

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

In the Matter of the Statement of Issues Against:

SANAM RASHIDI KHOZAGHI

Intern Pharmacist License Applicant

Respondent.

Case No. 6050

OAH No. 2017050600

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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 November 3, 2017.

It is so ORDERED on October 4, 2017.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

1 XAVIER BECERRA
Attorney General of California
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8
9 **BEFORE THE**
BOARD OF PHARMACY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Statement of Issues
12 Against:

13 **SANAM RASHIDI KHOZAGHI**
14 **6 Anzio**
Irvine, CA 92614

15 **Intern Pharmacist License Applicant**

16 **Pharmacy Technician Registration No. TCH**
17 **140504**

18 Respondent.

Case No. 6050

OAH No. 2017050600

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

19
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
21 entitled proceedings that the following matters are true:

22 PARTIES

23 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy
24 (Board). She brought this action solely in her official capacity and is represented in this matter by
25 Xavier Becerra, Attorney General of the State of California, by Molly E. Selway, Deputy
26 Attorney General.

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1 Respondent placed on three (3) years probation on the following terms and conditions.

2 IT IS FURTHER HEREBY ORDERED that, should Respondent subsequently be issued a
3 Pharmacist License by the Board, any remaining probation period shall apply to that Pharmacist
4 License. That is, upon satisfaction of statutory and regulatory requirements for issuance thereof, a
5 Pharmacist License shall be issued to Respondent Sanam Rashidi Khozaghi and shall be
6 immediately revoked, with the revocation stayed and Respondent placed on probation for the
7 remainder of the three (3) years originally ordered (plus any extensions), on the following terms
8 and conditions.

9 1. **Obey All Laws**

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

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

- 13 • an arrest or issuance of a criminal complaint for violation of any provision of the
14 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
15 substances laws;
- 16 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to any
17 criminal complaint, information or indictment;
- 18 • a conviction of any crime;
- 19 • discipline, citation, or other administrative action filed by any state or federal agency
20 which involves Respondent's pharmacy tech, intern pharmacist or pharmacist license
21 or which is related to the practice of pharmacy or the manufacturing, obtaining,
22 handling, distributing, billing, or charging for any drug, device or controlled
23 substance.

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

25 2. **Report to the Board**

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

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

6 **3. Interview with the Board**

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

12 **4. Cooperate with Board Staff**

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

16 **5. Continuing Education**

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

19 **6. Notice to Employers**

20 During the period of probation, Respondent shall notify all present and prospective
21 employers of the decision in case number 6050 and the terms, conditions and restrictions imposed
22 on Respondent by the decision, as follows:

23 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
24 Respondent undertaking any new employment, Respondent shall cause her direct supervisor,
25 pharmacist-in-charge (including each new pharmacist-in-charge employed during Respondent's
26 tenure of employment) and owner to report to the board in writing acknowledging that the listed
27 individual(s) has/have read the decision in case number 6050, and terms and conditions imposed
28

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

3 If Respondent works for or is employed by or through a pharmacy employment service,
4 Respondent must notify her direct supervisor, pharmacist-in-charge, and owner at every entity
5 licensed by the board of the terms and conditions of the decision in case number 6050 in advance
6 of the Respondent commencing work at each licensed entity. A record of this notification must
7 be provided to the board upon request.

8 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
9 (15) days of Respondent undertaking any new employment by or through a pharmacy
10 employment service, Respondent shall cause her direct supervisor with the pharmacy
11 employment service to report to the board in writing acknowledging that she has read the decision
12 in case number 6050 and the terms and conditions imposed thereby. It shall be Respondent's
13 responsibility to ensure that her employer(s) and/or supervisor(s) submit timely
14 acknowledgment(s) to the board.

