
12 times relevant to the charges brought herein and will expire on March 31, 2018, unless renewed.

13 JURISDICTION

14 5. First Amended Accusation No. 5527 was filed before the (Board), and is currently
15 pending against Respondent. The First Amended Accusation and all other statutorily required
16 documents were properly served on Respondent on February 8, 2017. Respondent timely filed
17 his Notice of Defense contesting the First Amended Accusation. A copy of First Amended
18 Accusation No. 5527 is attached as Exhibit A and incorporated by reference.

19 ADVISEMENT AND WAIVERS

20 6. Respondent has carefully read, fully discussed with counsel, and understands the
21 charges and allegations in First Amended Accusation No. 5527. Respondent also has carefully
22 read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of
23 License and Order.

24 7. Respondent is fully aware of his legal rights in this matter, including the right to a
25 hearing on the charges and allegations in the First Amended Accusation; the right to confront and
26 cross-examine the witnesses against him; the right to present evidence and testify on his own
27 behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the
28 production of documents; the right to reconsideration and court review of an adverse decision;

1 and all other rights accorded by the California Administrative Procedure Act and other applicable
2 laws.

3 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
4 every right set forth above.

5 CULPABILITY

6 9. Respondent understands that the charges and allegations in First Amended
7 Accusation No. 5527, if proven at a hearing, constitute cause for imposing discipline upon his
8 Original Pharmacy Permit and Original Pharmacist License.

9 10. For the purpose of resolving the First Amended Accusation without the expense and
10 uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could
11 establish a factual basis for the charges in the First Amended Accusation and that those charges
12 constitute cause for discipline. Respondent hereby gives up his right to contest that cause for
13 discipline exists based on those charges.

14 11. Respondent understands that by signing this stipulation he enables the Board to issue
15 an order accepting the surrender of his Original Pharmacy Permit and Original Pharmacist
16 License without further process.

17 CONTINGENCY

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

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1 for three (3) years from the effective date of this Decision. Respondent stipulates that should he
2 apply for any license from the Board on or after the effective date of this Decision, all allegations
3 set forth in the First Amended Accusation shall be deemed to be true, correct, and admitted by
4 Respondent when the Board determines whether to grant or deny the application. Respondent
5 shall satisfy all requirements applicable to that license as of the date the application is submitted
6 to the Board, including, but not limited to, taking and passing the California Pharmacist Licensure
7 Examination prior to the issuance of a new license. Respondent is required to report this
8 surrender as disciplinary action.

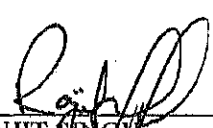
9 5. If Respondent should ever apply or reapply for a new license or certification, or
10 petition for reinstatement of a license, by any other health care licensing agency in the State of
11 California, all of the charges and allegations contained in First Amended Accusation No. 5527
12 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement
13 of Issues or any other proceeding seeking to deny or restrict licensure.

14 6. If Respondent applies for licensure or petitions for reinstatement of his licenses with
15 the Board, he shall pay the agency its costs of investigation and enforcement in the amount of
16 \$21,474.50 prior to issuance of a new or reinstated license.

17 ACCEPTANCE

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


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24 DATED: 4-13-2017

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26 RANJIT SINGH
27 OWNER AND PHARMACIST-IN-CHARGE OF
28 LIVE OAH PHARMACY
Respondent

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I have read and fully discussed with Respondent Ranjit Singh, owner and pharmacist-in-charge of Live Oak Pharmacy, the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 4/12/17


HERBERT L. WEINBERG, ESQ.
Attorney for Respondent

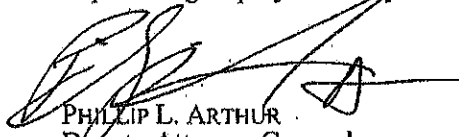
ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Dated: 4/13/17

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
KENT D. HARRIS
Supervising Deputy Attorney General


