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6 *Attorneys for Complainant*

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

9
10 In the Matter of the Accusation Against:

Case No. 5980

11 **SAKAT BATRA**
12 **924 # A Sharman Palms Lane**
Campbell, CA 95008

FIRST AMENDED ACCUSATION

13 **Pharmacist License No. RPH 57999**

14 Respondent.

15 Complainant alleges:

16 PARTIES

- 17 1. Virginia Herold (Complainant) brings this First Amended Accusation solely in her
18 official capacity as Executive Officer, Board of Pharmacy, Department of Consumer Affairs.
19 2. On or about December 29, 2005, the Board of Pharmacy issued Pharmacist License
20 No. RPH 57999 to Sakat Batra (Respondent). The License was in full force and effect at all times
21 relevant to the charges brought herein and will expire on November 30, 2017, unless renewed.

22 JURISDICTION

- 23 3. This First Amended Accusation is brought before the Board of Pharmacy (Board),
24 Department of Consumer Affairs, under the authority of the following laws. All section
25 references are to the Business and Professions Code (Code) unless otherwise indicated.
26 4. Section 4011 of the Code provides that the Board shall administer and enforce both
27 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances
28 Act [Health & Safety Code, § 11000 et seq.].

1 5. Section 4300(a) of the Code provides that every license issued by the Board may be
2 suspended or revoked.

3 6. Section 4300.1 of the Code provides that the expiration, cancellation, forfeiture, or
4 suspension of a Board-issued license, the placement of a license on a retired status, or the
5 voluntary surrender of a license by a licensee, shall not deprive the Board of jurisdiction to
6 commence or proceed with any investigation of, or action or disciplinary proceeding against, the
7 licensee or to render a decision suspending or revoking the license.

8 STATUTORY PROVISIONS

9 7. Section 4301 of the Code provides that the Board shall take action against any holder
10 of a license who is guilty of “unprofessional conduct,” including, but not limited to:

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

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

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

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

1 8. Section 4059 of the Code, in pertinent part, prohibits furnishing of any dangerous
2 drug or dangerous device except upon the prescription of an authorized prescriber.

3 9. Section 4060 of the Code provides, in pertinent part, that no person shall possess any
4 controlled substance, except that furnished upon a valid prescription/drug order.

5 10. Section 4324 of the Code, in pertinent part, makes it unlawful for a person to falsely
6 make, alter, forge, utter, publish, pass, or attempt to pass, as genuine, a prescription for a drug, or
7 to have in his or her possession a drug secured by a forged prescription.

8 11. Health and Safety Code section 11150 provides, in pertinent part, that no person other
9 than an authorized prescriber shall write or issue a prescription.

10 12. Health and Safety Code section 11157 provides that no person shall issue a
11 prescription that is false or fictitious in any respect.

12 13. Health and Safety Code section 11170 provides that no person shall prescribe,
13 administer, or furnish a controlled substance for himself or herself.

14 14. Health and Safety Code section 11173, subdivision (a), provides that no person shall
15 obtain or attempt to obtain controlled substances, or procure or attempt to procure the
16 administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation,
17 or subterfuge; or (2) by the concealment of a material fact.

18 15. Health and Safety Code section 11175 makes it unlawful for any person to obtain or
19 possess a prescription that does not comply with the Uniform Controlled Substances Act [Health &
20 Safety Code, § 11000 et seq.], to obtain a controlled substance by means of such non-compliant
21 prescription, or to possess a controlled substance obtained by such a prescription.

22 16. Health and Safety Code section 11350, in pertinent part, makes it unlawful to possess
23 any controlled substance listed in Schedule II (Health and Safety Code section 11055),
24 subdivision (b) or (c), or any narcotic drug in Schedules III-V, absent a valid prescription.

25 17. Health and Safety Code section 11368, in pertinent part, makes it unlawful to forge or
26 alter a prescription, issue or utter an altered prescription, issue or utter a prescription with forged
27 or fictitious signature for a narcotic drug, obtain a narcotic drug by a forged, fictitious, or altered
28 prescription, or possess a narcotic drug secured by a forged, fictitious, or altered prescription.

