1 2 3 4 5 6 7 8 9	LINDA K. SCHNEIDER Senior Assistant Attorney General JOSHUA A. ROOM Supervising Deputy Attorney General State Bar No. 214663 455 Golden Gate Avenue, Suite 11000 San Francisco, CA 94102-7004 Telephone: (415) 703-1299 Facsimile: (415) 703-5480 Attorneys for Complainant BEFORE THE BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
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11	SAKAT BATRA 924 # A Sharman Palms Lane Campbell, CA 95008 FIRST AMENDED ACCUSATION	
12	Pharmacist License No. RPH 57999	
13	Respondent.	
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21	relevant to the charges brought herein and will expire on November 30, 2017, unless renewe	d.
.22		
23	3. This First Amended Accusation is brought before the Board of Pharmacy (Board	I),
24		
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 b	oth
27	the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substance	es
28	Act [Health & Safety Code, § 11000 et seq.].	
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ļ	(SAKAT BATRA) ACCUSA	ATION

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	(1) 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.
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Ì	(SAKAT BATRA) ACCUSATION

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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
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 Subtances 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.
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. I	(SAKAT BATRA) ACCUSATION

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.
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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 ceduroxime, 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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	(SAKAT BATRA) ACCUSATION

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.
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	(SAKAT BATRA) ACCUSATION

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1	d. During an interview with Wal	preens F	harma	ev man	agement and in	a written
2	d. During an interview with Walgreens Pharmacy management and in a written statement completed on or about January 19, 2016, Respondent admitted to creating and filling					
				i domni	ied to creating i	and mining
3	fraudulent prescriptions both for himself and his					
4	e. On or about February 18, 2016	5, Walgı	reens P	harmac	y filed a Repor	t of Theft or
5	Loss of Controlled Substances Form DEA-106 v	vith the	DEA a	ind the	Board, reportin	g losses by
6	employee theft of the following quantities of dru	igs: one	e hundr	ed nine	(109) tablets o	f diazepam
7	2mg; forty (40) tablets of diazepam 10mg; one	thousan	d three	hundre	ed forty nine (1,	349) tablets
8	of tramadol 50mg; fifty five (55) tablets of tran	nadol w	vith AI	PAP 37	.5/325mg; and	three
9	hundred forty two (342) tablets of zolpidem 5m	g. Thes	e figur	es do n	ot include amou	ints stolen or
10	lost due to the unauthorized and fraudulent press					
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12	filled/dispensed false or fraudulent prescriptions	for at le	east the	e follow	ing drugs and c	quantities:
13	Table 1: Total quantities of prescription prescriptions created by Respondent b	ons disp	ensed	to Res	pondent on fra	udulent
14	Drug Name and Strength	Quan		Contr	olled	
15	divalproex 500mg delayed release tabs	1,140		subst	nces?	
16	famotidine 40mg tabs	540 360			N Y	
	dronabinol 2.5mg capsules dronabinol 5mg capsules	90			Y	
17	dronabinol 10mg capsules	30			Y	
18	Table 2: Total quantities of prescription					
19	fraudulent prescriptions created by Ro Drug Name and Strength	esponde		ween 1 tities	/17/2013 and 1 Controlled	/17/2016
20					substances?	
20	diazepam 10mg tablets		2,220)	Y	
21	tramadol 50mg tablets tramadol/acetaminophen 37.5/325mg tab	lata	870 360		Y Y	
22	zolpidem 10mg tablets	in the second se	6,840)	<u> </u>	
	cefuroxime 250mg tablets		40 10		N N	
23	ciprofloxacin 500mg tablets diltiazem ER 300mg		450		N N	
24	hydrocortisone 2.5% cream		30gn	i	Ň	
	imipramine 25mg tablets		270		N N	
25	levothyroxine 0.125mg tablets metformin 500mg tablets		360 1080		N N	
26	mupirocin 2% ointment		22gm	1	N	
<u> </u>	naproxen 500mg tablets		60		N	
27	nitrofurantoin 100mg capsules		42		N N	
28	phenazopyridine 200mg tablets thioridazine 25mg tablets		81 2,160	. <u>.</u>	N N	
~0	unormatine 25mg ableto		100,000		1 19]
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				(8	SAKAT BATRA)	ACCUSATION

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	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.
	(SAKAT BATRA) ACCUSATION

