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

10 In the Matter of the Accusation Against:
11 **NCAR ENTERPRISES INC. DBA**
MEDALLION PRESCRIPTION
12 **PHARMACY, NOUSHIN SAGHIZADEH,**
PRESIDENT AND PIC
13 **23101 Sherman Place #101**
West Hills, CA 91307
14 **Pharmacy Permit No. PHY 48673**

15 **NOUSHIN SAGHIZADEH-RABIZADEH**
24141 Park Granada
16 **Calabasas, CA 91356**
Pharmacist License No. RPH 49745

17 **MONALISA HERRERA**
18 **7212 Sausalito Ave**
West Hills, CA 91307
19 **Pharmacy Technician Registration**
TCH No. 104381

20 Respondents.

Case No. 5838

21
22 **A C C U S A T I O N**

23 Complainant alleges:

24 **PARTIES**

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

27 2. On or about December 5, 2007, the Board of Pharmacy (Board) issued Pharmacy
28 Permit Number PHY 48673 to NCAR Enterprises Inc. dba Medallion Prescription Pharmacy

1 (Respondent Pharmacy). The Pharmacy Permit was in full force and effect at all times relevant to
2 the charges brought herein and will expire on
3 December 1, 2017, unless renewed.

4 3. On or about August 27, 1997, the Board issued Pharmacist License Number 49745 to
5 Noushin Saghizadeh-Rabizadeh (Respondent PIC). The Pharmacist License was in full force and
6 effect at all times relevant to the charges brought herein and will expire on July 31, 2019, unless
7 renewed.

8 4. On or about June 25, 2010, the Board issued Pharmacy Technician Registration
9 Number 104381 to Monalisa Herrera (Respondent Technician). Said Registration was in full
10 force and effect at all times relevant to the charges brought herein and expired on April 30, 2014.
11 Respondent Technician's license was not renewed. On December 9, 2014, the Board cancelled
12 Respondent Technician's license.

13 JURISDICTION

14 4. This Accusation is brought before the Board, Department of Consumer Affairs, under
15 the authority of the following laws. All section references are to the Business and Professions
16 Code unless otherwise indicated.

17 STATUTORY PROVISIONS

18 5. **Section 4300** provides in pertinent part, that every license issued by the Board is
19 subject to discipline, including suspension or revocation.

20 6. **Section 4300.1** of the Code states:

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

26 7. **Section 4059, subdivision (a)** of the Code provides in pertinent part:

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

1 person may not furnish any dangerous device, except upon the prescription of a physician, dentist,
2 podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7.”

3 8. **Section 4060** of the Code provides in pertinent part:

4 “A person shall not possess any controlled substance, except that furnished to a person
5 upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic
6 doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified
7 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, a
8 physician assistant pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5,
9 or a pharmacist pursuant to Section 4052.1, 4052.2, or 4052.6. This section does not apply to the
10 possession of any controlled substance by a manufacturer, wholesaler, third-party logistics
11 provider, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist, veterinarian,
12 naturopathic doctor, certified nurse-midwife, nurse practitioner, or physician assistant, if in stock
13 in containers correctly labeled with the name and address of the supplier or producer.

14 9. **Section 4063** of the Code provides in pertinent part:

15 “No prescription for any dangerous drug or dangerous device may be refilled except upon
16 authorization of the prescriber. The authorization may be given orally or at the time of giving the
17 original prescription. No prescription for any dangerous drug that is a controlled substance may
18 be designated refillable as needed.”

19 10. **Section 4081, subdivision (a)** of the Code provides in pertinent part:

20 “All records of manufacture and of sale, acquisition, receipt, shipment, or disposition of
21 dangerous drugs or dangerous devices shall be at all times during business hours open to
22 inspection by authorized officers of the law, and shall be preserved for at least three years from
23 the date of making. A current inventory shall be kept by every manufacturer, wholesaler, third-
24 party logistics provider, pharmacy, veterinary food-animal drug retailer, outsourcing facility,
25 physician, dentist, podiatrist, veterinarian, laboratory, clinic, hospital, institution, or establishment
26 holding a currently valid and unrevoked certificate, license, permit, registration, or exemption
27 under Division 2 (commencing with Section 1200) of the Health and Safety Code or under Part 4
28

1 (commencing with Section 16000) of Division 9 of the Welfare and Institutions Code who
2 maintains a stock of dangerous drugs or dangerous devices.”

3 11. **Section 4113, subdivision (c)** of the Code provides in pertinent part:

4 “The pharmacist-in-charge shall be responsible for a pharmacy’s compliance with all state
5 and federal laws and regulations pertaining to the practice of pharmacy.”