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

4 CONTROLLED SUBSTANCES / DANGEROUS DRUGS

5 19. Section 4021 of the Code states:

6 “‘Controlled substance’ means any substance listed in Chapter 2 (commencing with Section
7 11053) of Division 10 of the Health and Safety Code.”

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

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

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

13 ...

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

16 21. **Norco, Vicodin, Vicodin ES, Lortab, and Lorcet** are among the brand names for
17 compounds of varying dosages of acetaminophen (aka APAP) and **hydrocodone**, a Schedule III
18 controlled substance as designated by Health and Safety Code section 11056(e)(4) and dangerous
19 drug as designated by Business and Professions Code section 4022. The varying compounds are
20 also known generically as **Hydrocodone with APAP**. These are all narcotic drugs. Products like
21 these that combine **hydrocodone** with non-controlled substances are also called **hydrocodone**
22 **combination products**. Effective October 6, 2014, **hydrocodone combination productions**
23 were switched at the federal level from Schedule III (21 C.F.R. § 1308.13(e)(1)(iii) and (iv)) to
24 Schedule II (21 C.F.R. § 1308.12(b)(1)). This includes **Hydrocodone with APAP** drugs.

25 22. **Ambien** is a brand name for zolpidem tartrate, a Schedule IV controlled substance as
26 designated by Health and Safety Code section 11057(d)(32) and a dangerous drug as designated
27 by Business and Professions Code section 4022. It is a depressant drug.

28 ///

1 23. **Marinol** is a brand name for dronabinol, a Schedule III controlled substance as
2 designated by Health and Safety Code section 11056(b) and a dangerous drug as designated by
3 Business and Professions Code section 4022. It is an antiemetic drug and a hallucinogenic.

4 24. **Ultram** and **Ultracet** are brand names for drugs containing tramadol, a dangerous
5 drug as designated by Business and Professions Code section 4022. Tramadol is an opioid pain
6 medication; a Schedule IV controlled substance at the federal level. (21 C.F.R. § 1308.14(b)(3).)

7 25. **Valium** is a brand name for diazepam, a Schedule IV controlled substance as
8 designated by Health and Safety Code section 11057(d)(9) and a dangerous drug as designated by
9 Business and Professions Code section 4022. It is a depressant drug.

10 26. **Bactroban** is a brand name for mupirocin, a dangerous drug as designated by
11 Business and Professions Code section 4022. It is an antibiotic drug.

12 27. **Ceftin** is a brand name for cefuroxime, a dangerous drug as designated by Business
13 and Professions Code section 4022. It is an antibiotic drug.

14 28. **Cipro** is a brand name for ciprofloxacin, a dangerous drug as designated by Business
15 and Professions Code section 4022. It is an antibiotic drug.

16 29. **Depakote** is a brand name for divalproex, a dangerous drug as designated by Business
17 and Professions Code section 4022. It is a drug used to treat epilepsy, mania, and migraines.

18 30. **Glucophage** is a brand name for metformin, a dangerous drug as designated by
19 Business and Professions Code section 4022. It is a drug used to treat diabetes.

20 31. **Hydrocortisone** is a dangerous drug as designated by Business and Professions Code
21 section 4022. It is a steroid drug.

22 32. **Levothroid** and **Levoxyl** are brand names for levothyroxine, a dangerous drug as
23 designated by Business and Professions Code section 4022. It is used to treat hypothyroidism.

24 33. **Macrobid** is a brand name for nitrofurantin, a dangerous drug as designated by
25 Business and Professions Code section 4022. It is an antibiotic drug.

26 34. **Mellaril** is a brand name for thioridazine, a dangerous drug as designated by Business
27 and Professions Code section 4022. It is a drug used to treat schizophrenia.

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1 35. **Taztia** and **Cardizem** are brand names for diltiazem, a dangerous drug as designated
2 by Business and Professions Code section 4022. It is used to treat hypertension and angina.

3 36. **Tofranil** is a brand name for imipramine, a dangerous drug as designated by Business
4 and Professions Code section 4022. It is a drug used to treat depression.

5 FACTUAL SUMMARY

6 37. Between on or about February 2, 2007 and on or about January 19, 2016, Respondent
7 was employed as a staff pharmacist by a Walgreens Pharmacy (#06214) located in Scotts Valley,
8 CA. This employment afforded him access to controlled substances and dangerous drugs, and to
9 the computer and other systems necessary to enter and fill prescriptions.