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

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

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

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

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1 **8. 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 **9. 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 **10. License Surrender While on Probation/Suspension**

15 Following the effective date of this decision, should Respondent cease practice due to
16 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
17 Respondent may tender her license to the board for surrender. The board or its designee shall
18 have 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
23 to 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 **11. 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 **12. Tolling of Probation**

11 Except during periods of suspension, Respondent shall, at all times while on probation, be
12 employed for the following minimum number of hours per calendar month in California: If she
13 holds only an intern pharmacist license, she shall comply with school required hours to meet
14 school workload requirements. If she holds a pharmacist license, she shall be employed as a
15 pharmacist in California for a minimum of forty (40) hours per month.

16 Any month during which the applicable minimum is not met tolls the period of probation,
17 i.e., the period of probation is extended by one month for each month in which the minimum is
18 not met. During any period of tolling, Respondent must comply with all terms and conditions of
19 probation. Should Respondent, regardless of residency, for any reason (including vacation) cease
20 practicing for the applicable minimum number of hours per calendar month in California,
21 Respondent must notify the board in writing within ten (10) days of the cessation of practice, and
22 must further notify the board in writing within ten (10) days of the resumption of practice.

23 Any failure to provide such notification(s) shall be considered a violation of probation.

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

27 "Cessation of practice" means any calendar month during which Respondent is
28 not practicing as an intern pharmacist or pharmacist, as defined by Business and

1 Professions Code section 4000 et seq . for the minimum number of hours.

2 “Resumption of practice” means any calendar month during which Respondent is
3 practicing as an intern pharmacist or pharmacist as defined by Business and

4 Professions Code section 4000 et seq. for the applicable minimum number of hours.

5 **13. Violation of Probation—**

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

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

18 **14. Completion of Probation**

19 Upon written notice by the board or its designee indicating successful completion of
20 probation, Respondent’s license will be fully restored.

21 **15. Pharmacists Recovery Program (PRP)**

22 Within thirty (30) days of the effective date of this decision, Respondent shall contact the
23 Pharmacists Recovery Program (PRP) for evaluation, and shall immediately thereafter enroll,
24 successfully participate in, and complete the treatment contract and any subsequent addendums as
25 recommended and provided by the PRP and as approved by the board or its designee. The costs
26 for PRP participation shall be borne by Respondent.

27 If Respondent is currently enrolled in the PRP, said participation is now mandatory and as
28 of the effective date of this decision is no longer considered a self-referral under Business and

1 Professions Code section 4362(c)(2). Respondent shall successfully participate in and complete
2 her current contract and any subsequent addendums with the PRP.

3 Failure to timely contact or enroll in the PRP, or successfully participate in and complete
4 the treatment contract and/or any addendums, shall be considered a violation of probation.

5 Probation shall be automatically extended until Respondent successfully completes the
6 PRP. Any person terminated from the PRP program shall be automatically suspended by the
7 board. Respondent may not resume the practice of pharmacy until notified by the board in
8 writing.

9 Any confirmed positive test for alcohol or for any drug not lawfully prescribed by a
10 licensed practitioner as part of a documented medical treatment shall result in the automatic
11 suspension of practice by Respondent and shall be considered a violation of probation.
12 Respondent may not resume the practice of pharmacy until notified by the board in writing.

13 During suspension, Respondent shall not enter any pharmacy area or any portion of the
14 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of
15 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices
16 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act
17 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient
18 consultation; nor shall Respondent manage, administer, or be a consultant to any licensee of the
19 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs
20 and controlled substances. Respondent shall not resume practice until notified by the board.

21 During suspension, Respondent shall not engage in any activity that requires the
22 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the
23 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a
24 designated representative for any entity licensed by the board.

25 Subject to the above restrictions, Respondent may continue to own or hold an interest in
26 any licensed premises in which she holds an interest at the time this decision becomes effective
27 unless otherwise specified in this order.

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

1 Respondent shall pay administrative fees as invoiced by the PRP or its designee. Fees not
2 timely paid to the PRP shall constitute a violation for probation. The board will collect unpaid
3 administrative fees as part of the annual probation monitoring costs if not submitted to the PRP.