6 12. **Section 4301** of the Code provides in pertinent part:

7 “The Board shall take action against any holder of a license who is guilty of unprofessional
8 conduct or whose license has been issued by mistake. Unprofessional conduct shall include, but is
9 not limited to, any of the following:

10 ...

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

14 (g) Knowingly making or signing any certificate or other document that falsely represents
15 the existence or nonexistence of a state of facts.”

16

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

19 13. **Section 4307** of the Code provides in pertinent part:

20 (a) Any person who has been denied a license or whose license has been revoked or is
21 under suspension, or who has failed to renew his or her license while it was under suspension, or
22 who has been a manager, administrator, owner, member, officer, director, associate, partner, or
23 any other person with management or control of any partnership, corporation, trust, firm, or
24 association whose application for a license has been denied or revoked, is under suspension or has
25 been placed on probation, and while acting as the manager, administrator, owner, member,
26 officer, director, associate, partner, or any other person with management or control had
27 knowledge of or knowingly participated in any conduct for which the license was denied,
28 revoked, suspended, or placed on probation, shall be prohibited from serving as a manager,

1 administrator, owner, member, officer, director, associate, partner, or in any other position with
2 management or control of a licensee as follows:

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

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

7 (b) "Manager, administrator, owner, member, officer, director, associate, partner, or any
8 other person with management or control of a license" as used in this section and Section 4308,
9 may refer to a pharmacist or to any other person who serves in such capacity in or for a licensee.

10 (c) The provisions of subdivision (a) may be alleged in any pleading filed pursuant to
11 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code.
12 However, no order may be issued in that case except as to a person who is named in the caption,
13 as to whom the pleading alleges the applicability of this section, and where the person has been
14 given notice of the proceeding as required by Chapter 5 (commencing with Section 11500) of Part
15 1 of Division 3 of the Government Code. The authority to proceed as provided by this subdivision
16 shall be in addition to the board's authority to proceed under Section 4339 or any other provision
17 of law.

18 14. **Section 4324, subdivision (a)** of the Code provides in pertinent part:

19 "Every person who signs the name of another, or of a fictitious person, or falsely makes,
20 alters, forges, utters, publishes, passes, or attempts to pass, as genuine, any prescription for any
21 drugs is guilty of forgery and upon conviction thereof shall be punished by imprisonment
22 pursuant to subdivision (h) of Section 1170 of the Penal Code, or by imprisonment in a county
23 jail for not more than one year."

24 15. **Section 11150 of the Health & Safety Code** provides in pertinent part:

25 "No person other than a physician, dentist, podiatrist, or veterinarian, or naturopathic doctor
26 acting pursuant to Section 3640.7 of the Business and Professions Code, or pharmacist acting
27 within the scope of a project authorized under Article 1 (commencing with Section 128125) of
28 Chapter 3 of Part 3 of Division 107 or within the scope of Section 4052.1, 4052.2, or 4052.6 of

1 the Business and Professions Code, a registered nurse acting within the scope of a project
2 authorized under Article 1 (commencing with Section 128125) of Chapter 3 of Part 3 of Division
3 107, a certified nurse-midwife acting within the scope of Section 2746.51 of the Business and
4 Professions Code, a nurse practitioner acting within the scope of Section 2836.1 of the Business
5 and Professions Code, a physician assistant acting within the scope of a project authorized under
6 Article 1 (commencing with Section 128125) of Chapter 3 of Part 3 of Division 107 or Section
7 3502.1 of the Business and Professions Code, a naturopathic doctor acting within the scope of
8 Section 3640.5 of the Business and Professions Code, or an optometrist acting within the scope of
9 Section 3041 of the Business and Professions Code, or an out-of-state prescriber acting pursuant
10 to Section 4005 of the Business and Professions Code shall write or issue a prescription.”

11 16. **Section 11173 of the Health & Safety Code** provides in pertinent part:

12 “a) No person shall obtain or attempt to obtain controlled substances, or procure or attempt
13 to procure the administration of or prescription for controlled substances, (1) by fraud, deceit,
14 misrepresentation ; or subterfuge; or (2) by the concealment of a material fact.

15 (b) No person shall make a false statement in any prescription, order, report, or record,
16 required by this division.

17 (c) No person shall, for the purpose of obtaining controlled substances, falsely assume the
18 title of, or represent himself to be, a manufacturer, wholesaler, pharmacist, physician, dentist,
19 veterinarian, registered nurse, physician’s assistant, or other authorized person.

20 (d) No person shall affix any false or forged label to a package or receptacle containing
21 controlled substances.”

22 **REGULATORY PROVISIONS**

23 17. **California Code of Regulations, title 16, section 1714** provides:

24 ...

25 “(b) Each pharmacy licensed by the board shall maintain its facilities, space, fixtures, and
26 equipment so that drugs are safely and properly prepared, maintained, secured and distributed.
27 The pharmacy shall be of sufficient size and unobstructed area to accommodate the safe practice
28 of pharmacy.”