10 38. During his employment, Respondent took advantage of his access to patient profile
11 information and controlled substance/dangerous drug stocks to steal/divert controlled substances
12 and dangerous drugs, for his own use or for his family member(s). The exact number of instances
13 of diversion/theft by Respondent, and the full quantity of controlled substances or dangerous
14 drugs diverted/stolen by Respondent, are not known, but in the course of investigations conducted
15 by the pharmacy, by police, and by the Board of Pharmacy, the following were among the
16 observations, admissions, and revelations reported:

17 a. On or about January 6, 2016, a fellow employee at the Walgreens Pharmacy
18 reported to pharmacy management that Respondent had been seen ingesting **Norco (hydrocodone**
19 **with APAP)** tablets from the drug stock maintained by the pharmacy. It was also reported that
20 Respondent had filled and dispensed a large number of prescriptions for himself and his mother.

21 b. Pharmacy management began to monitor quantities of **hydrocodone with**
22 **APAP** in the drug dispenser from which Respondent had reportedly diverted tablets, and during
23 the next two weeks, between on or about January 6, 2016 and on or about January 19, 2016,
24 discovered six (6) additional tablets of **Norco** went missing during days Respondent worked.

25 c. Reviews of prescriptions dispensed to Respondent and his mother during the
26 tenure of Respondent's employment revealed a large number of prescriptions purportedly written
27 by a single prescriber. When that prescriber was contacted, it was determined that most of those
28 prescriptions had not been authorized and had been fraudulently entered and dispensed.

1 d. During an interview with Walgreens Pharmacy management and in a written
 2 statement completed on or about January 19, 2016, Respondent admitted to creating and filling
 3 fraudulent prescriptions both for himself and his mother.

4 e. On or about February 18, 2016, Walgreens Pharmacy filed a Report of Theft or
 5 Loss of Controlled Substances Form DEA-106 with the DEA and the Board, reporting losses by
 6 employee theft of the following quantities of drugs: one hundred nine (109) tablets of **diazepam**
 7 **2mg**; forty (40) tablets of **diazepam 10mg**; one thousand three hundred forty nine (1,349) tablets
 8 of **tramadol 50mg**; fifty five (55) tablets of **tramadol with APAP 37.5/325mg**; and three
 9 hundred forty two (342) tablets of **zolpidem 5mg**. These figures do not include amounts stolen or
 10 lost due to the unauthorized and fraudulent prescriptions created and filled by Respondent.

11 39. During his tenure as a pharmacist at Walgreens Pharmacy, Respondent created and/or
 12 filled/dispensed false or fraudulent prescriptions for at least the following drugs and quantities:

13 **Table 1: Total quantities of prescriptions dispensed to Respondent on fraudulent**
 14 **prescriptions created by Respondent between 1/29/2013 and 10/30/2015**

<i>Drug Name and Strength</i>	<i>Quantities</i>	<i>Controlled substances?</i>
divalproex 500mg delayed release tabs	1,140	N
famotidine 40mg tabs	540	N
dronabinol 2.5mg capsules	360	Y
dronabinol 5mg capsules	90	Y
dronabinol 10mg capsules	30	Y

18 **Table 2: Total quantities of prescriptions dispensed to Respondent's mother on**
 19 **fraudulent prescriptions created by Respondent between 1/17/2013 and 1/17/2016**

<i>Drug Name and Strength</i>	<i>Quantities</i>	<i>Controlled substances?</i>
diazepam 10mg tablets	2,220	Y
tramadol 50mg tablets	870	Y
tramadol/acetaminophen 37.5/325mg tablets	360	Y
zolpidem 10mg tablets	6,840	Y
cefuroxime 250mg tablets	40	N
ciprofloxacin 500mg tablets	10	N
diltiazem ER 300mg	450	N
hydrocortisone 2.5% cream	30gm	N
imipramine 25mg tablets	270	N
levothyroxine 0.125mg tablets	360	N
metformin 500mg tablets	1080	N
mupirocin 2% ointment	22gm	N
naproxen 500mg tablets	60	N
nitrofurantoin 100mg capsules	42	N
phenazopyridine 200mg tablets	81	N
thioridazine 25mg tablets	2,160	N

