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6 Attorneys for Complainant

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

10 In the Matter of the Accusation and First
Amended and Supplemental Accusation Against:

11 **JOSEPH AMIN, dba**
12 **CENTURY PHARMACY**
11870 Santa Monica Blvd., No. 108
13 Los Angeles, CA 90025
Joseph Amin, Owner
14 Javad Ferdowsi, Pharmacist in Charge

15 Original Pharmacy Permit No. PHY 34252

16 and

17 **JAVAD FERDOWSI,**
11916 Gorham Avenue, #202
18 Los Angeles, CA. 90049

19 Original Pharmacist License No RPH 37587.

20 Respondents.

Case No. 2280

OAH No. L-2004050021

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

21
22 In the interest of a prompt and speedy settlement of this matter, consistent with the
23 public interest and the responsibility of the Board of Pharmacy of the Department of Consumer
24 Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order
25 which will be submitted to the Board for approval and adoption as the final disposition of the
26 Accusation and First Amended and Supplemental Accusation now pending against Respondents
27 Joseph Amin, dba Century Pharmacy and Pharmacist Javad Ferdowsi. in his individual capacity
28 and as Pharmacist in Charge

1 **PARTIES**

2 1. Patricia F. Harris (Complainant) is the Executive Officer of the Board of
3 Pharmacy. She brought this action solely in her official capacity and is represented in this matter
4 by Bill Lockyer, Attorney General of the State of California, by EARL R. PLOWMAN, Deputy
5 Attorney General.

6 2. Respondents Joseph Amin dbaCentury Pharmacy and Pharmacist Javad
7 Ferdowsi are represented in this proceeding by attorney Ronald S. Marks, Esq., whose address is
8 Trillium Tower East, 6320 Canoga Avenue, Suite 1550, Woodland Hills, CA 91367.

9 3. On or about May 14, 1987, the Board of Pharmacy issued Original
10 Pharmacy Permit No. PHY 34252 to Joseph Amin (hereinafter "Respondent Amin) doing
11 business as Century Pharmacy (hereinafter "Respondent Century"). The permit issued for
12 Respondent Century was in full force and effect at all times relevant to the charges brought in
13 Accusation and First Amended and Supplemental Accusation No. 2280 and will expire on May
14 1, 2005, unless renewed. The Pharmacist-in-Charge of Respondent Century was and is at all
15 times relevant to the accusation, through the present date, Respondent Ferdowsi.

16 4. On or about March 29, 1983 the Board issued Original Pharmacist's
17 License Number PH 37587 to Javad Ferdowsi (hereinafter "Respondent Ferdowsi"). Respondent
18 Ferdowsi's license was in full force and effect at all times relevant to the charges in the
19 Accusation and First Amended and Supplemental Accusation No. 2280 and has been renewed
20 for the current licensing period.

21 **JURISDICTION**

22 5. Accusation No. 2280 was filed before the Board of Pharmacy (Board),
23 Department of Consumer Affairs, and is currently pending against Respondents. The Accusation
24 and all other statutorily required documents were properly served on Respondents on June 29,
25 2000. Respondents timely filed a Notice of Defense contesting the Accusation. On June 16,
26 2003 a First Supplemental Accusation bearing the same case number was filed before the Board
27 and is currently pending against Respondents. The First Supplemental Accusation, together with
28 all required notices was served on all Respondents on or about June 19, 2003. Said First

1 Supplemental Accusation is deemed controverted by the previous notice of defense filed by the
2 parties. A copy of Accusation and First Amended and Supplemental Accusation No. 2280 are
3 attached as exhibit A and incorporated herein by reference.

4 **ADVISEMENT AND WAIVERS**

5 6. Respondents have both carefully read, fully discussed with counsel, and
6 understand the charges and allegations in Accusation and First Amended and Supplemental
7 Accusation No. 2280. Respondents have also carefully read, fully discussed with counsel, and
8 understand the effects of this Stipulated Settlement and Disciplinary Order on their respective
9 licenses and certificates..

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

18 8. Respondents each voluntarily, knowingly, and intelligently waive and
19 give up each and every right set forth above and agree that the Board of Pharmacy may resolve
20 the pending Accusation and First Supplemental Accusation pursuant to the instant stipulation and
21 order..

22 **CULPABILITY**

23 9. For purposes of settlement of the pending matters, and for no other
24 purpose, Respondents admit the truth of each and every charge and allegation in Accusation and
25 First Amended and Supplemental Accusation No. 2280.