4 **16. Random Drug Screening**

5 Respondent, at her own expense, shall participate in random testing, including but not
6 limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug
7 screening program as directed by the board or its designee. Respondent may be required to
8 participate in testing for the entire probation period and the frequency of testing will be
9 determined by the board or its designee. At all times, Respondent shall fully cooperate with the
10 board or its designee, and shall, when directed, submit to such tests and samples for the detection
11 of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the board or its
12 designee may direct. Failure to timely submit to testing as directed shall be considered a violation
13 of probation. Upon request of the board or its designee, Respondent shall provide documentation
14 from a licensed practitioner that the prescription for a detected drug was legitimately issued and is
15 a necessary part of the treatment of the Respondent. Failure to timely provide such
16 documentation shall be considered a violation of probation. Any confirmed positive test for
17 alcohol or for any drug not lawfully prescribed by a licensed practitioner as part of a documented
18 medical treatment shall be considered a violation of probation and shall result in the automatic
19 suspension of practice of pharmacy by Respondent. Respondent may not resume the practice of
20 pharmacy until notified by the board in writing.

21 During suspension, Respondent shall not enter any pharmacy area or any portion of the
22 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of
23 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices
24 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act
25 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient
26 consultation; nor shall Respondent manage, administer, or be a consultant to any licensee of the
27 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs
28 and controlled substances. Respondent shall not resume practice until notified by the board.

1 During suspension. Respondent shall not engage in any activity that requires the
2 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the
3 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a
4 designated representative for any entity licensed by the board.

5 Subject to the above restrictions, Respondent may continue to own or hold an interest in
6 any licensed premises in which she holds an interest at the time this decision becomes effective
7 unless otherwise specified in this order.

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

9 **17. Abstain from Drugs and Alcohol Use**

10 Respondent shall completely abstain from the possession or use of alcohol, controlled
11 substances, dangerous drugs and their associated paraphernalia except when the drugs are
12 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon
13 request of the board or its designee, Respondent shall provide documentation from the licensed
14 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the
15 treatment of the Respondent. Failure to timely provide such documentation shall be considered a
16 violation of probation. Respondent shall ensure that she is not in the same physical location as
17 individuals who are using illicit substances even if Respondent is not personally ingesting the
18 drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia
19 not supported by the documentation timely provided, and/or any physical proximity to persons
20 using illicit substances, shall be considered a violation of probation.

21 **18. Prescription Coordination and Monitoring of Prescription Use**

22 Within thirty (30) days of the effective date of this decision, Respondent shall submit to the
23 board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,
24 physician assistant, or psychiatrist of Respondent's choice, who shall be aware of the
25 Respondent's history with the use of alcohol and who will coordinate and monitor any
26 prescriptions for Respondent for dangerous drugs, controlled substances or mood-altering drugs.
27 The approved practitioner shall be provided with a copy of the board's Statement of Issues and
28 decision. A record of this notification must be provided to the board upon request. Respondent

1 shall sign a release authorizing the practitioner to communicate with the board about
2 Respondent's treatment(s). The coordinating physician, nurse practitioner, physician assistant, or
3 psychiatrist shall report to the board on a quarterly basis for the duration of probation regarding
4 Respondent's compliance with this condition. If any substances considered addictive have been
5 prescribed, the report shall identify a program for the time limited use of any such substances.
6 The board may require that the single coordinating physician, nurse practitioner, physician
7 assistant or psychiatrist be a specialist in addictive medicine, or consult a specialist in addictive
8 medicine. Should Respondent, for any reason, cease supervision by the approved practitioner,
9 Respondent shall notify the board immediately and, within thirty (30) days of ceasing treatment,
10 submit the name of a replacement physician, nurse practitioner, physician assistant, or psychiatrist
11 of Respondent's choice to the board or its designee for its prior approval. Failure to timely
12 submit the selected practitioner or replacement practitioner to the board for approval, or to ensure
13 the required reporting thereby on the quarterly reports, shall be considered a violation of
14 probation.