1 40. In addition, between on or about May 18, 2009 and on or about December 31, 2012,
2 Respondent created and/or filled/dispensed false or fraudulent prescriptions in his mother's name
3 for an additional five thousand one hundred ninety (5,190) tablets of **zolpidem 10mg**. When this
4 figure is combined with the figure above in Table 2, the total number of **zolpidem 10mg** tablets
5 dispensed to Respondent's mother on false/fraudulent prescriptions was 12,030.
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8 FIRST CAUSE FOR DISCIPLINE

9 (Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)

10 41. Respondent is subject to discipline under section 4301(f) of the Code in that
11 Respondent, as described in paragraphs 37 to 40 above, committed numerous acts involving
12 moral turpitude, dishonesty, fraud, deceit, or corruption.
13

14 SECOND CAUSE FOR DISCIPLINE

(Creation/Signature of False Documents)

15 42. Respondent is subject to discipline under section 4301(g) of the Code in that
16 Respondent, as described in paragraphs 37 to 40 above, created and/or signed documents that
17 falsely represented the existence or nonexistence of a state of facts.
18

19 THIRD CAUSE FOR DISCIPLINE

(Self-Administration of Controlled Substance and/or Alcohol)

20 43. Respondent is subject to discipline under section 4301(h) of the Code, and/or 4301(j)
21 and/or (o) of the Code and Health and Safety Code section 11170, in that Respondent, as
22 described in paragraphs 37 to 40 above, administered a controlled substance to himself.
23

24 FOURTH CAUSE FOR DISCIPLINE

(Furnishing of Controlled Substance)

25 44. Respondent is subject to discipline under section 4301(j) and/or (o) and/or section
26 4059 of the Code, and/or Health and Safety Code section 11170 in that Respondent, as described
27 in paragraphs 37 to 40 above, furnished to himself or another without a valid prescription, and/or
28 conspired to furnish, and/or assisted or abetted furnishing of, a controlled substance.

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FIFTH CAUSE FOR DISCIPLINE

(Possession of Controlled Substance)

45. Respondent is subject to discipline under section 4301(j) and/or (o) and/or section 4060 of the Code, and/or Health and Safety Code section 11350, in that Respondent, as described in paragraphs 37 to 40 above, possessed, conspired to possess, and/or assisted in or abetted possession of, a controlled substance, without a prescription.

SIXTH CAUSE FOR DISCIPLINE

(Obtaining Controlled Substance by Fraud, Deceit or Subterfuge)

46. Respondent is subject to discipline under section 4301(j) and/or (o) of the Code, and/or Health and Safety Code section 11173(a), in that Respondent, as described in paragraphs 37 to 40 above, obtained, conspired to obtain, and/or assisted in or abetted the obtaining of a controlled substance, by fraud, deceit, subterfuge, or concealment of material fact.

SEVENTH CAUSE FOR DISCIPLINE

(Making, Uttering and/or Using False or Forged Prescriptions)

47. Respondent is subject to discipline under section 4301(j) and/or (o) and/or section 4324 of the Code, and/or Health and Safety Code section(s) 11157 and/or 11368, in that Respondent, as described in paragraphs 37 to 40 above, falsely made, altered, forged, uttered, published, passed, or attempted to pass, a false, forged, fictitious or altered prescription for a (narcotic) drug, had in his possession a (narcotic) drug secured by a false, forged, fictitious or altered prescription, or conspired and/or assisted in or abetted any of these acts.

EIGHTH CAUSE FOR DISCIPLINE

(Issuance and/or Use of Invalid Prescription(s))

48. Respondent is subject to discipline under section 4301(j) and/or (o) of the Code, and/or Health and Safety Code section(s) 11150 and/or 11175, in that Respondent, as described in paragraphs 37 to 40 above, issued prescriptions without authority to do so, obtained or possessed an invalid prescription, obtained or possessed a controlled substance by means of such invalid prescription, or conspired and/or assisted in or abetted any of these acts.