1	FIFTH CAUSE FOR DISCIPLINE
2	(Possession of Controlled Substance)
3	45. Respondent is subject to discipline under section 4301(j) and/or (o) and/or section
4	4060 of the Code, and/or Health and Safety Code section 11350, in that Respondent, as described
5	in paragraphs 37 to 40 above, possessed, conspired to possess, and/or assisted in or abetted
6	possession of, a controlled substance, without a prescription.
7	SIXTH CAUSE FOR DISCIPLINE
8	(Obtaining Controlled Substance by Fraud, Deceit or Subterfuge)
9	46. Respondent is subject to discipline under section 4301(j) and/or (o) of the Code,
10	and/or Health and Safety Code section 11173(a), in that Respondent, as described in paragraphs
11	37 to 40 above, obtained, conspired to obtain, and/or assisted in or abetted the obtaining of a
12	controlled substance, by fraud, deceit, subterfuge, or concealment of material fact.
13	SEVENTH CAUSE FOR DISCIPLINE
14	(Making, Uttering and/or Using False or Forged Prescriptions)
15	47. Respondent is subject to discipline under section 4301(j) and/or (o) and/or section
16	4324 of the Code, and/or Health and Safety Code section(s) 11157 and/or 11368, in that
17	Respondent, as described in paragraphs 37 to 40 above, falsely made, altered, forged, uttered,
18	published, passed, or attempted to pass, a false, forged, fictitious or altered prescription for a
· 19	(narcotic) drug, had in his possession a (narcotic) drug secured by a false, forged, fictitious or
20	altered prescription, or conspired and/or assisted in or abetted any of these acts.
21	EIGHTH CAUSE FOR DISCIPLINE
22	(Issuance and/or Use of Invalid Prescription(s))
23	48. Respondent is subject to discipline under section 4301(j) and/or (o) of the Code,
24	and/or Health and Safety Code section(s) 11150 and/or 11175, in that Respondent, as described in
25	paragraphs 37 to 40 above, issued prescriptions without authority to do so, obtained or possessed
26	an invalid prescription, obtained or possessed a controlled substance by means of such invalid
27	prescription, or conspired and/or assisted in or abetted any of these acts.
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I	(SAKAT BATRA) ACCUSATION

1	NINTH CAUSE FOR DISCIPLINE
2	(Conviction of Substantially Related Crime(s))
3	49. Respondent is subject to discipline under section 4301(1) 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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	(SAKAT BATRA) ACCUSATION

1	1. Revoking or suspending Pharmacist License Number RPH 57999, issued to Sakat
2	Batra (Respondent);
3	2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
4	enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
5	3. Taking such other and further action as is deemed necessary and proper.
6	(1) (1) (1)
7.	DATED: 10/13/17 (ugina Stedd
8	VIRGINIA HEROLD Executive Officer
9	Board of Pharmacy Department of Consumer Affairs
10	State of California Complainant
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	11 (SAKAT BATRA) ACCURATION

1	XAVIER BECERRA Attorney General of California LINDA K. SCHNEIDER
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4	455 Golden Gate Avenue, Suite 11000
5	
ϵ	Facsimile: (415) 703-5480 Attorneys for Complainant
7	BEFORE THE BOARD OF PHARMACY
. 8	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA
9	In the Matter of the Accusation Against: Case No. 5980
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14	Respondent.
15	Complainant alleges:
16	PARTIES
. 17	1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
18	as the Executive Officer of the 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 Accusation is brought before the Board of Pharmacy (Board), Department of
24	Consumer Affairs, under the authority of the following laws. All section references are to the
25	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.].
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	(SAKAT BATRA) ACCUSATION

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

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

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STATUTORY PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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(SAKAT BATRA) ACCUSATION

- Marinol is a brand name for dronabinol, a Schedule III controlled substance as 1 23.2 designated by Health and Safety Code section 11056(b) and a dangerous drug as designated by Business and Professions Code section 4022. It is an antiemetic drug and a hallucinogenic. 3 24. 4 Ultram and Ultracet are brand names for drugs containing tramadol, a dangerous drug as designated by Business and Professions Code section 4022. Tramadol is an opioid pain 5 medication; a Schedule IV controlled substance at the federal level. (21 C.F.R. § 1308.14(b)(3).) 6 Valium is a brand name for diazepam, a Schedule IV controlled substance as 7 25. designated by Health and Safety Code section 11057(d)(9) and a dangerous drug as designated by 8 Business and Professions Code section 4022. It is a depressant drug. 9 26. Bactroban is a brand name for mupirocin, a dangerous drug as designated by 10Business and Professions Code section 4022. It is an antibiotic drug. 11 Ceftin is a brand name for ceduroxime, a dangerous drug as designated by Business 27. 12 and Professions Code section 4022. It is an antibiotic drug. 13 28. Cipro is a brand name for ciprofloxacin, a dangerous drug as designated by Business 14 and Professions Code section 4022. It is an antibiotic drug. 15 29. Depakote is a brand name for divalproex, a dangerous drug as designated by Business 16 and Professions Code section 4022. It is a drug used to treat epilepsy, mania, and migraines. 1730. Glucophage is a brand name for metformin, a dangerous drug as designated by 18 Business and Professions Code section 4022. It is a drug used to treat diabetes. 19 31. Hydrocortisone is a dangerous drug as designated by Business and Professions Code 20section 4022. It is a steroid drug. 21 Levothroid and Levoxyl are brand names for levothyroxine, a dangerous drug as 32. 2.2designated by Business and Professions Code section 4022. It is used to treat hypothyroidism. 23 33. Macrobid is a brand name for nitrofurantin, a dangerous drug as designated by 24 25 Business and Professions Code section 4022. It is an antibiotic drug. Mellaril is a brand name for thioridazine, a dangerous drug as designated by Business 34. 26and Professions Code section 4022. It is a drug used to treat schizophrenia. 27111 28
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35. **Taztia** and **Cardizem** are brand names for diltiazem, a dangerous drug as designated by Business and Professions Code section 4022. It is used to treat hypertension and angina.