15 If at any time an approved practitioner determines that Respondent is unable to practice
16 safely or independently as a pharmacist, the practitioner shall notify the board immediately by
17 telephone and follow up by written letter within three (3) working days. Upon notification from
18 the board or its designee of this determination, Respondent shall be automatically suspended and
19 shall not resume practice until notified by the board that practice may be resumed.

20 During suspension, Respondent shall not enter any pharmacy area or any portion of the
21 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of
22 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices
23 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act
24 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient
25 consultation; nor shall Respondent manage, administer, or be a consultant to any licensee of the
26 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs
27 and controlled substances. Respondent shall not resume practice until notified by the board.

28 During suspension, Respondent shall not engage in any activity that requires the

1 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the
2 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a
3 designated representative for any entity licensed by the board.

4 Subject to the above restrictions, Respondent may continue to own or hold an interest in
5 any licensed premises in which she holds an interest at the time this decision becomes effective
6 unless otherwise specified in this order.

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

8 **19. Supervised Practice**

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

14 Continuous – At least 75% of a work week

15 Substantial - At least 50% of a work week

16 Partial - At least 25% of a work week

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

18 Within thirty (30) days of the effective date of this decision, Respondent shall have her
19 supervisor submit notification to the board in writing stating that the supervisor has read the
20 decision in case number 6050 and is familiar with the required level of supervision as determined
21 by the board or its designee. It shall be the Respondent's responsibility to ensure that her
22 employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to the
23 board. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely
24 acknowledgements to the board shall be considered a violation of probation.

25 If Respondent changes employment, it shall be the Respondent's responsibility to ensure
26 that her employer(s), pharmacist-in-charge and/or supervisor(s) submit timely
27 acknowledgement(s) to the board. Respondent shall have her new supervisor, within fifteen (15)
28 days after employment commences, submit notification to the board in writing stating the direct

1 supervisor and pharmacist-in-charge have read the decision in case number 6050 and is familiar
2 with the level of supervision as determined by the board. Respondent shall not practice pharmacy
3 and her license shall be automatically suspended until the board or its designee approves a new
4 supervisor. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely
5 acknowledgements to the board shall be considered a violation of probation.

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

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

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

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

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

23 **20. No Ownership of Licensed Premises**

24 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,
25 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
26 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell
27 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)
28 days following the effective date of this decision and shall immediately thereafter provide written

1 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide
2 documentation thereof shall be considered a violation of probation.

3 ACCEPTANCE

4 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
5 discussed it with my attorney, Frederick M. Ray, Esq.. I understand the stipulation and the effect
6 it will have on my Intern Pharmacist License, and Pharmacy Technician Registration. I enter into
7 this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and
8 agree to be bound by the Decision and Order of the Board of Pharmacy.

9
10 DATED: 7-5-17 *S. Rashidi*
11 SANAM RASHIDI KHOZAGHI
Respondent

12
13 I have read and fully discussed with Respondent Sanam Rashidi Khozaghi the terms and
14 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
15 I approve its form and content.

16
17 DATED: 7/5/17 *Frederick M. Ray*
18 FREDERICK M. RAY, ESQ.
Attorney for Respondent

19
20 ENDORSEMENT

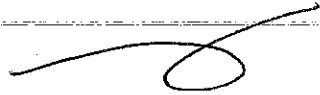
21 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
22 submitted for consideration by the Board of Pharmacy.

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Dated: 7/10/17

Respectfully submitted,
XAVIER BECERRA
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General



MOLLY E. SELWAY
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Statement of Issues No. 6050

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Attorneys for Complainant

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

12 In the Matter of the Statement of Issues Against:
13 **SANAM RASHIDI KHOZAGHI**
14 **Intern Pharmacist License Applicant**
15 Respondent.