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1 NINTH CAUSE FOR DISCIPLINE

2 (Conviction of Substantially Related Crime(s))

3 49. Respondent is subject to discipline under section 4301(l) of the Code, for conviction
4 of a substantially related crime, in that on or about August 12, 2016, in *People v. Sakat Batra*,
5 Case No. 16CR01479 in Santa Cruz County Superior Court, Respondent was convicted on his
6 plea of no contest of violating Business and Professions Code section 4324 (Forged Prescription),
7 a felony. The conviction was entered as follows.

8 a. On or about February 16, 2016, based on his conduct on or about or between
9 February 10, 2014 and December 20, 2015, Respondent was charged by criminal Complaint in

10 Case No. 16CR1479 with violating Business and Professions Code section 4324 (Forged
11 Prescription), a felony. The Complaint alleged that on or about or between those dates,
12 Respondent signed the name of another, and of a fictitious person, and falsely made, altered,
13 forged, uttered, passed and attempted to pass, as genuine, a prescription for a drug.

14 b. On or about August 12, 2016, Respondent entered a plea of no contest and was
15 convicted of the single felony count of violating Business and Professions Code section 4324.

16 c. On or about December 2, 2016, Respondent was ordered to serve a period of
17 formal supervised probation of thirty six (36) months, with terms and conditions including one
18 hundred twenty (120) days in jail (with a recommendation for Work Release).

19 TENTH CAUSE FOR DISCIPLINE

20 (Unprofessional Conduct)

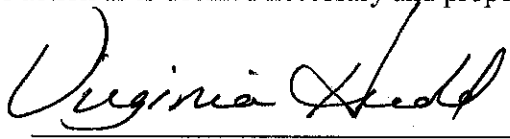
21 50. Respondent is subject to discipline under section 4301 of the Code in that
22 Respondent, as described in paragraphs 37 to 49 above, engaged in unprofessional conduct.

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25 PRAYER

26 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
27 and that following the hearing, the Board of Pharmacy issue a decision:
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1. Revoking or suspending Pharmacist License Number RPH 57999, issued to Sakat Batra (Respondent);
2. Ordering Respondent to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
3. Taking such other and further action as is deemed necessary and proper.

DATED: 10/13/17 

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

SF2016201777
41859476.doc

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A C C U S A T I O N

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15 Complainant alleges:

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18 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

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4 suspension of a Board-issued license, the placement of a license on a retired status, or the
5 voluntary surrender of a license by a licensee, shall not deprive the Board of jurisdiction to
6 commence or proceed with any investigation of, or action or disciplinary proceeding against, the
7 licensee or to render a decision suspending or revoking the license.

8 STATUTORY PROVISIONS

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

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

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

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

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

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

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1 8. Section 4059 of the Code, in pertinent part, prohibits furnishing of any dangerous
2 drug or dangerous device except upon the prescription of an authorized prescriber.

3 9. Section 4060 of the Code provides, in pertinent part, that no person shall possess any
4 controlled substance, except that furnished upon a valid prescription/drug order.

5 10. Section 4324 of the Code, in pertinent part, makes it unlawful for a person to falsely
6 make, alter, forge, utter, publish, pass, or attempt to pass, as genuine, a prescription for a drug, or
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15 obtain or attempt to obtain controlled substances, or procure or attempt to procure the
16 administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation,
17 or subterfuge; or (2) by the concealment of a material fact.

18 15. Health and Safety Code section 11175 makes it unlawful for any person to obtain or
19 possess a prescription that does not comply with the Uniform Controlled Substances Act [Health &
20 Safety Code, § 11000 et seq.], to obtain a controlled substance by means of such non-compliant
21 prescription, or to possess a controlled substance obtained by such a prescription.

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23 any controlled substance listed in Schedule II (Health and Safety Code section 11055),
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28 prescription, or possess a narcotic drug secured by a forged, fictitious, or altered prescription.

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10 except veterinary drugs that are labeled as such, and includes the following:

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

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15 prescription or furnished pursuant to Section 4006.”

