ROB BONTA
Attorney General of California
SHAWN P. COOK
Supervising Deputy Attorney General
VINODHINI RAMAGOPAL
Deputy Attorney General
State Bar No. 240534
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 269-6270
Facsimile: (916) 731-2126
E-mail: Vinodhini.Ramagopal@doj.ca.gov
Attorneys for Complainant

BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues Against**:** **ARASH LEVIAN** **Advanced Practice Pharmacist License Applicant** Applicant.	Case No. 7931 **STATEMENT OF ISSUES**

PARTIES

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

2. On or about February 26, 2024, the Board of Pharmacy, Department of Consumer Affairs received an application for an Advanced Practice Pharmacist License from Arash Levian (Applicant Levian). On or about January 24, 2024, Arash Levian certified under penalty of perjury to the truthfulness of all statements, answers, and representations in the application. The Board denied the application on September 26, 2024.

3. Applicant holds the following licenses:

a. On or about August 15, 2006, Board of Pharmacy issued Pharmacy Permit Number PHY 47582 to Milart Pharmacy, Inc., dba Milart Prescription Pharmacy, Arash Levian,

President (Milart Pharmacy). The Pharmacy Permit is in full force and effect and will expire on August 1, 2025, unless renewed. On April 9, 2025, Accusation No. 7790 against Milart Pharmacy and Levian was filed by the Board.

b. On or about August 6, 2004, Board of Pharmacy issued Pharmacist License Number RPH 55981 to Arash Levian (Levian). The Pharmacist License is in full force and effect and will expire on September 30, 2025, unless renewed. On April 9, 2025, Accusation No. 7790 against Milart Pharmacy and Levian was filed by the Board.

JURISDICTION

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

5. Section 4300, subdivision (c) of the Code states in relevant part: (c) The board may refuse a license to any applicant guilty of unprofessional conduct. The board may, in its sole discretion, issue a probationary license to any applicant for a license who is guilty of unprofessional conduct and who has met all other requirements for licensure.

STATUTORY PROVISIONS

6. Section 475 of the Code states:

(a) Notwithstanding any other provisions of this code, the provisions of this division shall govern the denial of licenses on the grounds of:

***

(4) Commission of any act which, if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

7. Section 2069 of the Code states in relevant part:

(a)(1) Notwithstanding any other law, a medical assistant may administer medication only by intradermal, subcutaneous, or intramuscular injections and perform skin tests and additional technical supportive services upon the specific authorization and supervision of a licensed

physician and surgeon or a licensed podiatrist. A medical assistant may also perform all these tasks and services upon the specific authorization of a physician assistant, a nurse practitioner, or a certified nurse-midwife.

8. Section 4081 of the Code states:

(a) All records of manufacture and of sale, acquisition, or disposition of dangerous drugs or dangerous devices shall be at all times during business hours open to inspection by authorized officers of the law, and shall be preserved for at least three years from the date of making. A current inventory shall be kept by every manufacturer, wholesaler, pharmacy, veterinary food-animal drug retailer, physician, dentist, podiatrist, veterinarian, laboratory, clinic, hospital, institution, or establishment holding a currently valid and unrevoked certificate, license, permit, registration, or exemption under Division 2 (commencing with Section 1200) of the Health and Safety Code or under Part 4 (commencing with Section 16000) of Division 9 of the Welfare and Institutions Code who maintains a stock of dangerous drugs or dangerous devices.

(b) The owner, officer, and partner of any pharmacy, wholesaler, or veterinary food-animal drug retailer shall be jointly responsible, with the pharmacist-in-charge or representative-in-charge, for maintaining the records and inventory described in this section.

9. Section 4113 of the Code states in relevant part:

…

(c) The pharmacist-in-charge shall be responsible for a pharmacy's compliance with all state and federal laws and regulations pertaining to the practice of pharmacy.

10. Section 4126.5 of the Code states:

(a) A pharmacy may furnish dangerous drugs only to the following:

(1) A wholesaler owned or under common control by the wholesaler from whom the dangerous drug was acquired.

(2) The pharmaceutical manufacturer from whom the dangerous drug was acquired.

(3) A licensed wholesaler acting as a reverse distributor.

(4) Another pharmacy or wholesaler to alleviate a temporary shortage of a dangerous drug that could result in the denial of health care. A pharmacy furnishing dangerous drugs pursuant to this paragraph may only furnish a quantity sufficient to alleviate the temporary shortage.

(5) A patient or to another pharmacy pursuant to a prescription or as otherwise authorized by law.

(6) A health care provider that is not a pharmacy but that is authorized to purchase dangerous drugs.

(7) To another pharmacy under common control. During a proclaimed state of emergency, "another pharmacy" as used in this paragraph shall include a mobile pharmacy, as described in subdivision (c) of Section 4062.

***

(e) For purposes of this section, "common control" means the power to direct or cause the direction of the management and policies of another person whether by ownership, by voting rights, by contract, or by other means.

11. Section 4169 of the Code states:

(a) A person or entity shall not do any of the following:

(1) Purchase, trade, sell, warehouse, distribute, or transfer dangerous drugs or dangerous devices at wholesale with a person or entity that is not licensed with the board as a wholesaler, third-party logistics provider, or pharmacy.