Case No. 6050

STATEMENT OF ISSUES

16
17 Complainant alleges:

18 **PARTIES**

19 1. Virginia Herold (Complainant) brings this Statement of Issues solely in her
20 official capacity as the Executive Officer of the Board of Pharmacy (Board), Department of
21 Consumer Affairs.

22 2. On October 7, 2016, the Board received an application for an Intern Pharmacist
23 License from Sanam Rashidi Khozaghi (Respondent). On September 25, 2016, Sanam Rashidi
24 Khozaghi certified under penalty of perjury to the truthfulness of all statements, answers, and
25 representations in the application. The Board denied the application on December 23, 2016.

26 3. On August 7, 2014, the Board issued Pharmacy Technician Registration Number
27 TCH 140504 to Respondent. On June 11, 2016, Complainant issued a Citation against
28 Respondent and imposed a fine of \$1,400.00. On December 13, 2016, the Board modified the

1 fine imposed to \$750.00. The Pharmacy Technician Registration was in full force and effect at
2 all times relevant to the charges brought herein, and will expire on December 31, 2017, unless
3 renewed.

4 **JURISDICTION**

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

8 5. Code section 4300, subdivision (c) states:

9 The board may refuse a license to any applicant guilty of unprofessional conduct.

10 **STATUTORY PROVISIONS**

11 6. Code section 475 states, in pertinent part:

12 (a) Notwithstanding any other provisions of this code, the provisions
13 of this division shall govern the denial of licenses on the grounds of:

14 ...

15 (2) Conviction of a crime.

16 ...

17 (4) Commission of any act which, if done by a licentiate of the
18 business or profession in question, would be grounds for suspension or revocation
19 of license.

20

21 7. Code section 480 states, in pertinent part:

22 (a) A board may deny a license regulated by this code on the grounds
23 that the applicant has one of the following:

24 (1) Been convicted of a crime. A conviction within the meaning of
25 this section means a plea or verdict of guilty or a conviction following a plea of
26 nolo contendere. Any action that a board is permitted to take following the
27 establishment of a conviction may be taken when the time for appeal has elapsed,
28 or the judgment of conviction has been affirmed on appeal, or when an order
granting probation is made suspending the imposition of sentence, irrespective of
a subsequent order under the provisions of Section 1203.4, 1203.4a, or 1203.41 of
the Penal Code.

...

(3) (A) Done any act that if done by a licentiate of the business or
profession in question, would be grounds for suspension or revocation of license.

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8. Code section 482 states:

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

- (a) Considering the denial of a license by the board under section 480; or
- (b) Considering suspension or revocation of a license under section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

9. Code section 493 states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

As used in this section, "license" includes "certificate," "permit," "authority," and "registration."

10. Code section 4301 states, in pertinent part:

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

...

(h) The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, to a person holding a license under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by the license.

...

(k) The conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any dangerous drug or alcoholic beverage, or any combination of those substances.

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of

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

11

12 11. Code section 4313 states:

13 In determining whether to grant an application for licensure or whether to
14 discipline or reinstate a license, the board shall give consideration to evidence of
15 rehabilitation. However, public protection shall take priority over rehabilitation
16 and, where evidence of rehabilitation and public protection are in conflict, public
17 protection shall take precedence.

18 12. Code section 4314 states, in pertinent part:

19 (a) The board may issue citations containing fines and orders of abatement
20 for any violation of Section 733, for any violation of this chapter or regulations
21 adopted pursuant to this chapter, or for any violation of Division 116
(commencing with Section 150200) of the Health and Safety Code, in accordance
22 with Sections 125.9, 148, and 4005 and the regulations adopted pursuant to those
23 sections.

24 (b) Where appropriate, a citation issued by the board, as specified in this
25 section, may subject the person or entity to whom the citation is issued to an
26 administrative fine.