26 10. Respondent Amin agrees that Original Pharmacy Permit PHY 34252
27 issued to do business as Century Pharmacy is subject to discipline by the Board and agrees to be
28 bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

1 11. Respondent Ferdowski agrees that Original Pharmacist's License No. RPH
2 37587 is subject to discipline by the Board and agrees to be bound by the Board's imposition of
3 discipline as set forth in the Disciplinary Order below.

4 **CIRCUMSTANCES IN MITIGATION**

5 4. Respondents Century Pharmacy and Ferdowski have never been the subject
6 of any disciplinary action. The violations set forth in the accusation occurred a number of years
7 ago and have not been repeated.

8 **RESERVATION**

9 5. The admissions made by Respondents herein are only for the purposes of
10 this proceeding, or any other proceedings in which the Board of Pharmacy or other professional
11 licensing agency is involved, and shall not be admissible in any other criminal or civil
12 proceeding.

13 **CONTINGENCY**

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

24 7. The parties understand and agree that facsimile copies of this Stipulated
25 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
26 force and effect as the originals.

27 8. In consideration of the foregoing admissions and stipulations, the parties
28 agree that the Board may, without further notice or formal proceeding, issue and enter the

1 following Disciplinary Orders:

2 **DISCIPLINARY ORDER AS TO RESPONDENT**
3 **AMIN dba CENTURY PHARMACY**

4 **IT IS HEREBY ORDERED** that the Accusation and First Amended and
5 Supplemental Accusation in Case No. 2280 is withdrawn and shall be replaced with an order
6 citing and fining Respondent Amin dba Century Pharmacy for violation of the provisions of
7 Sections 4081 of the Business and Professions Code in conjunction with section 1304.21(a) of
8 Title 21 Code of Federal Regulations for failure to maintain an accurate DEA inventory of
9 dangerous drugs and/or controlled substances and Section 4059(a) of the Business and
10 Professions Code, furnishing a drug or controlled substance without a prescription from a person
11 lawfully authorized to prescribe. Said citation will call for payment of a fine of \$2500 and will
12 not be contested upon its issuance.

13 **DISCIPLINARY ORDER AS TO RESPONDENT FERDOWSI**

14 **IT IS HEREBY ORDERED** that Original Pharmacist's License No. RPH 37587
15 issued to Respondent Javad Ferdowski is revoked. However, the order of revocation is stayed
16 and Respondent is placed on probation for three (3) years on the following terms and conditions.

17 1. **Actual Suspension - Pharmacist.** License number RPH 37587, issued to
18 Respondent Javad Ferdowski is suspended for a period of thirty (30) calendar days from the
19 effective date of this order.

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

28 Respondent shall not engage in any activity that requires the professional

1 judgment of a pharmacist. Respondent shall not direct or control any aspect of the practice of
2 pharmacy. Respondent shall not perform the duties of a pharmacy technician or an exemptee for
3 any entity licensed by the Board. Subject to the above restrictions, Respondent may continue to
4 own or hold an interest in any pharmacy in which they holds an interest at the time this decision
5 becomes effective unless otherwise specified in this order.

6 2 **Obey All Laws.** Respondent shall obey all state and federal laws and
7 regulations substantially related to or governing the practice of pharmacy.

8 Respondent shall report any of the following occurrences to the Board, in writing,
9 within 72 hours of such occurrence:

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

20 3. **Reporting to the Board.** Respondent shall report to the Board
21 quarterly. The report shall be made either in person or in writing, as directed. Respondent
22 shall state under penalty of perjury whether there has been compliance with all the terms and
23 conditions of probation. If the final probation report is **not** made as directed, probation shall
24 be extended automatically until such time as the final report is made and accepted by the
25 Board.

26 4. **Interview with the Board.** Upon receipt of reasonable notice,
27 Respondent shall appear in person for interviews with the Board upon request at various
28 intervals at a location to be determined by the Board. Failure to appear for a scheduled

1 interview without prior notification to Board staff shall be considered a violation of probation.

2 5. **Cooperation with Board Staff.** Respondent shall cooperate with the
3 Board's inspection program and in the Board's monitoring and investigation of Respondent's
4 compliance with the terms and conditions of their probation. Failure to comply shall be
5 considered a violation of probation.

6 6. **Continuing Education.** Respondent shall provide evidence of efforts
7 to maintain skill and knowledge as a pharmacist as directed by the Board.