PHILLIP L. ARTHUR
Deputy Attorney General
Attorneys for Complainant

SA2015104280/

Exhibit A

First Amended Accusation No. 5527

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2 KENT D. HARRIS
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7 *Attorneys for Complainant*

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

11 In the Matter of the First Amended Accusation
Against:

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12 **LIVE OAK PHARMACY**
13 **RANJIT SINGH, Owner/Pharmacist-In-Charge**
9970 Live Oak Blvd.
14 Live Oak, CA 95953

FIRST AMENDED ACCUSATION

15 **Original Pharmacy Permit No. PHY 45317**

16 and

17 **RANJIT SINGH**
3215 Pennington Road
18 Live Oak, CA 95953

19 **Original Pharmacist License No. RPH 46870**

20 Respondents.

21 Complainant alleges:

22 **PARTIES**

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

25 2. On or about April 12, 2001, the Board issued Original Pharmacy Permit Number
26 PHY 45317 to Ranjit Singh ("Respondent"), owner and pharmacist-in-charge of Live Oak
27 Pharmacy. The original pharmacy permit was in full force and effect at all times relevant to the.
28

1 charges brought herein, and was canceled on January 3, 2017.

2 3. On or about March 7, 1994, the Board issued Original Pharmacist License Number
3 RPH 46870 to Respondent. The original pharmacist license was in full force and effect at all
4 times relevant to the charges brought herein and will expire on March 31, 2018, unless renewed.

5 **JURISDICTION**

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

9 5. Code section 4300 states, in pertinent part:

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

11 (b) The board shall discipline the holder of any license issued by the
12 board, whose default has been entered or whose case has been heard by the board and
found guilty, by any of the following methods:

13 (1) Suspending judgment.

14 (2) Placing him or her upon probation.

15 (3) Suspending his or her right to practice for a period not exceeding one
16 year.

17 (4) Revoking his or her license.

18 (5) Taking any other action in relation to disciplining him or her as the
board in its discretion may deem proper

19 6. Code section 4300.1 states:

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

24 7. Section 4307(a) of the Code states that:

25 Any person who has been denied a license or whose license has been
26 revoked or is under suspension, or who has failed to renew his or her license while it
was under suspension, or who has been a manager, administrator, owner member,
27 officer, director, associate, or partner of any partnership, corporation, firm, or
association whose application for a license has been denied or revoked, is under
28 suspension or has been placed on probation, and while acting as the manger,
administrator, owner, member, officer, director, associate, or partner had knowledge

1 or knowingly participated in any conduct for which the license was denied, revoked,
2 suspended, or placed on probation, shall be prohibited from serving as a manager,
3 administrator, owner, member, officer, director, associate, or partner of a licensee as
4 follows:

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

8 (2) Where the license is denied or revoked, the prohibition shall continue
9 until the license is issued or reinstated.

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11 STATUTORY AND REGULATORY PROVISIONS

12 8. Code section 4301 states, in pertinent part:

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

17 ...

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

23 9. Code section 4113, subdivision (c), states that, "[t]he pharmacist-in-charge shall be
24 responsible for a pharmacy's compliance with all state and federal laws and regulations pertaining
25 to the practice of pharmacy."

26 10. Health and Safety Code section 11153, subdivision (a), states, in pertinent part:

27 A prescription for a controlled substance shall only be issued for a
28 legitimate medical purpose by an individual practitioner acting in the usual course of
his or her professional practice. The responsibility for the proper prescribing and
dispensing of controlled substances is upon the prescribing practitioner, but a
corresponding responsibility rests with the pharmacist who fills the prescription

11 California Code of Regulations, title 16, section 1709.1, subdivision (a), states that,
"[t]he pharmacist-in-charge of a pharmacy shall be employed at that location and shall have
responsibility for the daily operation of the pharmacy."