1 ...

2 (d) Each pharmacist while on duty shall be responsible for the security of the prescription
3 department, including provisions for effective control against theft or diversion of dangerous
4 drugs and devices, and records for such drugs and devices. Possession of a key to the pharmacy
5 where dangerous drugs and controlled substances are stored shall be restricted to a pharmacist.

6 18. **California Code of Regulations, title 16, section 1718**, provides:

7 “Current Inventory” as used in Sections 4081 and 4332 of the Business and Professions
8 Code shall be considered to include complete accountability for all dangerous drugs handled by
9 every licensee enumerated in Sections 4081 and 4332. The controlled substances inventories
10 required by Title 21, CFR, Section 1304 shall be available for inspection upon request for at least
11 3 years after the date of the inventory.”

12 **CONTROLLED SUBSTANCES / DANGEROUS DRUGS**

13 19. **“Controlled substance”** means any substance listed in Chapter 2 (commencing
14 with Section 11053) of Division 10 of the Health and Safety Code.

15 20. **Section 4022** of the Code states, in pertinent part:

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

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

20 ...

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

23 21. **Dilaudid (Hydromorphone)** is a schedule II controlled substance pursuant to
24 Health and Safety Code Section 11055(b)(1)(J) and a dangerous drug pursuant to Business of
25 Professions Code § 4022.

26 22. **Adderall XR (Dextroamp-amphetamine ER)** is a schedule II controlled
27 substance pursuant to Health and Safety Code Section 11055 and a dangerous drug pursuant to
28 Business of Professions Code § 4022.

FACTUAL BACKGROUND

1
2 32. On or about September 18, 2013, Inspector S.B received a call from diversion
3 investigator, E.L., with the Drug Enforcement Administration (DEA.) that Respondent
4 Technician diverted controlled substances from Respondent Pharmacy. Respondent Pharmacy
5 filed a police report since the pharmacy received a threat from the Respondent Technician's
6 husband. The Board subsequently opened a case to investigate the Respondent Technician.

7 33. On or about September 25, 2013, Respondent PIC sent documents to the Board. The
8 documents are a time line report, a list of missing drugs, copies of the police report, copies text
9 messages between Respondent Pharmacy's office manager and Respondent's Technician's
10 spouse, copies of text messages between Respondent PIC and Respondent Technician, and
11 Respondent Technician's note.

12 34. On January 21, 2014, Inspector S.B. inspected Respondent Pharmacy in the presence
13 of Respondent PIC. Respondent PIC stated she conducted a rough audit. Inspector S.B reviewed
14 her audit method and found the audit was not accurate. Inspector S.B. explained to Respondent
15 PIC how to conduct an audit and chose an audit period from June 5, 2011 to September 15, 2013
16 based on controlled substance inventories. She requested Respondent PIC to submit supporting
17 records for the audit. Respondent PIC stated she found fraudulent prescriptions dispensed for
18 Respondent Technician's sister, K.G., and her brother-in-law, D.T. Inspector S.B asked
19 Respondent PIC to print out K.G. and D.T.'s patient profiles and to review all original
20 prescriptions on the profiles. She asked Respondent PIC to contact prescribers and verify
21 whether the dispensed prescriptions were legitimate, whether any fraudulent prescriptions were
22 identified. She asked Respondent PIC to submit original prescriptions and prescriber's statement
23 related to them.

24 35. On February 5, 2014, Respondent PIC submitted her statement. The content of the
25 statement was as follows:

- 26 • In September, 2011, Respondent Pharmacy hired Respondent Technician who was
27 highly recommended by her pharmacy technician school and a CVS pharmacy
28 where she completed her externship. Since then, she had been working at

1 Respondent Pharmacy as a full time staff member. She was hard working and caring
2 person who was an asset to the pharmacy.

- 3 • On August 30, 2013, Respondent PIC noticed a small bag wedged between two of
4 Respondent Technician's family medication bags. Examining inside, she found two
5 Tri-Packs (Zithromax) without prescription labels on them. When Respondent
6 Technician was questioned, she explained she took the Tri-Packs before she entered
7 a prescription for them. Respondent Technician stated she was planning to bring the
8 prescription on the next day.
- 9 • On August 31, 2013, Respondent Technician's mother and uncle brought the
10 prescription for the Tri-Packs. Respondent Technician texted Respondent PIC on
11 the same day and apologized for taking Tri-Packs.
- 12 • On September 11, 2013, E.L. contacted Respondent Pharmacy's office manager at
13 Respondent's Pharmacy and informed him there was a report Respondent's
14 Technician had been dealing with controlled substances. E.L. advised Respondent
15 PIC to conduct an audit to see if any controlled substances were missing.
16 Respondent PIC conducted a rough audit and found Oxycodone and Norco were
17 unaccounted for. E.L. suggested Respondent PIC to conduct an interview with
18 Respondent Technician.¹
- 19 • On September 11, 2013, in the evening, Respondent PIC and Manager interviewed
20 Respondent Technician who admitted to stealing controlled substances. She
21 admitted she was stealing drug for her mom and uncle to help them financially.
22 When Respondent Technician was asked if she could return any of the stolen drugs,
23 she called her sister "Mercy." Respondent Technician told "Mercy" that
24 Respondent PIC and Respondent Pharmacy's Manager found out about the theft and
25