8 7. **Notice to Employers.** Respondent shall notify all present and
9 prospective employers of the decision in case number 2280 and the terms, conditions and
10 restrictions imposed on Respondent by the decision. Within 30 days of the effective date of
11 this decision, and within 15 days of Respondent undertaking new employment, Respondent
12 shall cause their direct supervisor, pharmacist-in-charge and/or owner to report to the Board in
13 writing acknowledging the employer has read the decision in case number 2280.

14 If Respondent works for or is employed by or through a pharmacy employment
15 service, Respondent must notify the direct supervisor, pharmacist-in-charge, and/or owner at
16 every pharmacy of the and terms conditions of the decision in case number 2280 in advance of
17 the Respondent commencing work at each pharmacy.

18 "Employment" within the meaning of this provision shall include any full-time, part-
19 time, temporary, relief or pharmacy management service as a pharmacist, whether the
20 Respondent is considered an employee or independent contractor.

21 8. **No Preceptorships, Supervision of Interns, Being Pharmacist-in-**
22 **Charge (PIC), or Serving as a Consultant.** Respondent shall not supervise any intern
23 pharmacist or perform any of the duties of a preceptor, nor shall Respondent be the
24 pharmacist-in-charge of any entity licensed by the Board unless otherwise specified in this
25 order.

26 9. **Reimbursement of Board Costs.** Respondent shall pay to the Board
27 its costs of investigation and prosecution in the amount of \$5000. Respondent shall make said
28 payments as directed by the Board or its designee.:

1 The filing of bankruptcy by Respondent shall not relieve Respondent of their
2 responsibility to reimburse the Board its costs of investigation and prosecution.

3 **10. Probation Monitoring Costs.** Respondent shall pay the costs
4 associated with probation monitoring as determined by the Board each and every year of
5 probation. Such costs shall be payable to the Board at the end of each year of probation.
6 Failure to pay such costs shall be considered a violation of probation.

7 **11. Status of License.** Respondent shall, at all times while on probation,
8 maintain an active current license with the Board, including any period during which
9 suspension or probation is tolled.

10 If Respondent's license expires or is canceled by operation of law or otherwise,
11 upon renewal or reapplication, Respondent's license shall be subject to all terms and
12 conditions of this probation not previously satisfied.

13 **12. License Surrender while on Probation/Suspension.** Following the
14 effective date of this decision, should Respondent cease practice due to retirement or health,
15 or be otherwise unable to satisfy the terms and conditions of probation, Respondent may
16 tender their license to the Board for surrender. The Board shall have the discretion whether to
17 grant the request for surrender or take any other action it deems appropriate and reasonable.
18 Upon formal acceptance of the surrender of the license, Respondent will no longer be subject
19 to the terms and conditions of probation.

20 Upon acceptance of the surrender, Respondent shall relinquish their pocket
21 license to the Board within 10 days of notification by the Board that the surrender is accepted.
22 Respondent may not reapply for any license from the Board for three years from the effective
23 date of the surrender. Respondent shall meet all requirements applicable to the license sought
24 as of the date the application for that license is submitted to the Board.

25 **13. Notification of Employment/Mailing Address Change.** Respondent
26 shall notify the Board in writing within 10 days of any change of employment. Said
27 notification shall include the reasons for leaving and/or the address of the new employer,
28 supervisor or owner and work schedule if known. Respondent shall notify the Board in

1 writing within 10 days of a change in name, mailing address or phone number.

2 14. **Tolling of Probation.** Should Respondent, regardless of residency, for
3 any reason cease practicing pharmacy for a minimum of forty (40) hours per calendar month
4 in California, Respondent must notify the Board in writing within 10 days of cessation of the
5 practice of pharmacy or the resumption of the practice of pharmacy. Such periods of time
6 shall not apply to the reduction of the probation period. It is a violation of probation for
7 Respondent's probation to remain tolled pursuant to the provisions of this condition for a
8 period exceeding three years.

9 "Cessation of practice" means any period of time exceeding 30 days in which
10 Respondent is not engaged in the practice of pharmacy as defined in Section 4052 of
11 the Business and Professions Code.

12 15. **Violation of Probation.** If Respondent violates probation in any
13 respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke
14 probation and carry out the disciplinary order which was stayed. If a petition to revoke
15 probation or an accusation is filed against Respondent during probation, the Board shall have
16 continuing jurisdiction and the period of probation shall be extended, until the petition to
17 revoke probation or accusation is heard and decided.

