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

12 In the Matter of the Accusation Against:

Case No. 6865

13 **MVP COMPOUNDS, INC. DBA SANTA**  
14 **MONICA MEDICAL PLAZA**  
15 **PHARMACY, MOUIZ**  
16 **KOHANGHADOSH, OWNER,**  
17 **PRESIDENT, CEO, CFO, AND**  
18 **PHARMACIST IN CHARGE**  
19 **1260 15th St., Ste 100**  
20 **Santa Monica, CA 90404**

**ACCUSATION**

21 **Permit No. PHY 51669,**

22 **and**

23 **MOUIZ KOHANGHADOSH**  
24 **1260 15th St.**  
25 **Santa Monica, CA 90404**

26 **Pharmacist License No. RPH 62065**

27 Respondents.  
28

1  
2 **PARTIES**

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

5 2. On or about November 25, 2013, the Board of Pharmacy issued Permit Number PHY  
6 51669 to MVP Compounds, Inc. dba Santa Monica Medical Plaza Pharmacy, Mouiz  
7 Kohanghadosh, Owner, President, CEO, CFO, and Pharmacist in Charge. The Permit was in full  
8 force and effect at all times relevant to the charges brought herein and will expire on November 1,  
9 2022, unless renewed.

10 3. On or about December 26, 2008, the Board of Pharmacy issued Pharmacist License  
11 Number RPH 62065 to Mouiz Kohanghadosh. The Pharmacist License was in full force and  
12 effect at all times relevant to the charges brought herein and will expire on August 31, 2022,  
13 unless renewed.

14 **JURISDICTION**

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

18 5. Section 22 of the Code states:

19 “Board” as used in any provisions of this code, refers to the board in which the  
20 administration of the provision is vested, and unless otherwise expressly provided, shall include  
21 “bureau,” “commission,” “committee,” “department,” “division,” “examining committee,”  
22 “program,” and “agency.”

23 6. Section 4300.1 of the Code states:

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

7. Section 118, subdivision (b), of the Code provides that the suspension/expiration/surrender/cancellation of a license shall not deprive the Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

8. Section 4307 subdivision (a) of the Code states:

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

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

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

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

## **STATUTORY PROVISIONS**

9. Section 4022 of the Code states

Dangerous drug or dangerous device means any drug or device unsafe for self-use in humans or animals, and includes the following:

1 (a) Any drug that bears the legend: Caution: federal law prohibits dispensing without  
2 prescription, Rx only, or words of similar import.

3 (b) Any device that bears the statement: Caution: federal law restricts this device to sale by  
4 or on the order of a \_\_\_\_\_, Rx only, or words of similar import, the blank to be filled in  
5 with the designation of the practitioner licensed to use or order use of the device.

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

8 10. Section 4301 of the Code states:

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

12 . . .

13 (d) The clearly excessive furnishing of controlled substances in violation of subdivision (a)  
14 of Section 11153 of the Health and Safety Code .

15 ...

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

18 ...

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

23 11. Health and Safety Code section 11153 provides:

24 "(a) A prescription for a controlled substance shall only be issued for a legitimate medical  
25 purpose by an individual practitioner acting in the usual course of his or her professional practice.  
26 The responsibility for the proper prescribing and dispensing of controlled substances is upon the  
27 prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the  
28

1 prescription. Except as authorized by this division, the following are not legal prescriptions: (1)  
2 an order purporting to be a prescription which is issued not in the usual course of professional  
3 treatment or in legitimate and authorized research; or (2) an order for an addict or habitual user of  
4 controlled substances, which is issued not in the course of professional treatment or as part of an  
5 authorized narcotic treatment program, for the purpose of providing the user with controlled  
6 substances, sufficient to keep him or her comfortable by maintaining customary use."

### 7 **REGULATORY PROVISIONS**

8 12. Section 1761 of the title 16 of the California Code of Regulations states:

9 (a) No pharmacist shall compound or dispense any prescription which contains any  
10 significant error, omission, irregularity, uncertainty, ambiguity or alteration. Upon receipt of any  
11 such prescription, the pharmacist shall contact the prescriber to obtain the information needed to  
12 validate the prescription.

13 (b) Even after conferring with the prescriber, a pharmacist shall not compound or dispense  
14 a controlled substance prescription where the pharmacist knows or has objective reason to know  
15 that said prescription was not issued for a legitimate medical purpose.