27 (c) Notwithstanding any other provision of law, where appropriate, a
28 citation issued by the board may contain an order of abatement. The order of
abatement shall fix a reasonable time for abatement of the violation. It may also
require the person or entity to whom the citation is issued to demonstrate how
future compliance with the Pharmacy Law, and the regulations adopted pursuant
thereto, will be accomplished. A demonstration may include, but is not limited to,
submission of a corrective action plan, and requiring completion of up to six
hours of continuing education courses in the subject matter specified in the order

1 of abatement. Any continuing education courses required by the order of
2 abatement shall be in addition to those required for license renewal.

3

4 **REGULATORY PROVISIONS**

5 13. California Code of Regulations, title 16, section 1769, in pertinent part states:

6 (a) When considering the denial of a facility or personal license under
7 section 480 of the Business and Professions Code, the board, in evaluating the
8 rehabilitation of the applicant and his present eligibility for licensing or
9 registration, will consider the following criteria:

10 (1) The nature and severity of the act(s) or offense(s) under
11 consideration as grounds for denial.

12 (2) Evidence of any act(s) committed subsequent to the act(s) or
13 crime(s) under consideration as grounds for denial under section 480 of the
14 Business and Professions Code.

15 (3) The time that has elapsed since commission of the act(s) or
16 crime(s) referred to in subdivision (1) or (2).

17 (4) Whether the applicant has complied with any terms of parole,
18 probation, restitution or any other sanctions lawfully imposed against the
19 applicant.

20 (5) Evidence, if any, of rehabilitation submitted by the applicant.

21

22 14. California Code of Regulations, title 16, section 1770 states:

23 For the purpose of denial, suspension, or revocation of a personal or
24 facility license pursuant to Division 1.5 (commencing with section 475) of the
25 Business and Professions Code, a crime or act shall be considered substantially
26 related to the qualifications, functions or duties of a licensee or registrant if to a
27 substantial degree it evidences present or potential unfitness of a licensee or
28 registrant to perform the functions authorized by his license or registration in a
manner consistent with the public health, safety, or welfare.

FIRST CAUSE FOR DENIAL OF APPLICATION

(June 15, 2016 Conviction for Driving with a BAC of .08% or More on May 22, 2015)

15. Respondent's application for an Intern Pharmacist License is subject to denial
under Code sections 475, subdivision (a)(2) and 480, subdivisions (a)(1) and (a)(3)(A) in that she
was convicted of crimes substantially related to the qualifications, duties, and functions of a

///

1 licensed intern pharmacist, which would also be a ground for discipline for a licensed intern
2 pharmacist under Code section 4301, subdivision (I). The circumstances are as follows:

3 a. On June 15, 2016 , in a criminal proceeding entitled *The People of the*
4 *State of California v. Sanam Rashidi Kozaghi*, in Orange County Superior Court, Harbor Justice
5 Center - Newport Beach Facility, Case Number 15HM11513, Respondent was convicted on her
6 plea of guilty of violating Vehicle Code (VC) section 23152, subdivisions (a), driving under the
7 influence of alcohol (DUI), and (b), operating a motor vehicle while having a blood alcohol
8 content (BAC) of .08 percent or more, both misdemeanors. Respondent admitted and the court
9 found true the allegation that at the time of the commission of the offenses, Respondent's BAC
10 was .20 percent or more, a sentencing enhancement under VC section 23538, subdivision (b)(2).

11 b. As a result of the convictions, on June 15, 2016, Respondent was
12 sentenced to three years informal probation, under certain terms and conditions. Respondent was
13 ordered to attend and complete a nine-month, level-two, first-offender alcohol program and a
14 victim impact counseling. Respondent was also ordered to pay fines, fees, penalties, assessments,
15 and restitution, with credit for the equivalent of one day actually served.

16 c. The facts that led to the convictions are that on May 22, 2015, Respondent
17 drove with flat tires in Newport Beach, California. The noise made by the rims, in direct contact
18 with the road, attracted the attention of patrolling officers from the Newport Beach Police
19 Department (NBPD). During initial contact, an officer smelled alcohol coming from inside
20 Respondent's vehicle and observed Respondent's bloodshot and watery eyes, and slurred speech.
21 Respondent admitted to drinking one beer and another drink. Respondent failed to perform a
22 series of field sobriety tests as explained and demonstrated. Respondent was arrested and
23 transported to the NBPD for booking. Respondent was then committed to the Orange County
24 Jail, where she consented to a chemical test, which indicated her BAC as .23 percent.