18 If Respondent has not complied with any term or condition of probation, the
19 Board shall have continuing jurisdiction over Respondent, and probation shall automatically
20 be extended until all terms and conditions have been satisfied or the Board has taken other
21 action as deemed appropriate to treat the failure to comply as a violation of probation, to
22 terminate probation, and to impose the penalty which was stayed.

23 16. **Completion of Probation.** Upon successful completion of probation,
24 Respondent's license will be fully restored.

25 17. **No Supervision.** Respondent shall not supervise any ancillary
26 personnel, including, but not limited to, registered pharmacy technicians or exemptees, of any
27 entity licensed by the Board.

28 18. **No Ownership of Premises.** Respondent shall not own, have any legal

1 or beneficial interest in, or serve as a manager, administrator, member, officer, director,
2 associate, or partner of any business, firm, partnership, or corporation currently or hereinafter
3 licensed by the Board. Respondent shall sell or transfer any legal or beneficial interest in any
4 entity licensed by the Board within 90 days following the effective date of this decision and
5 shall immediately thereafter provide written proof thereof to the Board.

6 **19. Consultant for Owner or Pharmacist-in-Charge.**

7 Respondent shall not supervise any intern pharmacist, perform the duties of a
8 preceptor or serve as a consultant to any entity licensed by the Board. In the event that the
9 Respondent is currently the pharmacist-in-charge of a pharmacy, the pharmacy shall retain an
10 independent consultant at its own expense who shall be responsible for reviewing pharmacy
11 operations for compliance by Respondent with State and federal laws and regulations
12 governing the practice of pharmacy and for compliance by Respondent with the obligations of
13 a pharmacist-in-charge.

14 Review by the consultant pharmacist shall be conducted on a monthly basis for
15 the first year of probation and shall be changed to quarterly review for the balance of the
16 probationary period so long as the consultant pharmacist attests that the operations of the
17 pharmacy in the preceding 12 months have been conducted in compliance with State and
18 federal laws and regulations governing the practice of pharmacy.

19 The consultant shall be a pharmacist licensed by, and not on probation with the
20 Board, whose name shall be submitted to the Board for its prior approval within 30 days of the
21 effective date of this decision. Respondent shall not be a pharmacist-in-charge at more than
22 one pharmacy or at any pharmacy of which he is not the current PIC. The Board may, in case
23 of an employment change by Respondent or for other reasons as deemed appropriate by the
24 Board, preclude the Respondent from acting as a pharmacist-in-charge.

25 **20. Tolling of Suspension.** If Respondent leaves California to reside or
26 practice outside this state, for any period exceeding 10 days (including vacation), Respondent
27 must notify the Board in writing of the dates of departure and return. Periods of residency or
28 practice outside the state - or any absence exceeding a period of 10 days shall not apply to the

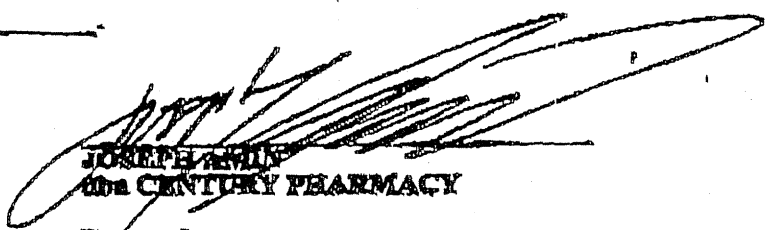
1 reduction of the suspension period.

2 Respondent shall not practice pharmacy upon returning to this state until
3 notified by the Board that the period of suspension has been completed.

4
5 **ACCEPTANCE**

6 I have carefully read the above Stipulated Settlement and Disciplinary Order
7 and have fully discussed it with my attorney, Ronald S. Marks, Esq.. I understand the
8 stipulation and the effect it will have on my Original Pharmacy Permit. I enter into this
9 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and
10 agree to be bound by the Decision and Order of the Board of Pharmacy.