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

FACTUAL SUMMARY

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

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

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

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

c. Reviews of prescriptions dispensed to Respondent and his mother during the tenure of Respondent's employment revealed a large number of prescriptions purportedly written by a single prescriber. When that prescriber was contacted, it was determined that most of those 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							tten			
2	staten	nent com	oleted on or abo	out January 19	. 2016. Re	sponden	t admit	ted to cre	eating a	and fil	lino
		_		-		-	u dann		, ann 5 c		
3	Iraudi	illent pres	criptions both t	for himself and	d his moth	er.					
· 4,		e.	On or about	February 18,	2016, Wa	greens P	harmad	cy filed a	Report	t of Tł	heft o
5	Loss of Controlled Substances Form DEA-106 with the DEA and the Board, reporting losses							es by			
6	employee theft of the following quantities of drugs: one hundred nine (109) tablets of diazepan										
- 7	2mg;	forty (40)	tablets of diaz	epam 10mg;	one thous	and three	hundr	ed forty n	ine (1,	349) t	ablet
8	of tra	madol 50	mg; fifty five ((55) tablets of	tramadol	with Al	PAP 37	'.5/325mg	g; and t	three	
9	hundr	ed forty t	wo (342) tablet	s of zolpidem	5mg . Th	ese figur	es do n	ot includ	e amou	ınts st	olen
10	lost d	ue to the u	inauthorized ar	nd fraudulent p	prescriptio	ns create	ed and f	filled by F	Respon	ident.	
11		39. Du	ring his tenure	as a pharmacia	st at Walg	reens Ph	armacy	, Respond	dent cr	eated	and/
12	filled/			_			-				
		uispensee	filled/dispensed false or fraudulent prescriptions for at least the following drugs and quantities:							168.	
13											
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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.
6	
· 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.
	8

(SAKAT BATRA) ACCUSATION

1	FIFTH CAUSE FOR DISCIPLINE
2	(Possession of Controlled Substance)
3	45. Respondent is subject to discipline under section 4301(j) and/or (o) and/or section
4	4060 of the Code, and/or Health and Safety Code section 11350, in that Respondent, as described
5	in paragraphs 37 to 40 above, possessed, conspired to possess, and/or assisted in or abetted
6	possession of, a controlled substance, without a prescription.
7	SIXTH CAUSE FOR DISCIPLINE
8	(Obtaining Controlled Substance by Fraud, Deceit or Subterfuge)
9	46. Respondent is subject to discipline under section 4301(j) and/or (o) of the Code,
10	and/or Health and Safety Code section 11173(a), in that Respondent, as described in paragraphs
11	37 to 40 above, obtained, conspired to obtain, and/or assisted in or abetted the obtaining of a
12	controlled substance, by fraud, deceit, subterfuge, or concealment of material fact.
13	SEVENTH CAUSE FOR DISCIPLINE
14	(Making, Uttering and/or Using False or Forged Prescriptions)
15	47. Respondent is subject to discipline under section 4301(j) and/or (o) and/or section
16	4324 of the Code, and/or Health and Safety Code section(s) 11157 and/or 11368, in that
17	Respondent, as described in paragraphs 37 to 40 above, falsely made, altered, forged, uttered,
18	published, passed, or attempted to pass, a false, forged, fictitious or altered prescription for a
19	(narcotic) drug, had in his possession a (narcotic) drug secured by a false, forged, fictitious or
20	altered prescription, or conspired and/or assisted in or abetted any of these acts.
21	EIGHTH CAUSE FOR DISCIPLINE
22	(Issuance and/or Use of Invalid Prescription(s))
23	48. Respondent is subject to discipline under section 4301(j) and/or (o) of the Code,
24	and/or Health and Safety Code section(s) 11150 and/or 11175, in that Respondent, as described in
25	paragraphs 37 to 40 above, issued prescriptions without authority to do so, obtained or possessed
26	an invalid prescription, obtained or possessed a controlled substance by means of such invalid
27	prescription, or conspired and/or assisted in or abetted any of these acts.
28	///
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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	DATED: 3/1/17 Unginia Acolo					
16	DATED:					
. 17	Executive Officer Board of Pharmacy					
18	Department of Consumer Affairs State of California					
19	Complainant					
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	10 (SAKAT BATRA) ACCUSATION					