### 16 **COST RECOVERY**

17 13. Section 125.3 of the Code states, in pertinent part, that the Board may request the  
18 administrative law judge to direct a licensee found to have committed a violation or violations of  
19 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
20 enforcement of the case.

### 21 **DEFINITION**

22 14. Roxicodone 30mg, the brand name for oxycodone 30 mg, is a dangerous drug  
23 pursuant to Business and Professions Code section 4022, and is a Schedule II Controlled  
24 Substance pursuant to Health and Safety Code section 11055 subdivision (b)(1)(M). It is  
25 commonly used to treat pain.

### 26 **FACTUAL ALLEGATIONS**

27 15. On or about December 17, 2018, a Board Inspector conducted an inspection of  
28 Respondents MVP Compounds Inc. (MVP), doing business as Santa Monica Medical Plaza

1 Pharmacy (SMMP) and Pharmacist In Charge (PIC) Mouiz Kohanghadosh (MK). SMMP was an  
2 independent pharmacy in a medical building and PIC MK, was present and assisted in the  
3 inspection. The investigation was conducted in response to the suspicious order report, where the  
4 Board reviewed a Controlled Substance Utilization Review and Evaluation System (CURES)  
5 report for SMMP. In reviewing the CURES report, the Board identified an irregular controlled  
6 substance dispensing profile for Dr. YY<sup>1</sup>. Specifically, the CURES report indicated between  
7 approximately June 23, 2015 and June 1, 2018, SMMP dispensed 599 controlled substance  
8 prescriptions written by Dr. YY and 574 (or 95.83%) of these were written for oxycodone 30 mg.

### 9 **FIRST CAUSE FOR DISCIPLINE**

10 (Irregular or Uncertain Prescriptions against Respondent MVP dba SMMP, MK)

11 16. Respondent MVP dba SMMP is subject to disciplinary action under Code section  
12 4301, subdivisions (d), (j), and (o), in conjunction with Health and Safety Code section 11153,  
13 subdivision (a) and California Code of Regulations sections 1761, in that Respondent MVP dba  
14 SMMP, MK dispensed at least 543 prescriptions under the prescribing authority of Dr. YY in the  
15 presence of significant factors of irregularity from approximately December 8, 2015 to November  
16 26, 2018.

17 17. The circumstances are as follows:

18 a. From approximately October 03, 2016 to November 26, 2018, oxycodone 30  
19 mg tablets accounted for over 93% of Dr. YY's total prescribing. Additionally, from December  
20 08, 2015 to October 02, 2016, oxycodone 30 mg represented 94.17% of Dr. YY's Schedule II to  
21 Schedule IV controlled substance prescribing.

22 b. From approximately October 03, 2016 to November 26, 2018, oxycodone 30  
23 mg and promethazine/codeine syrup combined to account for over 96% of Dr. YY's total  
24 prescribing at SMMP.

25  
26  
27  
28 <sup>1</sup> Initials are used in lieu of real names in order to protect the privacy interests of said individuals.

1 c. Eighty (80) patients received prescriptions from Dr. YY at SMMP from  
2 approximately October 03, 2016 to November 26, 2018. All of these patients received at least one  
3 prescription for oxycodone 30 mg tablets.

4 d. Dr. YY prescribed immediate release oxycodone tablets exclusively in the  
5 highest available strength. Dr. YY's prescribing included 508 prescriptions for oxycodone 30 mg  
6 tablets and no prescriptions for any lower strength.

7 e. At least eight (8) patients of Dr. YY paid between \$300 and \$450 for 80 to 120  
8 oxycodone 30 mg tablets.

9 f. A CURES report for SMMP indicated all of Dr. YY's Schedule II-IV  
10 prescriptions processed before approximately June 13, 2016 were purchased in cash, without the  
11 aid of prescription insurance.

12 g. From approximately October 03, 2016 to November 26, 2018, there were  
13 numerous instances when SMMP processed multiple similar prescriptions from Dr. YY on the  
14 same day and assigned these prescription consecutive prescription numbers.

15 18. Additional facts and circumstances in support of these allegations are set forth in  
16 paragraph 15, above, and are incorporated herein as set forth in full.