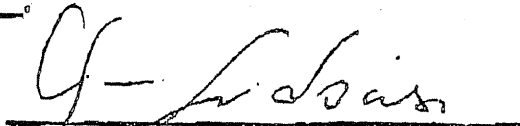
11 DATED: 1/20/05

12
13 
14 **JOSEPH AVILA**
15 **dba CENTURY PHARMACY**
16 Respondent

17 **ACCEPTANCE**

18 I have carefully read the above Stipulated Settlement and Disciplinary Order
19 and have fully discussed it with my attorney, Ronald S. Marks, Esq.. I understand the
20 stipulation and the effect it will have on my license to practice pharmacy and to serve as
21 Pharmacist in Charge. I enter into this Stipulated Settlement and Disciplinary Order
22 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of
23 the Board of Pharmacy.

24 DATED: 1-28-05

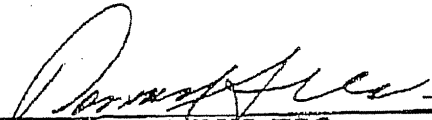
25 
26 **JAVAD FERDOWSI, RPH**
27 Respondent

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ENDORSEMENT

I have read and fully discussed with Respondent Amin dba Century Pharmacy and Respondent Javad Ferdowsi the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 1/28/05




RONALD S. MARKS, ESQ.
Attorney for Respondents

ENDORSEMENT

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

DATED: Jan 29, 2005

BILL LOCKYER, Attorney General
of the State of California



EARL R. PLOWMAN
Deputy Attorney General

Attorneys for Complainant

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

In the Matter of the Accusation and First
Amended and Supplemental Accusation
Against:

**JOSEPH AMIN, dba
CENTURY PHARMACY**
11870 Santa Monica Blvd., No. 108
Los Angeles, CA 90025
Joseph Amin, Owner
Javad Ferdowsi, Pharmacist in Charge

Original Pharmacy Permit No. PHY 34252

and

JAVAD FERDOWSI,
11916 Gorham Avenue, #202
Los Angeles, CA. 90049

Original Pharmacist License No RPH 37587.

Respondents.

Case No. 2280

OAH No. L-2004050021

**ORDER ADOPTING 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 on May 27, 2005.

It is so **ORDERED** April 27, 2005.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



STANELY W. GOLDENBERG
Board President

Exhibit A

Accusation and First Amended and Supplemental Accusation No. 2280

1 BILL LOCKYER, Attorney General
of the State of California
2 EARL R. PLOWMAN, State Bar No. 54339
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2536
5 Facsimile: (213) 897-2804
6 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. 2280

11 CENTURY PHARMACY
12 11870 Santa Monica Blvd., No. 108
Los Angeles, CA 90025
13 JOSEPH AMIN, Owner

FIRST SUPPLEMENTAL
ACCUSATION

14 Original Pharmacy Permit No. PHY 34252

15 and

16 JAVAD FERDOWSI
11916 Gorham Avenue #202
17 Los Angeles, CA 90049

18 Original Pharmacist License No. RPH 37587

19 Respondents.
20

21 Complainant, Patricia F. Harris, is the Executive Officer of the California State
22 Board of Pharmacy, Department of Consumer Affairs of the State of California and brings this
23 First Supplemental Accusation solely in her official capacity and supplements the accusation
24 filed on June 2, 2000, in this matter, and for cause for discipline further alleges:

25 17. Paragraphs 2 through 16 are incorporated herein by reference as if fully set
26 forth.

27 18. On or about May 14, 1987, the Board issued Original Pharmacy Permit
28 Number PHY 34252 to Joseph Amin, to do business as Century Pharmacy. The permit was in

1 full force and effect at all time relevant to the charges brought herein and will expire on May 1,
2 2004, unless renewed

3 19. On or about March 29, 1983, the Board issued Original Pharmacist
4 License Number RPH 37587 TO Javad Ferdowsi for the practice of pharmacy. The license was
5 in full force in effect at all time relevant to the charges brought herein and will expire on January
6 31, 2005, unless renewed.

7 STATUTES AND REGULATIONS

8 20. Section 4070 of the Code states, in pertinent part, that except as provided
9 in Section 4019, an oral or an electronic data transmission prescription as defined in subdivision
10 (c) of Section 4040 shall as soon as practicable be reduced to writing by the pharmacist and shall
11 be filled by, or under the direction of, the pharmacist.

12 21. Section 4105(a) of the Code states that all records or other documentation
13 of the acquisition and disposition of dangerous drugs and dangerous devices by any entity
14 licensed by the board shall be retained on the licensed premises in a readily retrievable form.