26
27 ¹ On September 16, 2015, Inspector S.B contacted E.L. via telephone. E.L. stated there was a telephone tip
28 on or about September 11, 2013 about Respondent Technician. Respondent Technician was working at Respondent
Pharmacy and dealing with controlled substances. E.L. did not have any additional information.

1 asked for her help. Respondent Technician wrote a statement for the stolen
2 medications. Her statement provides the following:

3 1. Her mother and uncle's name, address, and a phone number;

4 2. Respondent Technician wrote, "Past Seven wks [sic] I took approx. 5
5 bottles of oxycodone 30mg Manf... from the pharmacy I work at. Norco
6 10/325 Valium 5mg, 300 tablets."

7 3. Respondent Technician did not sign her statement.

- 8 • On September 12, 2013, Respondent Technician's spouse and Respondent Pharmacy
9 Manager met on the pharmacy parking lot area. Respondent's Technician's spouse
10 stated that Respondent Technician told him about the theft and wanted to know how
11 to resolve the problem. Respondent's Technician's spouse stated he destroyed all
12 leftover medications at home and asked Respondent Pharmacy Manager if he could
13 pay or replace the remaining medications. Respondent Pharmacy Manager told
14 Respondent Technician's spouse that his offer was not acceptable.
- 15 • On September 16, 2013, Respondent PIC spoke to E.L. She suggested Respondent
16 PIC to file a police report.
- 17 • On September 17, 2013, Respondent PIC reported the incident with the Los Angeles
18 Police Department.
- 19 • On or about September 17, 2013, Respondent PIC found fraudulent prescriptions
20 written for K.G. and D.T. Reviewing the pharmacy security camera footage,
21 Respondent PIC learned Respondent Technician was stealing medications while
22 Respondent PIC was out and a relief pharmacist was on duty.
- 23 • Respondent PIC stated she implemented new procedures to prevent any further
24 losses:
 - 25 1. An inventory software program was purchased and installed in the
26 pharmacy system.
 - 27 2. Schedule II controlled substances would be kept in a locked box.

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3. Respondent PIC and Respondent Pharmacy Manager could remotely view the pharmacy area through an upgraded security Camera System.
4. Pharmacy employees would be tested for drugs monthly.
5. Pharmacists would check physical counts of dispensed controlled substances and compare to counts reflected on a pharmacy inventory program.
6. Pharmacists would randomly check refill requests and authorizations.
7. Pharmacy employees were not allowed to bring personal items except small clear bags.
8. Pharmacy employees were not allowed to ring up items for themselves, family members, or friends.
9. The pharmacy will be closed on Saturday since Respondent PIC was not able to work.

Audit

36. On February 5, 2014, Respondent Pharmacy sent the audit result and the supporting documents to the Inspector S.B. who reviewed the document and prepared the following chart:

Drug Name	Inventory on 06/05/11 (a)	Purchase Total (b)	Dispensed Total (c)	Inventory on 09/15/13 (d)	Discrepancy (a+b)-(c+d)
hydromorphone 8mg	296	3,700	3597	50	349
dextroamp-amphetamine ER 20mg	100	3,000	2,850	150	100
hydrocodone/apap 10/325mg	1,700	127,000	105,962	2001	20,737
methadone 10mg	167	18,400	17,680	282	605
oxycodone 30mg	351	48,800	40,690	259	8,202
promethazine-codeine syr (ml)	0	50,611	39,792	1519	9,300 ml
diazepam 5mg	0	11,000	10,553	390	57
oxycodone 5mg	0	6,400	6,170	170	60
Oxycontin 80mg	127	18,200	18,058	39	230
alprazolam 2mg	150	10,900	8,362	450	2,238
amphetamine 10mg	26	3,600	3,046	261	319
amphetamine 30mg	0	1,900	1,500	61	339

1 37. The audit result showed 33,236 tablets of controlled substances and 9,300 ml of
2 promethazine codeine syrup were unaccounted for.

