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

11 In the Matter of the Accusation Against:

Case No. 6456

12 **CITY CENTER PHARMACY**
BRENTWOOD, INC.
13 **50 Eagle Rock Way, Suite C**
Brentwood, CA 94513
Original Pharmacy Permit No. PHY 50457

ACCUSATION

14 **CENTRAL RX PHARMACY**
15 **50 Eagle Rock Way, Suite C**
Brentwood, CA 94513
Temporary Pharmacy Permit No. PHY 55855

16 **NAVID RAHMAN**
17 **50 Eagle Rock Way, Suite C**
Brentwood, CA 94513
18 **Pharmacist License No. RPH 53027**

19 and

20 **SAIFUDDIN HATIM RANIWALA**
21 **2721 Magazine Lane**
Tracy, CA 95377
22 **Pharmacist License No. RPH 49936**

Respondents.

23 **AND**

24 In the Matter of the Statement of Issues Against:

Case No. 6453

25 **CENTRAL RX PHARMACY**
26 **50 Eagle Rock Way, Suite C**
Brentwood, CA 94513

STATEMENT OF ISSUES

27 **Applicant for Community Pharmacy Permit**

28 Respondent.

1 Complainant alleges:

2 **PARTIES**

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

6 2. On or about December 15, 2010, the Board issued Original Pharmacy Permit No.
7 PHY 50457 to City Center Pharmacy Brentwood Inc. dba City Center Pharmacy Brentwood Inc.,
8 Saifuddin Hatim Ranawala, Secretary and 51% shareholder, Navid Rahman, Treasurer/CFO and
9 49% shareholder (Respondent City Center). The Pharmacy Permit was in full force and effect at
10 all times relevant to the charges herein. The Pharmacy Permit expired on January 5, 2018, and
11 was cancelled on January 8, 2018 pursuant to a change of ownership.

12 3. On or about August 30, 2017, the Board received an application for a Community
13 Pharmacy Permit from ARAR Healthcare Inc. dba Central Rx Pharmacy, Aatika N. Rahman,
14 CEO/President and 50% shareholder, Navid A. Rahman, Secretary and 50% shareholder
15 (Respondent Central Rx). On or about August 29, 2017, both Aatika N. Rahman and Navid A.
16 Rahman certified under penalty of perjury to the truthfulness of all statements, answers, and
17 representations in the application. On or about January 5, 2018, the Board issued Temporary
18 Pharmacy Permit No. PHY 55855 to Respondent Central Rx, effective until May 15, 2018. On or
19 about May 1, 2018, the Board denied the application, as to a permanent Community Pharmacy
20 Permit. On or about May 4, 2018, Respondent Central Rx appealed the denial. The expiration
21 date of Temporary Pharmacy Permit No. 55855 was subsequently extended to June 15, 2018.

22 4. On or about September 10, 2001, the Board issued Pharmacist License No. RPH
23 53027 to Navid A. Rahman (Respondent Rahman). The License was in full force and effect at all
24 times relevant to the charges herein and will expire on December 31, 2018, unless renewed.
25 Between on or about April 20, 2016 and on or about January 8, 2018, Respondent Rahman served
26 and/or was listed in Board records as Pharmacist in Charge (PIC) for Respondent City Center.
27 From on or about January 6, 2018 to the present, Respondent Rahman served and/or was listed in
28 Board records as PIC for Respondent Central Rx.

1 11. Section 4081 of the Code provides, in pertinent part, that all records of manufacture,
2 sale, acquisition, or disposition of dangerous drugs or dangerous devices shall be kept open to
3 inspection and retained for at least three years, that a current inventory shall be kept by every
4 pharmacy that maintains a stock of dangerous drugs or dangerous devices, and that the owner(s),
5 officer(s), partner(s), and pharmacist in charge or designated representative in charge shall be
6 jointly responsible for maintaining the records and keeping the inventory.