25 **SECOND CAUSE FOR DENIAL OF APPLICATION**

26 **(Act If Done By Licentiate – Dangerous Use of Alcohol)**

27 16. Respondent's application for an Intern Pharmacist License is subject to denial
28 under Code sections 475, subdivision (a)(4) and 480, subdivision (a)(3)(A) in that she used

1 alcohol to the extent and in a manner that was dangerous and injurious to herself and to the
2 public, which would also be a ground for discipline for a licensed intern pharmacist under Code
3 section 4301, subdivision (h) in that the extent of the use impaired the ability of the licensed
4 person to conduct with safety to the public the practice authorized by the license. The
5 circumstances are that on May 22, 2015, Respondent drove a motor vehicle in Newport Beach,
6 California, in wanton disregard for the safety of persons and property. Respondent had a BAC of
7 .23 percent in her system, as detailed in paragraph 15, above.

8 **THIRD CAUSE FOR DENIAL OF APPLICATION**

9 **(Act If Done By Licentiate – Multiple Convictions of Alcohol Related Offenses)**

10 17. Respondent's application for an Intern Pharmacist License is subject to denial
11 under Code sections 475, subdivision (a)(4) and 480, subdivision (a)(3)(A) in that on June 15,
12 2016, she was convicted of more than one misdemeanor involving the use or consumption of
13 alcohol, which would also be a ground for discipline for a licensed intern pharmacist under Code
14 section 4301, subdivision (k), as described in paragraphs 15 and 16, above, which are
15 incorporated by reference.

16 **MATTERS IN AGGRAVATION**

17 **(Unprofessional Conduct – 2016 Administrative Action by a State Government Agency)**

18 18. Respondent's application for an Intern Pharmacist License is subject to denial
19 under Code section 475, subdivision (a)(4), in relation to Code section 4313, in that the Board
20 issued a citation against Respondent's California Pharmacy Technician Registration. The
21 circumstances are as follows:

22 a. On June 15, 2016, in Case Number 15HM11513, Respondent was
23 convicted on her plea of guilty of violating Vehicle Code (VC) sections 23152, subdivisions (a)
24 and (b), as detailed in paragraph 15, above.

25 b. To address Respondent's misconduct, on July 11, 2016, under Code
26 section 4314, in conjunction with title 16 of the California Code of Regulations, section 1775,
27 the Board issued Respondent Citation CI 2014 65800 and imposed a fine of \$1,400.00. The
28 Board issued Respondent a citation for the following:

1 i. Respondent violated Code section 4301, subdivision (h), for
2 unprofessional conduct, use of alcoholic beverages to the extent or in a manner as to be
3 dangerous or injurious to the oneself, to a person holding a license under this chapter, or to any
4 other person or to the public, or to the extent that the use impairs the ability of the person to
5 conduct with safety to the public the practice authorized by the license.

6 ii. Respondent violated Code section 4301, subdivision (l), for
7 unprofessional conduct, in that Respondent was convicted of a crime substantially related to the
8 qualifications, functions, and duties of a registered pharmacy technician.

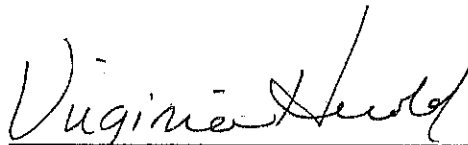
9 c. On December 13, 2016, the Board modified the fine imposed to \$750.00.

10 **PRAYER**

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

- 13 1. Denying the application of Sanam Rashidi Khozaghi for an Intern Pharmacist
14 License; and
15 2. Taking such other and further action as deemed necessary and proper.

16
17
18 DATED: 3/1/17



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

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