3 **Fraudulent Prescriptions of K.G. and D.T.**

4 38. During the inspection, Respondent PIC stated she found fraudulent prescriptions
5 dispensed for K.G. and D.T. Inspector S.B. instructed Respondent PIC to print out Patient Drug
6 History records for K.G. and D.T. Inspector S.B. told her to contact prescribers and verify if
7 there were any unauthorized refill or new prescriptions dispensed to K.G. and D.T. Inspector
8 S.B. instructed Respondent PIC to look for original documents for the fraudulent prescriptions
9 and obtain statements from prescribers. On February 5, 2014, Respondent PIC submitted copies
10 of prescription documents and statements from prescribers for K.G. and D.T.

11 **Fraudulent Prescriptions for K.G.**

12 39. Respondent PIC reviewed the Patient Drug History between January 23, 2010 to
13 January 23, 2014 and verified with the prescribers. She found eight (8) fraudulent prescriptions
14 dispensed for K.G. These prescriptions were processed under C.H., M. D., whose office is located
15 in the same medical building as Respondent Pharmacy. Inspector S.B. created a table based on
16 the Patient Drug History, copies of original documents for the fraudulent prescriptions, and added
17 Respondent PIC's explanation on notes affixed on the prescription documents. On September 18,
18 2015, Respondent PIC provided Inspector S.B. with Dr. C.H.'s statement which confirmed that
19 Dr. C.H. did not order the 8 fraudulent prescriptions for K.G.

20
21 Table 2. Fraudulent Prescriptions for Kassey

22 Prescription Number	Date	Refill or New	Original Prescription	RPH Dispensed	Comment
23 455415	04/06/12	N	Hydrocodone/Apap 7.5/750mg	P.R. (RPH49211)	24 Pharmacist P.R. stated that Respondent 25 Technician told her a telephone prescription was previously called in and was on hold.

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461512	07/13/12	N	Hydrocodone/Apap 7.5/750mg	A.S. (RPH21898)	According to a Refill Authorization Request form, Respondent Technician received a refill authorization on 07/13/12.
468466	10/31/12	N	Hydrocodone/Apap 7.5/750mg	S.F. (RPH63243)	According to a Refill Authorization Request form, Respondent Technician received a refill authorization on 10/31/11. In addition to the Refill Authorization Request form, Respondent Technician wrote on a telephone prescription pad for refilled medication as if they were a new prescription. <i>(she wrote the refill was authorized on 10/31/12.)</i>
481392	05/04/13	N	Hydrocodone/Apap 10/325mg	RPH S.F.	According to a Refill Authorization Request form, Respondent Technician received 2 refill authorizations on 05/03/13.
481392	06/01/13	R	Hydrocodone/Apap 10/325mg	Unknown	According to a Refill Authorization Request form, Respondent Technician received 2 refill authorizations on 05/03/13. <i>This is the 2nd fill. (Exhibit 3, page 84.)</i> Unable to find a refill log related to this prescription.
486806	07/26/13	N	Sertraline 50g	RPH H.S. (RPH20458)	According to a Refill Authorization Request form, Respondent Technician received a refill authorization on 07/26/13.
486807	07/26/13	N	Hydrocodone/Apap 10/325mg	RPH H.S.	According to a Refill Authorization Request form, Respondent Technician received a refill authorization on 07/26/13.
488037	08/15/13	N	Hydrocodone/Apap 10/325mg	Respondent PIC	According to a Refill Authorization Request form, Respondent

					Technician received a refill authorization on 08/15/13.
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Fraudulent Prescriptions for D.T.

40. Respondent PIC reviewed the Patient Drug History between January 23, 2010 to January 23, 2014 and verified with the prescribers. She found there were eight (8) fraudulent prescriptions dispensed for D.T. These prescriptions were processed under V.S., M. D. whose office was located across from Respondent's Pharmacy. Inspector S.B. created a table based on the Patient Drug History, copies of original documents for the fraudulent prescriptions, and Respondent's PIC's explanation on notes affixed on the copies of prescription documents. On February 5, 2014, Respondent PIC provided me with Dr. V.S.'s statement which conformed that D.T. had never been under the care of Dr. V.S. Neither his office staff members nor himself had ever called in prescriptions for D.T. to any pharmacies.

Prescription Number	Date	Refill or New	Original Prescription	Qty	Dispensed by	Comment
473515	01/30/13	N	Hydrocodone/Apap 10/325mg	240	RPH S.F.	RPH S.F. stated Respondent Technician told her a refill authorization was taken by Respondent PIC. However, the refill was on hold since D.T. did not need it. The refill Authorization Request form was signed and dated by Respondent Technician. Respondent Technician wrote on a telephone prescription pad for refilled medication as if they were a new prescription.
476831	02/27/13	N	Hydrocodone/Apap 10/325mg	240	Respondent PIC	According to a Refill Authorization Request form, Respondent Technician received a refill authorization on 02/27/13.
478648	03/23/13	N	Hydrocodone/Apap 10/325mg	240	RPH S.F.	According to a Refill Authorization Request form, Respondent Technician received a refill authorization on 03/18/13. RPH S.F. filled the refill on 03/23/13.