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1 12. California Code of Regulations, title 16, section 1761, states:

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

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

7 **COST RECOVERY**

8 13. Code section 125.3 provides, in pertinent part, that a Board may request the
9 administrative law judge to direct a licensee found to have committed a violation or violations of
10 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
11 enforcement of the case.

12 **CONTROLLED SUBSTANCES**

13 14. "Methadone" is a Schedule II controlled substance as designated by Health and
14 Safety Code section 11055, subdivision (c)(14).

15 15. "Morphine Sulfate IR (immediate release)" is a Schedule II controlled substance as
16 designated by Health and Safety Code section 11055, subdivision (b)(1)(L).

17 16. "Morphine Sulfate ER (extended release)" is a Schedule II controlled substance as
18 designated by Health and Safety Code section 11055, subdivision (b)(1)(L).

19 17. "Oxycodone" is a Schedule II controlled substance as designated by Health and
20 Safety Code section 11055, subdivision (b)(1)(M).

21 18. "Hydromorphone" is a Schedule II controlled substance as designated by Health and
22 Safety Code section 11055, subdivision (b)(1)(J).

23 19. "Fentanyl" is a Schedule II controlled substance as designated by Health and Safety
24 Code section 11055, subdivision (c)(8).

25 20. "Norco" is a compound consisting of 10 mg hydrocodone bitartrate, also known as
26 dihydrocodeinone, and 325 mg acetaminophen per tablet. At the time of the incidents described
27 below, Norco was classified as a Schedule III controlled substance pursuant to Health and Safety
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1 Code section 11056, subdivision (e)(4).¹

2 **STATEMENT OF FACTS**

3 21. On or about November 15, 2013, the Medical Board of California revoked Dr. A. L.'s
4 physician's and surgeon's certificate. The revocation was stayed and Dr. A. L. was placed on
5 probation for five years. Dr. A. L. was also suspended from the practice of medicine for thirty
6 days. Dr. A. L. was charged in the disciplinary proceeding with prescribing excessive amounts
7 and high doses of controlled substances.

8 22. The Drug Enforcement Administration had commenced an investigation of Dr. A. L.
9 and the pharmacies that filled prescriptions for Dr. A. L.'s patients (the investigation was
10 subsequently halted due to the death of Dr. A. L. in December 2013).

11 23. A Board analyst ran CURES² reports showing Dr. A. L.'s prescribing habits. Live
12 Oak Pharmacy was identified as one of two pharmacies dispensing the most prescriptions for Dr.
13 A. L.'s patients. Dr. A. L.'s practice was located in Colusa, California, approximately 32.9 miles
14 from Live Oak Pharmacy.

15 24. On or about September 1, 2014, a Board Inspector obtained CURES information from
16 September 1, 2011 to September 5, 2014, for Live Oak Pharmacy and three other pharmacies
17 located in close proximity to Live Oak Pharmacy. The inspector selected certain patients,
18 identified in the CURES report for Live Oak Pharmacy to review based on the distance the
19 patients lived from the pharmacy, the quantities of controlled substances prescribed, the
20 combinations of controlled substances prescribed, and whether the individuals were patients of
21 Dr. A. L. The inspector also requested CURES data from September 1, 2011 to September 5,
22 2014, for each patient selected, including the following fourteen patients: TB, PM, JB, DS, MH,
23 RB, BN, KS, DM, CF, DB, JY, TF1, and TF2.

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26 ¹ Hydrocodone has been rescheduled from a Schedule III to Schedule II controlled
substance via the Controlled Substances Act (21 CFR Part 1308 § 1308.12; 21 U.S.C. 812 (c).)

27 ² CURES is a database containing information on Schedule II through IV controlled
28 substances dispensed in California. It is a valuable investigative, preventive, and educational tool
for the healthcare community, regulatory boards, and law enforcement.