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17 compounds of varying dosages of acetaminophen (aka APAP) and **hydrocodone**, a Schedule III
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19 drug as designated by Business and Professions Code section 4022. The varying compounds are
20 also known generically as **Hydrocodone with APAP**. These are all narcotic drugs. Products like
21 these that combine **hydrocodone** with non-controlled substances are also called **hydrocodone**
22 **combination products**. Effective October 6, 2014, **hydrocodone combination productions**
23 were switched at the federal level from Schedule III (21 C.F.R. § 1308.13(e)(1)(iii) and (iv)) to
24 Schedule II (21 C.F.R. § 1308.12(b)(1)). This includes **Hydrocodone with APAP** drugs.

25 22. **Ambien** is a brand name for zolpidem tartrate, a Schedule IV controlled substance as
26 designated by Health and Safety Code section 11057(d)(32) and a dangerous drug as designated
27 by Business and Professions Code section 4022. It is a depressant drug.

28 ///

1 23. **Marinol** is a brand name for dronabinol, a Schedule III controlled substance as
2 designated by Health and Safety Code section 11056(b) and a dangerous drug as designated by
3 Business and Professions Code section 4022. It is an antiemetic drug and a hallucinogenic.

4 24. **Ultram** and **Ultracet** are brand names for drugs containing tramadol, a dangerous
5 drug as designated by Business and Professions Code section 4022. Tramadol is an opioid pain
6 medication; a Schedule IV controlled substance at the federal level. (21 C.F.R. § 1308.14(b)(3).)

7 25. **Valium** is a brand name for diazepam, a Schedule IV controlled substance as
8 designated by Health and Safety Code section 11057(d)(9) and a dangerous drug as designated by
9 Business and Professions Code section 4022. It is a depressant drug.

10 26. **Bactroban** is a brand name for mupirocin, a dangerous drug as designated by
11 Business and Professions Code section 4022. It is an antibiotic drug.

12 27. **Ceftin** is a brand name for cefuroxime, a dangerous drug as designated by Business
13 and Professions Code section 4022. It is an antibiotic drug.

14 28. **Cipro** is a brand name for ciprofloxacin, a dangerous drug as designated by Business
15 and Professions Code section 4022. It is an antibiotic drug.

16 29. **Depakote** is a brand name for divalproex, a dangerous drug as designated by Business
17 and Professions Code section 4022. It is a drug used to treat epilepsy, mania, and migraines.

18 30. **Glucophage** is a brand name for metformin, a dangerous drug as designated by
19 Business and Professions Code section 4022. It is a drug used to treat diabetes.

20 31. **Hydrocortisone** is a dangerous drug as designated by Business and Professions Code
21 section 4022. It is a steroid drug.

22 32. **Levothroid** and **Levoxyl** are brand names for levothyroxine, a dangerous drug as
23 designated by Business and Professions Code section 4022. It is used to treat hypothyroidism.

24 33. **Macrobid** is a brand name for nitrofurantoin, a dangerous drug as designated by
25 Business and Professions Code section 4022. It is an antibiotic drug.

26 34. **Mellaril** is a brand name for thioridazine, a dangerous drug as designated by Business
27 and Professions Code section 4022. It is a drug used to treat schizophrenia.

28 ///

1 35. **Taztia** and **Cardizem** are brand names for diltiazem, a dangerous drug as designated
2 by Business and Professions Code section 4022. It is used to treat hypertension and angina.

3 36. **Tofranil** is a brand name for imipramine, a dangerous drug as designated by Business
4 and Professions Code section 4022. It is a drug used to treat depression.

5 FACTUAL SUMMARY

6 37. Between on or about February 2, 2007 and on or about January 19, 2016, Respondent
7 was employed as a staff pharmacist by a Walgreens Pharmacy (#06214) located in Scotts Valley,
8 CA. This employment afforded him access to controlled substances and dangerous drugs, and to
9 the computer and other systems necessary to enter and fill prescriptions.

10 38. During his employment, Respondent took advantage of his access to patient profile
11 information and controlled substance/dangerous drug stocks to steal/divert controlled substances
12 and dangerous drugs, for his own use or for his family member(s). The exact number of instances
13 of diversion/theft by Respondent, and the full quantity of controlled substances or dangerous
14 drugs diverted/stolen by Respondent, are not known, but in the course of investigations conducted
15 by the pharmacy, by police, and by the Board of Pharmacy, the following were among the
16 observations, admissions, and revelations reported:

17 a. On or about January 6, 2016, a fellow employee at the Walgreens Pharmacy
18 reported to pharmacy management that Respondent had been seen ingesting **Norco (hydrocodone**
19 **with APAP)** tablets from the drug stock maintained by the pharmacy. It was also reported that
20 Respondent had filled and dispensed a large number of prescriptions for himself and his mother.