15 22. Section 4332 of the Code provides, in pertinent part:

16 “Any person who fails, neglects, or refuses to maintain the records required by
17 Section 4081 or who, when called upon by an authorized officer or a member of the
18 Board, fails, neglects, or refuses to produce or provide the records within a reasonable
19 time, or who willfully produces or furnishes records that are false, is guilty of a
20 misdemeanor.”

21 23. California Code of Regulations, title 16, section 1717(c) states that
22 [p]romptly upon receipt of an orally transmitted prescription, the pharmacist shall reduce it to
23 writing, and initial it, and identify it as an orally transmitted prescription. If the prescription is
24 then dispensed by another pharmacist, the dispensing pharmacist shall also initial the prescription
25 to identify him or herself.

26 24. California Code of Regulations, title 16, section 1718 states:

27 “Current Inventory” as used in Section 4232 of the Business and Professions Code
28 shall be considered to include complete accountability for all dangerous drugs handled by

1 every licensee enumerated in Section 4232.

2 25. California Code of Regulations, title 16, section 1793.1(a) states that only
3 a registered pharmacist, or an intern pharmacist acting under the supervision of a registered
4 pharmacist, may receive a new prescription order orally from a prescriber or other person
5 authorized by law.

6 26. DANGEROUS DRUGS

7 a. "Fioricet", brand name for butalbital 50mg/APAP 325mg/Caffeine 40mg,
8 is categorized as a dangerous drug pursuant to section 4022 of the Code.

9 b. "Viagra", brand name for sildenafil citrate, for the treatment of erectile
10 dysfunction, is categorized as a dangerous drug pursuant to section 4022 of the Code.

11 c. "Vicodin HP" is a Schedule III controlled substance as defined in Health
12 and Safety Code section 11056(e)(4) and is categorized as a dangerous drug pursuant to section
13 4022 of the Code.

14 CAUSE FOR DISCIPLINE

15 (Allowed a Non-Pharmacist to Receive Transmitted Prescriptions)

16 27. Respondents Pharmacy and Ferdowski are subject to disciplinary action
17 under sections 4300 and 4301(j) and (o) of the Code on the grounds of unprofessional conduct
18 for violating section 4070(a) as defined in California Code of Regulations, title 16, sections
19 1717(c) and 1793.1. The circumstances are as follows:

20 a. On or about April 24, 2002, an inspector for the Board conducted an
21 inspection of Respondent Pharmacy's premises. The inspection included reviewing its
22 prescription files. She noted that approximately seven transmitted prescriptions received by
23 Respondent Pharmacy were not in Respondent Ferdowski's handwriting. Respondent Ferdowski
24 admitted to the inspector that he allowed his technicians to receive and transcribe the following
25 transmitted prescriptions for him:

<u>PATIENT</u>	<u>PRESCRIPTION</u>	<u>DATE</u>
Zahra H S.	Pravachol 40mg.	11/06/2001
Ali H.	Singulair Chewables 5mg. tablets	04/02/2002
Shahran S.	Phenergam w/Codeine	11/05/2001

1	Shahran S.	Doxycycline Hyclate 100mg.	11/05/2001
	Steen T.	Valium 10mg. tablets	11/07/2001
2	George M.	Viagra 100mg. tablets	04/03/2002
	Zahra H. S.	Chlordiaz/Clidinium 5.25 capsules	11/07/2001
3	Nedjtonah S.	Pred-Forte, Opth 0.1%	04/01/2002

4 SECOND CAUSE FOR DISCIPLINE

5 (Failed to Maintain Current Records and Inventory)

6 28. Respondents Pharmacy and Ferdowsi are subject to disciplinary action
7 under sections 4300 and 4301(o) of the Code on the grounds of unprofessional conduct for
8 violating section 4081 in conjunction with Title 16, California Code of Regulations, section
9 1718, in that they failed to maintain a complete and accurate record of each dangerous drug and
10 controlled substance received, delivered, sold, or otherwise disposed of by them. The
11 circumstances are as follows:

12 a. During an audit of Respondent Pharmacy on April 24, 2002, the current
13 DEA Inventory for Respondent Pharmacy was taken on October 22, 2001.