1 25. On or about September 3, 2014, the inspector and another representative of the Board
2 conducted an inspection of Live Oak Pharmacy during which they were assisted by Respondent.
3 The inspector requested patient profiles for the above fourteen patients, and found in reviewing
4 the profiles that nine of the fourteen patients were from out of the area, including Shasta Lake,
5 California (113 miles away) and Granite Bay, California (fifty-six miles away). The inspector
6 obtained several hardcopy prescriptions for thirteen of the fourteen patients and requested drug
7 utilization reports (DUR's) for Dr. A. L. from January 1, 2012 to September 3, 2014. On or about
8 September 24, 2014, the inspector received the DUR's from Respondent.

9 26. The inspector reviewed the CURES reports for Live Oak Pharmacy and the three
10 other pharmacies located in close proximity to Live Oak Pharmacy, and created spreadsheets
11 based on the data. The inspector compared the total number of controlled substances dispensed
12 by the pharmacies with the total number of controlled substances written by Dr. A. L. for the
13 period from September 1, 2011 to September 5, 2014, and found that Live Oak Pharmacy
14 dispensed more of Dr. A. L.'s prescriptions than any of the other pharmacies.

15 27. The inspector created a chart showing the round trip distance from the fourteen
16 patients' homes to Dr. A. L.'s office in Colusa and Live Oak Pharmacy. Only five of the fourteen
17 patients lived in Live Oak Pharmacy's trade area, defined by Respondent as Yuba City, Gridley,
18 and Live Oak. The shortest distance traveled for the fourteen patients was 64.7 miles round trip;
19 the longest distance traveled was 257.9 miles round trip.

20 28. The inspector also created a chart based on the hardcopy prescriptions showing the
21 date the prescriptions were written, drug name, strength and quantity, directions, diagnosis code,
22 and duration of the patient's treatment. The inspector determined in reviewing the prescriptions,
23 CURES information, and patient profiles that Dr. A. L.'s prescribing practices showed
24 duplication in therapy, and the same combinations of drugs were prescribed for multiple patients,
25 including fentanyl 100 mcg/h, morphine ER 100 mg or 200 mg, methadone 10 mg, oxycodone 30
26 mg, hydromorphone 8 mg, and morphine IR 30 mg. On several occasions, Dr. A. L. prescribed
27 more than one long acting opioid or short acting opioid for the patient and would prescribe short
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1 acting opioids together. Dr. A. L. also prescribed the highest strength or dose a drug was
2 available in and prescribed large or excessive quantities of the above controlled substances.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Failure to Exercise Corresponding Responsibility for the**
5 **Proper Prescribing and Dispensing of Controlled Substances)**

6 29. Respondent's original pharmacy permit and original pharmacist license are subject to
7 disciplinary action pursuant to Code section 4301, subdivision (e), California Health and Safety
8 Code section 11153, and California Code of Regulations, title 16, section 1761, for
9 unprofessional conduct, in that Respondent violated or attempted to violate, directly or indirectly,
10 assisted in or abetted the violation of, or conspired to violate state laws and regulations governing
11 pharmacy, as follows: On and between September 1, 2011 and September 5, 2014, Respondent,
12 as a licensed pharmacist and as the owner, operator, and pharmacist-in-charge of Live Oak
13 Pharmacy, failed to exercise his corresponding responsibility for the proper prescribing and
14 dispensing of controlled substances. Specifically, Respondent dispensed, or authorized or
15 permitted the dispensing of, numerous prescriptions for controlled substances to at least fourteen
16 different patients, all of which had been issued by Dr. A. L., when Respondent knew, or had
17 objective reason to know, that the prescriptions were not issued for a legitimate medical purpose
18 as evidenced by several "red flags" or factors, including the prescribing of large or excessive
19 quantities and doses of highly abused controlled substances, duplication of therapies for
20 individual patients, multiple patients receiving the same drugs or combinations of drugs, and the
21 distances traveled by the patients to Dr. A. L.'s office and to Live Oak Pharmacy, in violation of
22 Health and Safety Code section 11153, subdivision (a), and California Code of Regulations, title
23 16, section 1761, subdivision (b).

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