481809	05/10/13	N	Hydrocodone/A pap 10/325mg	240	Respondent PIC	According to a Refill Authorization Request form, Respondent Technician received a refill authorization on 05/10/13.
483362	06/04/13	N	Hydrocodone/A pap 10/325mg	240	Respondent PIC	According to a Refill Authorization Request form, Respondent Technician received a refill authorization on 06/04/13.
485148	07/01/13	N	Hydrocodone/A pap 10/325mg	240	Respondent PIC	According to a Refill Authorization Request form, Respondent Technician received a refill authorization on 07/01/13.
487397	08/05/13	N	Hydrocodone/A pap 10/325mg	240	Respondent PIC	According to a Refill Authorization Request form, Respondent Technician received a refill authorization on 08/05/13.
488743	08/26/13		Hydrocodone/A pap 10/325mg	240	Unknown	According to a Refill Authorization Request form, Respondent Technician received a refill authorization on 08/26/13. No refill record was found; however, David's patient drug history showed Rx 488743 was dispensed on 08/26/13.

41. In an ordinary pharmacy practice, it would be difficult for floater pharmacists to identify fraudulent prescriptions. Especially since Respondent Technician was a trusted employee of Respondent Pharmacy, the floater pharmacists relied on her experience at the pharmacy. Respondent Technician assisted the floater pharmacists and took advantage of the situation while Respondent PIC was not present at the pharmacy. Respondent Technician knew the pharmacy system and understood how to deceive pharmacists including Respondent PIC. Respondent PIC who had closely worked together with Respondent Technician filled 6 out of 16 fraudulent prescriptions. Although Respondent PIC did not dispense all of the fraudulent prescriptions, as the PIC, she was responsible for the violations related to fraudulent prescriptions. On October 5, 2015, Written Notice was issued to Respondent Pharmacy via email.

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OWNERSHIP PROHIBITION

42. Business and Professions Code section 4307(a) provides, in pertinent part that any person whose license has been revoked or is under suspension shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate or partner of a licensee.

43. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number PHY 48673 to NCAR Enterprises Inc. dba Medallion Prescription Pharmacy (“Respondent Pharmacy”) and Noushin Saghizadeh-Rabizadeh while acting as the manager, administrator, owner, member, officer, director, associate, or partner of Respondent Pharmacy, had knowledge of or knowingly participated in any conduct for which Pharmacy Permit Number PHY 48673 issued to Respondent Pharmacy was revoked, suspended or placed on probation, Respondent Noushin Saghizadeh-Rabizadeh shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 48673 issued to Respondent Pharmacy is placed on probation or until Pharmacy Permit Number PHY 48673, issued to Respondent Pharmacy is reinstated if it is revoked.

FIRST CAUSE FOR DISCIPLINE

**(Furnishing Dangerous Drugs Without Prescriptions-Fraudulent Prescriptions/
Unauthorized Refill)**

44. Respondent Pharmacy and Respondent (PIC) (collectively referred as Respondents) are subject to disciplinary action under sections 4059, subdivision (a), 4060 and 4063 of the Code for furnishing dangerous drugs, fraudulent prescriptions and unauthorized refill. Specifically, from April 6, 2012 to August 26, 2013, Respondent Pharmacy dispensed 16 fraudulent prescriptions, which were forged by Respondent Technician for K.G. and D.T. while Respondent Technician was employed at Respondent Pharmacy. Complainant refers to and incorporates all the allegations contained in paragraphs 32-43, as though set forth fully.

Fraudulent Prescriptions for K.G.

Prescription Number	Date	New (N) or Refill	Original Prescription

		(R)	
455415	04/06/12	N	Hydrocodone/Apap 7.5/750mg
461512	07/13/12	N	Hydrocodone/Apap 7.5/750mg
468466	10/31/12	N	Hydrocodone/Apap 7.5/750mg
481392	05/04/13	N	Hydrocodone/Apap 10/325mg
481392	06/01/13	R	Hydrocodone/Apap 10/325mg
486806	07/26/13	N	Sertraline 50g
486807	07/26/13	N	Hydrocodone/Apap 10/325mg
488037	08/15/13	N	Hydrocodone/Apap 10/325mg

Fraudulent prescriptions for D.T.