7 12. Section 4105 of the Code requires, in pertinent part, that unless a waiver is granted by
8 the board, all records and other documentation of the acquisition and disposition of dangerous
9 drugs and devices by any entity licensed by the board be retained on the licensed premises, in a
10 readily retrievable form, for three years from the date of making.

11 13. Section 4113, subdivision (c) of the Code states:

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

14 14. Section 4300, subdivision (c), of the Code states in pertinent part:

15 (c) The board may refuse a license to any applicant guilty of unprofessional
16 conduct. The board may, in its sole discretion, issue a probationary license to any
17 applicant for a license who is guilty of unprofessional conduct and who has met all
18 other requirements for licensure. The board may issue the license subject to any
19 terms or conditions not contrary to public policy. . . .

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

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

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

28 (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

1 16. Section 4307, subdivision (a) of the Code states that:

2 Any person who has been denied a license or whose license has been revoked
3 or is under suspension, or who has failed to renew his or her license while it was
4 under suspension, or who has been a manager, administrator, owner member, officer,
5 director, associate, or partner of any partnership, corporation, firm, or association
6 whose application for a license has been denied or revoked, is under suspension or
7 has been placed on probation, and while acting as the manger, administrator, owner,
8 member, officer, director, associate, or partner had knowledge or knowingly
9 participated in any conduct for which the license was denied, revoked, suspended, or
10 placed on probation, shall be prohibited from serving as a manager, administrator,
11 owner, member, officer, director, associate, or partner 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.

11 17. Section 4332 of the Code makes it unlawful for any person: to fail, neglect, or refuse
12 to maintain the records required by Section 4081; or, when called upon by an authorized officer
13 or a member of the board, to fail, neglect, or refuse to produce or provide the records within a
14 reasonable time; or to willfully produce or furnish records that are false.

15 REGULATORY PROVISIONS

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

17 “‘Current Inventory’ as used in Sections 4081 and 4332 of the Business and Professions
18 Code shall be considered to include complete accountability for all dangerous drugs handled by
19 every licensee enumerated in Sections 4081 and 4332.

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

22 19. California Code of Regulations, title 16, section 1735.5, subdivision (a) requires in
23 pertinent part that any pharmacy engaged in compounding shall maintain written policies and
24 procedures governing standard operating procedures related to compounding. Subdivision (b)
25 requires that the written compounding policies and procedures be reviewed on an annual basis by
26 the PIC and that review documented. It further requires that the written policies and procedures
27 shall be updated whenever changes in policies and procedures are implemented.

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1 **FIRST CAUSE FOR DISCIPLINE**

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

3 29. Respondents City Center, Central Rx, Rahman, and Raniwala are each and severally
4 subject to discipline under section 4301, subdivision (f) of the Code, as well as section 4113,
5 subdivision (c) of the Code, in that Respondents, as described in paragraphs 26 to 28 above,
6 committed acts involving moral turpitude, dishonesty, fraud, deceit, or corruption when they
7 billed for name brand **Abilify** while dispensing generic **aripiprazole** to Medi-Cal patients.

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Incomplete/Inaccurate Inventory and/or Records of Acquisition and/or Disposition)**

10 30. Respondents City Center, Central Rx, Rahman, and Raniwala are each and severally
11 subject to discipline under section 4301, subdivision(s) (j) and/or (o), and/or section 4113,
12 subdivision (c) of the Code, by reference to section(s) 4081, 4105, and/or 4332 of the Code,
13 and/or California Code of Regulations, title 16, section 1718, for violating statutes regulating
14 controlled substances or dangerous drugs, and/or directly or indirectly violating, attempting to
15 violate, or assisting in or abetting a violation of laws or regulations governing the practice of
16 pharmacy, in that, as described in paragraph 28 above, Respondent pharmacies and their PIC and
17 owners failed to maintain an accurate, complete, and readily retrievable inventory and/or records
18 of acquisition and disposition of all dangerous drugs in the pharmacy inventory.