14 b. An inventory performed by the inspector of dangerous drugs purchased
15 and dispensed by Respondent Pharmacy for the period October 22, 2001 to April 24, 2002,
16 revealed the following shortage:

17	<u>DRUG</u>	<u>QUANTITY</u>			<u>ON</u>	
18		<u>ON HAND</u>	<u>PURCHASES</u>	<u>DISPENSED</u>	<u>HAND</u>	<u>UNACCOUNTED</u>
19	APA Codeine 60 mg.	1,260	200	495	451	514
20	Tylenol/ Codeine 60mg	534	1,000	1,490	255	-211
	Vicodin HP	59	1,100	960	132	67
21	Viagra 100mg	0	1,980	1,699	72	209
	Viagra 50mg	0	180	184	46	-50
22	Fioricet	0	2,900	2,039	298	563
23	Butal/APAP/ Caffeine	0	3,700	2,425	265	1,010

24 CAUSE FOR DISCIPLINE

25 (Failure to Produce Records)

26 29. Respondents Pharmacy and Ferdowsi are subject to disciplinary action
27 under sections 4300 and 4301(o) of the Code on the grounds of unprofessional conduct for
28 violating sections 4105 and 4332, in that they failed to maintain, produce and provide records as

1 requested by the Board or its representative, as follows:

2 a. On or about April 24, 2002, during an inspection of Respondent
3 Pharmacy's records, the inspector for the Board requested Respondents to print out the
4 Prescription Lists for the Audited Drugs. The inspector was able to printout "Controlled
5 Substance Audit Reports" for Vicodin HP, APAP with Codeine 60mg and Tylenol with Codeine
6 60mg for the period October 22, 2001 through April 23, 2002. The inspector was not able to
7 print out prescription lists for non-controlled substances, i.e., Fioricet and Viagra. Copies of the
8 computer printout for Vicodin HP and Viagra were not made available to the Board until
9 approximately May 9, 2002 and May 20, 2002.

10 b. On or about May 14, 2002, the inspector for the Board requested
11 Respondents to furnish all records from the daily printouts for the period October 22, 2001 to
12 April 24, 2002, and provide copies of all refills from refill logs. Respondents provided the
13 prescription logs but failed to provide the original prescription documents and failed to produce
14 all acquisition records of drugs purchased from approximately January 22, 2001 to
15 approximately April 22, 2002.

16 PRAYER

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

19 1. Revoking or suspending Original Pharmacy Permit Number PHY 34252
20 issued to Joseph Amin, to do business as Century Pharmacy.

21 2. Revoking or suspending Original Pharmacist License Number RPH
22 37587, issued to Javad Ferdowsi;

23 3. Ordering Century Pharmacy and Javad Ferdowsi to pay the Board of
24 Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to
25 Business and Professions Code section 125.3;

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

DATED: 6/16/03

P. F. Harris
PATRICIA F. HARRIS
Executive Officer
California State Board of Pharmacy
State of California
Complainant

1 BILL LOCKYER, Attorney General
of the State of California
2 EARL R. PLOWMAN,
Deputy Attorney General, State Bar No. 54339
3 300 South Spring Street, Suite 500
Los Angeles, California 90013
4 Telephone: (213) 897-2564

5 Attorneys for Complainant

6
7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:) No. 2 2 8 0

12 JOSEPH AMIN dba)
CENTURY PHARMACY)
13 11870 Santa Monica Boulevard, No. 108)
Los Angeles, California 90025)
14 Joseph Amin, Owner)
Original Pharmacy Permit No.)
15 PHY 34252)

ACCUSATION

16 and

17 JAVAD FERDOWSI)
23 Coromande)
18 Irvine, California 92614)
Original Pharmacist License)
19 No. RPH 37587)

20 Respondents.)

21
22 Complainant, Patricia F. Harris, for causes for discipline, alleges:
23

24 **PARTIES**

25 1. Complainant, Patricia F. Harris, is the Executive Officer of the Board
26 of Pharmacy (hereinafter the "Board"), Department of Consumer Affairs, State of
27 California and makes and files this Accusation solely in her official capacity.

1 **LICENSE HISTORY**

2 2. On May 14, 1987, the Board of Pharmacy issued Original Pharmacy
3 Permit Number PHY 34252 to Joseph Amin, to do business as Century Pharmacy
4 (hereinafter "Respondent Pharmacy"). Javad Ferdowsi has been the Pharmacist-in-
5 Charge since May 14, 1987. Said license is in full force and effect and will expire on
6 May 1, 2001, unless renewed.

7 3. On March 29, 1983, the Board of Pharmacy issued Original
8 Pharmacist License Number RPH 37587 to Javad Ferdowsi (hereinafter "Respondent
9 Ferdowsi") for the practice of pharmacy. Said license is in full force and effect and will
10 expire on January 31, 2001, unless renewed.