17 **SECOND CAUSE FOR DISCIPLINE**

18 (Irregular or Uncertain Prescriptions against Respondent MK)

19 19. Respondent MK is subject to disciplinary action under Code section 4301,  
20 subdivisions (d), (j), and (o), in conjunction with Health and Safety Code section 11153,  
21 subdivision (a) and California Code of Regulations sections 1761, in that Respondent MK  
22 dispensed at least 543 prescriptions under the prescribing authority of Dr. Young YY in the  
23 presence of significant factors of irregularity from approximately December 8, 2015 to November  
24 26, 2018.

25 20. The circumstances are as follows:

26 a. From approximately October 03, 2016 to November 26, 2018, oxycodone 30  
27 mg tablets accounted for over 93% of Dr. YY's total prescribing. Additionally, from December  
28

1 08, 2015 to October 02, 2016, oxycodone 30 mg represented 94.17% of Dr. YY' s Schedule II to  
2 Schedule IV controlled substance prescribing.

3 b. From approximately October 03, 2016 to November 26, 2018, oxycodone 30  
4 mg and promethazine/codeine syrup combined to account for over 96% of Dr. YY's total  
5 prescribing at SMMP.

6 c. Eighty (80) patients received prescriptions from Dr. YY at SMMP from  
7 approximately October 03, 2016 to November 26, 2018. All of these patients received at least one  
8 prescription for oxycodone 30 mg tablets.

9 d. Dr. YY prescribed immediate release oxycodone tablets exclusively in the  
10 highest available strength. Dr. YY's prescribing included 508 prescriptions for oxycodone 30 mg  
11 tablets and no prescriptions for any lower strength.

12 e. At least eight (8) patients of Dr. YY paid between \$300 and \$450 for 80 to 120  
13 oxycodone 30 mg tablets.

14 f. A CURES report for SMMP indicated all of Dr. YY's Schedule II-IV  
15 prescriptions processed before approximately June 13, 2016 were purchased in cash, without the  
16 aid of prescription insurance.

17 g. From approximately October 03, 2016 to November 26, 2018, there were  
18 numerous instances when SMMP processed multiple similar prescriptions from Dr. YY on the  
19 same day and assigned these prescription consecutive prescription numbers.

20 21. Additional facts and circumstances in support of these allegations are set forth in  
21 paragraph 15, above, and are incorporated herein as set forth in full.

### 22 **OTHER MATTERS**

23 22. Pursuant to Code section 4307, if discipline is imposed on PHY 51669, issued to  
24 Respondent MVP Compounds, Inc. dba Santa Monica Medical Plaza Pharmacy, while Mouiz  
25 Kohanghadosh had been an officer and owner and had knowledge of or knowingly participated in  
26 any conduct for which the licensee was disciplined, Mouiz Kohanghadosh shall be prohibited  
27 from serving as a manager, administrator, owner, member, officer, director, associate, or partner  
28

1 of a licensee for five years if Pharmacy Permit Number PHY 51669 is placed on probation or  
2 until Pharmacy Permit Number PHY 51669 is reinstated if it is revoked.

3 **PRAYER**

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

6 1. Revoking or suspending Permit Number PHY 51669, issued to Respondent MVP  
7 Compounds, Inc. dba Santa Monica Medical Plaza Pharmacy, Mouiz Kohanghadosh;

8 2. Revoking or suspending Pharmacist License Number RPH 62065, issued to  
9 Respondent Mouiz Kohanghadosh;

10 3. Prohibiting Respondent Mouiz Kohanghadosh from serving as a manager,  
11 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if  
12 Pharmacy Permit Number PHY 51669 is placed on probation or until Pharmacy Permit Number  
13 PHY 51669 is reinstated if it is revoked

14 4. Ordering Respondents MVP Compounds, Inc. dba Santa Monica Medical Plaza  
15 Pharmacy and Mouiz Kohanghadosh to pay the Board of Pharmacy the reasonable costs of the  
16 investigation and enforcement of this case, pursuant to Business and Professions Code section  
17 125.3; and,

18 5. Taking such other and further action as deemed necessary and proper.

19  
20 DATED: 11/23/2020 \_\_\_\_\_

Signature on File

21 ANNE SODERGREN  
22 Executive Officer  
23 Board of Pharmacy  
24 Department of Consumer Affairs  
25 State of California  
26 *Complainant*

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