19 **THIRD CAUSE FOR DISCIPLINE**

20 **(Failure to Annually Review Compounding Policies and Procedures)**

21 31. Respondents Central Rx and Rahman are each and severally subject to discipline
22 under section 4301, subdivision(s) (j) and/or (o), and/or section 4113, subdivision (c) of the Code,
23 by reference to California Code of Regulations, title 16, section 1735.5, for violating statutes
24 regulating controlled substances or dangerous drugs, and/or directly or indirectly violating,
25 attempting to violate, or assisting in or abetting a violation of laws or regulations governing the
26 practice of pharmacy, in that, as described in paragraph 28 above, Respondent pharmacy and its
27 PIC failed to annually review written policies and procedures pertaining to compounding.

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Failure to Complete and/or Document Compounding Staff Training)**

3 32. Respondents Central Rx and Rahman are each and severally subject to discipline
4 under section 4301, subdivision(s) (j) and/or (o), and/or section 4113, subdivision (c) of the Code,
5 by reference to California Code of Regulations, title 16, section 1735.7, for violating statutes
6 regulating controlled substances or dangerous drugs, and/or directly or indirectly violating,
7 attempting to violate, or assisting in or abetting a violation of laws or regulations governing the
8 practice of pharmacy, in that, as described in paragraph 28 above, Respondent pharmacy and its
9 PIC failed to complete or adequately document training of staff engaged in compounding.

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12 **FIRST CAUSE FOR DENIAL OF APPLICATION**

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

14 33. Respondent Central Rx's application for a permanent Pharmacy Permit is subject to
15 denial under section(s) 480, subdivision (a)(2) and/or (a)(3) and/or 4300, subdivision (c) of the
16 Code, by reference to section 4301, subdivision (f) of the Code, in that Respondent, as described
17 in paragraphs 26 to 28 above, committed acts involving moral turpitude, dishonesty, fraud, deceit,
18 or corruption when it billed for name brand **Abilify** while dispensing generic **aripiprazole**.

19 **SECOND CAUSE FOR DENIAL OF APPLICATION**

20 **(Incomplete/Inaccurate Inventory and/or Records of Acquisition and/or Disposition)**

21 34. Respondent Central Rx's application for a permanent Pharmacy Permit is subject to
22 denial under section(s) 480, subdivision (a)(3) and/or 4300, subdivision (c) of the Code, by
23 reference to section(s) 4301, subdivision(s) (j) and/or (o), 4081, 4105, and/or 4332 of the Code,
24 and/or California Code of Regulations, title 16, section 1718, in that, as described in paragraph 28
25 above, Respondent failed to maintain an accurate, complete, and readily retrievable inventory
26 and/or records of acquisition and disposition of all dangerous drugs in the pharmacy inventory.

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PRAYER

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

1. Revoking or suspending Original Pharmacy Permit No. PHY 50457, issued to City Center Pharmacy Brentwood Inc. dba City Center Pharmacy Brentwood Inc., Saifuddin Hatim Ranawala and Navid Rahman, owners and officers (Respondent City Center);

2. Revoking or suspending Temporary Pharmacy Permit No. PHY 55855, issued to ARAR Healthcare Inc. dba Central Rx Pharmacy, Aatika N. Rahman and Navid A. Rahman, owners and officers (Respondent Central Rx);

3. Revoking or suspending Pharmacist License No. RPH 53027, issued to Navid A. Rahman (Respondent Rahman);

4. Revoking or suspending Pharmacist License No. RPH 49936, issued to Saifuddin Hatim Raniwala (Respondent Raniwala);

5. Denying the application for a Community Pharmacy Permit submitted by ARAR Healthcare Inc. dba Central Rx Pharmacy, Aatika N. Rahman and Navid A. Rahman, owners and officers (Respondent Central Rx);

6. Prohibiting Respondents from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for: five years if an applicable license is placed on probation; or until any license revoked or denied is issued or reinstated;

7. Ordering Respondents 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,

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

DATED: _____

6/6/18



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

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