11
12 **STATUTES AND REGULATIONS**

13 4. Business and Professions Code (hereinafter the "Code") section
14 118(b) provides that the suspension, expiration, or forfeiture by operation of law of a
15 certificate does not deprive the Board of authority or jurisdiction to institute or continue
16 with disciplinary action against the certificate or to order suspension or revocation of the
17 certificate, during the period within which the certificate may be renewed, restored,
18 reissued or reinstated.

19 5. Section 4300 of the Code permits the Board to take disciplinary action
20 to suspend or revoke a license issued by the Board.

21 6. Pursuant to section 4301, the Board shall take action against any
22 holder of a license who is guilty of unprofessional conduct. Unprofessional conduct
23 shall include, but is not limited to, any of the following:

24 (f) The commission of any act involving moral turpitude, dishonesty,
25 fraud, deceit, or corruption, whether the act is committed in the course of
26 relations as a licensee or otherwise, and whether the act is a felony or
27

1 misdemeanor or not, constitutes unprofessional conduct.

2 (j) The violation of any of the statues of this state or of the United States
3 regulating controlled substances and dangerous drugs.

4 (o) Violating or attempting to violate, directly or indirectly, or assisting in
5 or abetting the violation of, or conspiring to violate any provision or term of this
6 chapter or of the applicable federal and state laws and regulations governing
7 pharmacy, including regulations established by the Board, constitutes
8 unprofessional conduct. .

9 7. Section 4059(a) of the Code states, in pertinent part, that no person
10 shall furnish any dangerous drug, except upon the prescription of a physician, dentist,
11 podiatrist, optometrist, or veterinarian.

12 8. Section 4076 of the Code states, in pertinent part, that a pharmacist
13 shall not dispense any prescription except in a container that meets the requirements of
14 state and federal law and is correctly labeled.

15 9. Section 4081(a) of the Code states, in pertinent part, that all records
16 of manufacture and of sale, acquisition, or disposition of dangerous drugs or dangerous
17 devices shall be at all times during business hours open to inspection by authorized
18 officers of the law, and shall be preserved for at least three years from the date of
19 making.

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

24 11. **DANGEROUS DRUGS**

25 A. "Tylenol with Codeine" (brand of codeine with acetaminophen) is a
26 Schedule III controlled substance as designated by Health and Safety Code section
27

1 unprofessional conduct for violating Title 16, California Code of Regulations, section
2 1715.6 in conjunction with Title 21, Code of Federal Regulations, section 1301.6(b) in
3 that Respondent Pharmacy failed to report a drug loss to the Board within 30 days of
4 discovery and also failed to notify the Drug Enforcement Agency of the theft of
5 controlled substances. In and around November 1997, Respondent Pharmacy was
6 burglarized twice in which controlled substances and other items were taken.
7 Respondent Pharmacy did not notify either the Board nor the Drug Enforcement
8 Agency as required.

9 II

10 **Respondent Ferdowsi**

11 14. Respondent Ferdowsi has subjected his license to discipline
12 pursuant to sections 4300 and 4301(f) and (o) of the Code on the grounds of
13 unprofessional conduct for violating section 4059(a) in conjunction with Health and
14 Safety Code sections 11352a(2) and 11379a(1) in that he sold dangerous drugs and/or
15 controlled substances without a prescription as follows:

16 A. On June 17, 1998, Respondent Ferdowsi sold 12 tablets of Tylenol
17 with Codeine #4 in an unlabeled container to an undercover police officer for \$30.00

18 B. On June 26, 1998, Respondent Ferdowsi sold the following
19 controlled substances and dangerous drugs to an undercover police officer in an
20 unlabeled container for \$75.00:

21 <u>DRUG</u>	<u>QUANTITY</u>
22 Dyazide	10 capsules
Alprazolam	10 tablets
23 Tylenol with Codeine #4	20 tablets
24 Valium 10 mg	5 tablets

25 C. On July 14, 1998, Respondent Ferdowsi sold four (4) tablets of
26 Codeine #4 in an unlabeled container to an undercover police officer for \$7.00.

27 ///

1 4. Taking such other and further action as the Board deems proper.

2 DATED: 6/7/00

3
4 *P. F. Harris*

5 PATRICIA F. HARRIS
6 Executive Officer
7 Board of Pharmacy
8 Department of Consumer Affairs
9 State of California

10 Complainant
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