21 b. Pharmacy management began to monitor quantities of **hydrocodone with**
22 **APAP** in the drug dispenser from which Respondent had reportedly diverted tablets, and during
23 the next two weeks, between on or about January 6, 2016 and on or about January 19, 2016,
24 discovered six (6) additional tablets of **Norco** went missing during days Respondent worked.

25 c. Reviews of prescriptions dispensed to Respondent and his mother during the
26 tenure of Respondent's employment revealed a large number of prescriptions purportedly written
27 by a single prescriber. When that prescriber was contacted, it was determined that most of those
28 prescriptions had not been authorized and had been fraudulently entered and dispensed.

1 d. During an interview with Walgreens Pharmacy management and in a written
 2 statement completed on or about January 19, 2016, Respondent admitted to creating and filling
 3 fraudulent prescriptions both for himself and his mother.

4 e. On or about February 18, 2016, Walgreens Pharmacy filed a Report of Theft or
 5 Loss of Controlled Substances Form DEA-106 with the DEA and the Board, reporting losses by
 6 employee theft of the following quantities of drugs: one hundred nine (109) tablets of **diazepam**
 7 **2mg**; forty (40) tablets of **diazepam 10mg**; one thousand three hundred forty nine (1,349) tablets
 8 of **tramadol 50mg**; fifty five (55) tablets of **tramadol with APAP 37.5/325mg**; and three
 9 hundred forty two (342) tablets of **zolpidem 5mg**. These figures do not include amounts stolen or
 10 lost due to the unauthorized and fraudulent prescriptions created and filled by Respondent.

11 39. During his tenure as a pharmacist at Walgreens Pharmacy, Respondent created and/or
 12 filled/dispensed false or fraudulent prescriptions for at least the following drugs and quantities:

13 **Table 1: Total quantities of prescriptions dispensed to Respondent on fraudulent**
 14 **prescriptions created by Respondent between 1/29/2013 and 10/30/2015**

<i>Drug Name and Strength</i>	<i>Quantities</i>	<i>Controlled substances?</i>
divalproex 500mg delayed release tabs	1,140	N
famotidine 40mg tabs	540	N
dronabinol 2.5mg capsules	360	Y
dronabinol 5mg capsules	90	Y
dronabinol 10mg capsules	30	Y

18 **Table 2: Total quantities of prescriptions dispensed to Respondent's mother on**
 19 **fraudulent prescriptions created by Respondent between 1/17/2013 and 1/17/2016**

<i>Drug Name and Strength</i>	<i>Quantities</i>	<i>Controlled substances?</i>
diazepam 10mg tablets	2,220	Y
tramadol 50mg tablets	870	Y
tramadol/acetaminophen 37.5/325mg tablets	360	Y
zolpidem 10mg tablets	6,840	Y
cefuroxime 250mg tablets	40	N
ciprofloxacin 500mg tablets	10	N
diltiazem ER 300mg	450	N
hydrocortisone 2.5% cream	30gm	N
imipramine 25mg tablets	270	N
levothyroxine 0.125mg tablets	360	N
metformin 500mg tablets	1080	N
mupirocin 2% ointment	22gm	N
naproxen 500mg tablets	60	N
nitrofurantoin 100mg capsules	42	N
phenazopyridine 200mg tablets	81	N
thioridazine 25mg tablets	2,160	N

1 40. In addition, between on or about May 18, 2009 and on or about December 31, 2012,
2 Respondent created and/or filled/dispensed false or fraudulent prescriptions in his mother's name
3 for an additional five thousand one hundred ninety (5,190) tablets of **zolpidem 10mg**. When this
4 figure is combined with the figure above in Table 2, the total number of **zolpidem 10mg** tablets
5 dispensed to Respondent's mother on false/fraudulent prescriptions was 12,030.

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7
8 FIRST CAUSE FOR DISCIPLINE

9 (Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)

10 41. Respondent is subject to discipline under section 4301(f) of the Code in that
11 Respondent, as described in paragraphs 37 to 40 above, committed numerous acts involving
12 moral turpitude, dishonesty, fraud, deceit, or corruption.

