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

10
11 In the Matter of the Accusation Against:

Case No. 5239

12
13 **H P BADESHA CO. , dba GLENDORA**
MEDICAL PHARMACY
14 130 W. Alosta Ave., Rte. 66
Glendora, CA 91740

ACCUSATION

15 Original Permit Number PHY 47517

16 and

17 **PARAMJIT KAUR RANDHAWA**
President and Pharmacist-In-Charge
18 1302 Covina Hills Road
Covina, CA 91722

19 Pharmacy Permit No. PHY 45898

20 and

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

23 Pharmacy Technician License No. TCH 13938

24 Respondents.
25

1 Complainant alleges:

2 **PARTIES**

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

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

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

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

18 **JURISDICTION**

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

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

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

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

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

8 STATUTORY AND REGULATORY PROVISIONS

9 9. Section 4005 of the Code states:

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

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

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

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

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

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

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

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

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

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

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

20

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

24

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

27

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

18

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 **CONTROLLED SUBSTANCES / DANGEROUS DRUGS**

15 23. Section 4021 of the Code states:

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

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

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

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

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

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

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

6 **SUMMARY OF FACTS**

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

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

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

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

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

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

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

7 Drug	8 Inventory Count (4/25/2011)	9 Total Purchases (4/25/2011- 4/4/2013)	10 Total Sales (4/25/2011 - 4/4/2013)	11 Expected on Hand Inventory	12 Actual Inventory Count (4/4/2013)	13 Variance
14 HC/AP 15 10/325	300	128,300	36,778	91,822	1,151	(-) 90,671
16 HC/AP 17 7.5/750	400	42,900	40,138	3,162	860	(-)2,302
18 HC/AP 19 5/325mg	110	2,400	2,643	-133	587	(+) 720
20 lorazepam 21 1mg	900	9,100	10,654	-654	800	(+) 1,454
22 alprazolam 23 0.25mg	900	8,000	7,608	1,292	511	(-) 781
24 alprazolam 25 2mg	450	3,000	2,960	490	120	(-) 370

26 **FIRST CAUSE FOR DISCIPLINE**

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

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

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

8 **SECOND CAUSE FOR DISCIPLINE**

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

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

22 **THIRD CAUSE FOR DISCIPLINE**

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

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

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

3 **FOURTH CAUSE FOR DISCIPLINE**

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

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

14 **FIFTH CAUSE FOR DISCIPLINE**

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

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

24 **SIXTH CAUSE FOR DISCIPLINE**

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

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

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

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3 **SEVENTH CAUSE FOR DISCIPLINE**

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

5 34. Respondent HEATHER EVARDOME is subject to disciplinary action under section
6 4059, subdivisions (a), and 4301, subdivisions (j) and (o), in that she furnished dangerous drugs
7 to herself without a valid prescription, as described in paragraph 27, above. Specifically, on
8 April 18, 2013, a home search at her residence by Glendora Police Department revealed that
9 Respondent had in her possession the following dangerous drugs: (i) 96 tablets of benzonatate
10 100mg, (ii) 11 tablets of benzonatate 200mg, and (iii) 34 tablets of Librax.

11 **EIGHTH CAUSE FOR DISCIPLINE**

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

13 35. Respondent HEATHER EVARDOME is subject to disciplinary action under section
14 4301, subdivisions (f) and (j), on the grounds of unprofessional conduct for violating section
15 4060 in conjunction with Health and Safety Code sections 11350(a) and 11351, in that she
16 committed acts involving moral turpitude, dishonesty, fraud, deceit or corruption. Specifically,
17 between April 25, 2011 and April 4, 2013, Respondent stole an unknown quantity of
18 hydrocodone/acetaminophen while working as a pharmacy technician at Glendora Medical
19 Pharmacy. Respondent admitted to the theft and resale of controlled substances
20 (hydrocodone/acetaminophen 10/325mg) from Glendora Medical Pharmacy, as described in
21 paragraph 27, above.

22 **NINTH CAUSE FOR DISCIPLINE**

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

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

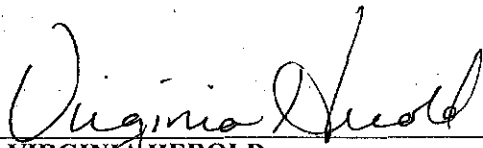
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PRAYER

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

1. Revoking or suspending Pharmacy Permit Number PHY 47517, issued to H P Badesha Co., dba Glendora Medical Pharmacy;
2. Revoking or suspending Pharmacist License No. RPH 45898, issued to Paramjit Kaur Randhawa;
3. Revoking or suspending Pharmacist Technician Registration No. TCH 13938, issued to Heather Maureen Evardome;
4. Ordering H P Badesha Co., dba Glendora Medical Pharmacy, Paramjit Kaur Randhawa, and Heather Maureen Evardome to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
5. Taking such other and further action as deemed necessary and proper.

DATED: 5/28/15


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

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