Prescription Number	Date	New	Original Prescription
473515	01/30/13	N	Hydrocodone/Apap 10/325mg
476831	02/27/13	N	Hydrocodone/Apap 10/325mg
478648	03/23/13	N	Hydrocodone/Apap 10/325mg
481809	05/10/13	N	Hydrocodone/Apap 10/325mg
483362	06/04/13	N	Hydrocodone/Apap 10/325mg
485148	07/01/13	N	Hydrocodone/Apap 10/325mg
487397	08/05/13	N	Hydrocodone/Apap 10/325mg
488743	08/26/13	N	Hydrocodone/Apap 10/325mg

SECOND CAUSE FOR DISCIPLINE

(Operational Standards and Security)

45. Respondents are subject to disciplinary action under Title 16, California Code of Regulations section 1714, subdivision (b) and (d), which requires each pharmacy to maintain their dangerous drugs in a safe and secure manner, and for each pharmacist while on duty to be responsible for the security of the prescription department. Specifically, an audit comparing acquisition and disposition records (06/05/11 to 09/15/13) from Respondent Pharmacy revealed 33,236 tablets of controlled substances and 9,300 ml of promethazine codeine syrup were unaccounted for. Complainant refers to and incorporates all the allegations contained in paragraphs 32-43, as though set forth fully.

THIRD CAUSE FOR DISCIPLINE

(Shortage of Current Inventory)

46. Respondents are subject to disciplinary action under section 4081 subdivision (a) of the Code and Title 16, California Code of Regulations section 1718 which requires each pharmacy to keep a complete accountability for dangerous drugs handled by every licensee.

1 Specifically, an audit comparing acquisition and disposition records (06/09/11 to 12/16/12) from
2 Respondent Pharmacy revealed 33,236 tablets of controlled substances and 9,300 ml of
3 promethazine codeine syrup were unaccounted for, while Respondent PIC was acting as a
4 pharmacist in charge. Complainant refers to and incorporates all the allegations contained in
5 paragraphs 32-43, as though set forth fully.

6 **FOURTH CAUSE FOR DISCIPLINE**

7 **(Pharmacist In Charge Responsible for Pharmacy's Compliance)**

8 47. Respondent PIC is subject to disciplinary action under section 4113 subdivision (c)
9 which states the pharmacist-in-charge shall be responsible for a pharmacy's compliance with all
10 state and federal laws and regulations pertaining to the practice of pharmacy, and pursuant to
11 *Sternberg v. Board of Pharmacy* (2015) 239 Cal. App. 4th 1159. Specifically, while associated
12 as the PIC at Respondent Pharmacy, there was ineffective control against the diversion of
13 dangerous drugs which resulted in 33,236 tablets of controlled substances and 9,300 ml of
14 promethazine codeine syrup being unaccountable and the dispensing of fraudulent prescriptions
15 created by Respondent Technician. Complainant refers to and incorporates all the allegations
16 contained in paragraphs 32-43, as though set forth fully.

17 **FIFTH CAUSE FOR DISCIPLINE**

18 **(Furnishing Dangerous Drugs or Controlled Substances without Prescription)**

19 48. Respondent Technician is subject to disciplinary action under section 4324,
20 subdivision (a) pursuant to Health and Safety Code 11150, which prohibits a person from forging
21 any prescription for any prescription drugs and Health and Safety Code section 11173 which
22 states no person shall obtain or attempt to obtain controlled substances, or procure or attempt to
23 procure the administration of prescription for controlled substances by fraud, deceit,
24 misrepresentation, or subterfuge; or by concealment of a material fact. Specifically, from
25 04/06/12 to 08/26/13, Respondent Technician, while employed at Respondent Pharmacy, forged
26 16 fraudulent prescriptions for her family members, K.G. and D.T. Complainant refers to and
27 incorporates all the allegations contained in paragraphs 32-43, as though set forth fully.

28

Fraudulent Prescriptions for K.G.

Prescription Number	Date	New (N) or Refill (R)	Original Prescription
455415	04/06/12	N	Hydrocodone/Apap 7.5/750mg
461512	07/13/12	N	Hydrocodone/Apap 7.5/750mg
468466	10/31/12	N	Hydrocodone/Apap 7.5/750mg
481392	05/04/13	N	Hydrocodone/Apap 10/325mg
481392	06/01/13	R	Hydrocodone/Apap 10/325mg
486806	07/26/13	N	Sertraline 50g
486807	07/26/13	N	Hydrocodone/Apap 10/325mg
488037	08/15/13	N	Hydrocodone/Apap 10/325mg

Fraudulent prescriptions for D.T.