13 SECOND CAUSE FOR DISCIPLINE

14 (Creation/Signature of False Documents)

15 42. Respondent is subject to discipline under section 4301(g) of the Code in that
16 Respondent, as described in paragraphs 37 to 40 above, created and/or signed documents that
17 falsely represented the existence or nonexistence of a state of facts.

18 THIRD CAUSE FOR DISCIPLINE

19 (Self-Administration of Controlled Substance and/or Alcohol)

20 43. Respondent is subject to discipline under section 4301(h) of the Code, and/or 4301(j)
21 and/or (o) of the Code and Health and Safety Code section 11170, in that Respondent, as
22 described in paragraphs 37 to 40 above, administered a controlled substance to himself.

23 FOURTH CAUSE FOR DISCIPLINE

24 (Furnishing of Controlled Substance)

25 44. Respondent is subject to discipline under section 4301(j) and/or (o) and/or section
26 4059 of the Code, and/or Health and Safety Code section 11170 in that Respondent, as described
27 in paragraphs 37 to 40 above, furnished to himself or another without a valid prescription, and/or
28 conspired to furnish, and/or assisted or abetted furnishing of, a controlled substance.

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FIFTH CAUSE FOR DISCIPLINE

(Possession of Controlled Substance)

45. Respondent is subject to discipline under section 4301(j) and/or (o) and/or section 4060 of the Code, and/or Health and Safety Code section 11350, in that Respondent, as described in paragraphs 37 to 40 above, possessed, conspired to possess, and/or assisted in or abetted possession of, a controlled substance, without a prescription.

SIXTH CAUSE FOR DISCIPLINE

(Obtaining Controlled Substance by Fraud, Deceit or Subterfuge)

46. Respondent is subject to discipline under section 4301(j) and/or (o) of the Code, and/or Health and Safety Code section 11173(a), in that Respondent, as described in paragraphs 37 to 40 above, obtained, conspired to obtain, and/or assisted in or abetted the obtaining of a controlled substance, by fraud, deceit, subterfuge, or concealment of material fact.

SEVENTH CAUSE FOR DISCIPLINE

(Making, Uttering and/or Using False or Forged Prescriptions)

47. Respondent is subject to discipline under section 4301(j) and/or (o) and/or section 4324 of the Code, and/or Health and Safety Code section(s) 11157 and/or 11368, in that Respondent, as described in paragraphs 37 to 40 above, falsely made, altered, forged, uttered, published, passed, or attempted to pass, a false, forged, fictitious or altered prescription for a (narcotic) drug, had in his possession a (narcotic) drug secured by a false, forged, fictitious or altered prescription, or conspired and/or assisted in or abetted any of these acts.

EIGHTH CAUSE FOR DISCIPLINE

(Issuance and/or Use of Invalid Prescription(s))

48. Respondent is subject to discipline under section 4301(j) and/or (o) of the Code, and/or Health and Safety Code section(s) 11150 and/or 11175, in that Respondent, as described in paragraphs 37 to 40 above, issued prescriptions without authority to do so, obtained or possessed an invalid prescription, obtained or possessed a controlled substance by means of such invalid prescription, or conspired and/or assisted in or abetted any of these acts.

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1 NINTH CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct)

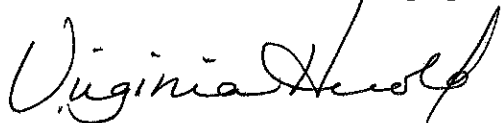
3 49. Respondent is subject to discipline under section 4301 of the Code in that
4 Respondent, as described in paragraphs 37 to 48 above, engaged in unprofessional conduct.

5
6
7 PRAYER

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

- 10 1. Revoking or suspending Pharmacist License Number RPH 57999, issued to Sakat
11 Batra (Respondent);
- 12 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
13 enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
- 14 3. Taking such other and further action as is deemed necessary and proper.

15
16 DATED: 3/1/17


17 VIRGINIA HEROLD
18 Executive Officer
19 Board of Pharmacy
20 Department of Consumer Affairs
21 State of California
22 *Complainant*

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