Prescription Number	Date	New	Original Prescription
473515	01/30/13	N	Hydrocodone/Apap 10/325mg
476831	02/27/13	N	Hydrocodone/Apap 10/325mg
478648	03/23/13	N	Hydrocodone/Apap 10/325mg
481809	05/10/13	N	Hydrocodone/Apap 10/325mg
483362	06/04/13	N	Hydrocodone/Apap 10/325mg
485148	07/01/13	N	Hydrocodone/Apap 10/325mg
487397	08/05/13	N	Hydrocodone/Apap 10/325mg
488743	08/26/13	N	Hydrocodone/Apap 10/325mg

SIXTH CAUSE FOR DISCIPLINE

(Furnishing Dangerous Drugs without Prescription)

49. Respondent Technician is subject to disciplinary action under section 4059 subdivision (a). Specifically, on August 30, 2013, while working at Respondent Pharmacy, Respondent Technician stole Tri-Packs (Zithromax) without a prescription. On September 11, 2013, she admitted to stealing 5 bottles of oxycodone 30mg (100 tablets/bottle), and 300 tablets of Norco and Valium from Respondent Pharmacy without a prescription. Complainant refers to and incorporates all the allegations contained in paragraphs 32-43, as though set forth fully.

SEVENTH CAUSE FOR DISCIPLINE

(Possession of Controlled Substances Without a Prescription)

50. Respondent Technician is subject to disciplinary action under section 4060. Specifically, on September 11, 2013, while working at Medallion Prescription Pharmacy, located at 23101 Sherman Place #101, West Hills, CA, pharmacy technician Monalisa Herrera admitted to stealing 5 bottles of oxycodone 30mg (100 tablets/bottle), and 300 tablets of Norco and Valium

1 from Medallion Prescription Pharmacy without a prescription. Complainant refers to and
2 incorporates all the allegations contained in paragraphs 32-43, as though set forth fully.

3 **EIGHTH CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct)**

5 51. Respondent Technician is subject to disciplinary action under sections 4301,
6 subdivision (f) and (g), and 4031(j) and (o) which prohibits a licensee from committing any act
7 involving moral turpitude, dishonesty, fraud... and knowingly making or signing...document that
8 falsely represents the existence or nonexistence of a state of facts. Specifically, from April 6,
9 2012 to August 26, 2013, Respondent Technician forged 16 fraudulent prescriptions for her
10 family members, K.G. and D.T. while she was employed at Respondent Pharmacy. Complainant
11 refers to and incorporates all the allegations contained in paragraphs 32-43, as though set forth
12 fully.

13 **PRIOR DISCIPLINARY ACTIONS**

14 52. On or about September 4, 2015, the Board issued a Citation and Fine Order against
15 Respondent PIC for the following violations: Title 16, section 1735.2, subdivision (j) of the
16 California Code of Regulations (Compounding Requirements), Title 16, section 1735.4,
17 subdivision (a) of the California Code of Regulations (Labeling of a Compounded Drug), and
18 Title 16, section 1735.3, subdivision (a) of the California Code of Regulations (Records of
19 Compounded Drug Product Missing).

20 53. On or about February 24, 2017, the Board issued a Citation and Fine Order in the
21 amount of \$500 against Respondent PIC for the following violations: California Code of
22 Regulations Section 1761, subdivision (a) (no pharmacist shall compound or dispense any
23 prescription which contains any significant error, omission, irregularity, uncertainty, ambiguity or
24 alteration. Upon receipt of any such prescription, the pharmacist shall contact the prescriber to
25 obtain the information needed to validate the prescription.)

26 54. On or about February 24, 2017, the Board issued a Citation against Respondent
27 Pharmacy for the following violations: California Code of Regulations Section 1761, subdivision
28 (a).

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 48673, issued to NCAR Enterprises Inc. dba Medallion Prescription Pharmacy, Noushin Saghizadeh, President and PIC

2. Ordering Medallion Prescription Pharmacy 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;

3. Revoking or suspending Pharmacist License Number RPH 49745 to Noushin Saghizadeh-Rabizadeh;

4. Ordering Noushin Saghizadeh-Rabizadeh 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. Revoking or suspending Pharmacy Technician Registration Number TCH 104381 to Monalisa Herrera;

6. Ordering Monalisa Herrera 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;

7. Prohibiting Noushin Saghizadeh-Rabizadeh from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 48673, issued to NCAR Enterprises Inc. dba Medallion Prescription Pharmacy, is placed on probation or until Pharmacy Permit Number PHY 48673, issued to NCAR Enterprises Inc. dba Medallion Prescription Pharmacy is reinstated if Pharmacy Permit Number PHY 48673 to NCAR Enterprises Inc. dba Medallion Prescription Pharmacy is revoked;

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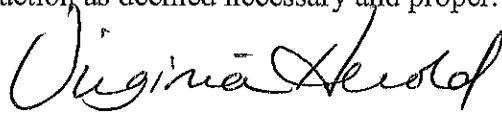
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8. Taking such other and further action as deemed necessary and proper.

DATED: 10/18/17



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

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accusation.rtf