(2) Purchase, trade, sell, or transfer dangerous drugs that the person knew or reasonably should have known were adulterated, as set forth in Article 2 (commencing with Section 111250) of Chapter 6 of Part 5 of Division 104 of the Health and Safety Code.

(3) Purchase, trade, sell, or transfer dangerous drugs that the person knew or reasonably should have known were misbranded, as defined in Section 111335 of the Health and Safety Code.

(4) Purchase, trade, sell, or transfer dangerous drugs or dangerous devices after the beyond use date on the label.

(5) Fail to maintain records of the acquisition or disposition of dangerous drugs or dangerous devices for at least three years.

(b) Notwithstanding any other law, a violation of this section may subject the person or entity that has committed the violation to a fine not to exceed the amount specified in Section 125.9 for each occurrence, pursuant to a citation issued by the board.

(c) Amounts due from any person under this section shall be offset as provided under Section 12419.5 of the Government Code. Amounts received by the board under this section shall be deposited into the Pharmacy Board Contingent Fund.

(d) This section shall not apply to a pharmaceutical manufacturer licensed by the Food and Drug Administration or by the State Department of Public Health.

12. Section 4301 of the Code states in relevant part:

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

***

(j) 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.

13. Section 4306.5 of the Code states:

Unprofessional conduct for a pharmacist may include any of the following:

(a) Acts or omissions that involve, in whole or in part, the inappropriate exercise of his or her education, training, or experience as a pharmacist, whether or not the act or omission arises in the course of the practice of pharmacy or the ownership, management, administration, or operation of a pharmacy or other entity licensed by the board.

(b) Acts or omissions that involve, in whole or in part, the failure to exercise or implement his or her best professional judgment or corresponding responsibility with regard to the dispensing or furnishing of controlled substances, dangerous drugs, or dangerous devices, or with regard to the provision of services.

14. Section 4307 of the Code states, in pertinent part:

(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.

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

REGULATORY PROVISIONS

15. California Code of Regulations, title 16, section 1715 states in relevant part:

(a) The pharmacist-in-charge of each pharmacy as defined under section 4029 or section 4037 of the Business and Professions Code shall complete a self-assessment of the pharmacy's compliance with federal and state pharmacy law. The assessment shall be performed before July 1 of every odd-numbered year. The primary purpose of the self-assessment is to promote compliance through self-examination and education.

16. California Code of Regulations, title 16, section 1735.2 states in relevant part:

***

(k) Prior to allowing any drug product preparation to be compounded in a pharmacy, the pharmacist-in-charge shall complete a self-assessment for compounding pharmacies developed by the board (Incorporated by reference is "Community Pharmacy & Hospital Outpatient Pharmacy Compounding Self-Assessment" Form 17M-39 Rev. 1/22) as required by Section 1715 of Title 16, Division 17, of the California Code of Regulations. That form contains a first section applicable to all compounding, and a second section applicable to sterile injectable compounding. The first section must be completed by the pharmacist-in-charge before any compounding is performed in the pharmacy. The second section must be completed by the pharmacist-in-charge before any sterile compounding is performed in the pharmacy. The applicable sections of the self-assessment shall subsequently be completed before July 1 of each odd-numbered year, within 30 days of the start date of a new pharmacist-in-charge or change of location, and within 30 days of

the issuance of a new pharmacy license. The primary purpose of the self-assessment is to promote compliance through self-examination and education.

17. California Code of Regulations, title 16, section 1735.8, subdivision (a) states:

(a) Any pharmacy engaged in compounding shall maintain, as part of its written policies and procedures, a written quality assurance plan designed to monitor and ensure the integrity, potency, quality, and labeled strength of compounded drug preparations.

***

(c) The quality assurance plan shall include written standards for qualitative and quantitative analysis of compounded drug preparations to ensure integrity, potency, quality, and labeled strength, including the frequency of testing. All qualitative and quantitative analysis reports for compounded drug preparations shall be retained by the pharmacy and maintained along with the compounding log and master formula document. The quality assurance plan shall include a schedule for routine testing and analysis of specified compounded drug preparations to ensure integrity, potency, quality, and labeled strength, on at least an annual basis.

FACTUAL ALLEGATIONS

18. On or about September 26, 2023, the Board inspector completed an inspection of Milart Pharmacy in the presence of Levian, pharmacist-in-charge (PIC). Prior to conducting the inspection, the Board inspector reviewed Milart Pharmacy's website, which indicated the pharmacy provided other services, including COVID-19 and influenza testing, immunization, and "vitamin injections."

19. During the inspection, Levian introduced the Board inspector to C.O., a medical assistant. Levian stated that C.O. assisted with vitamin injections under his supervision.

20. During the inspection, Levian retrieved the vitamin shots, which were injectable products from the mini refrigerator for the Board inspector. The labeling on the products showed that they were from Meta Pharmacy Services ("Meta") located in Las Vegas, Nevada. Meta is not licensed in California and does not have a Non-Resident Pharmacy permit or a Non-Resident Sterile Compounding license from the Board.

21. The following sterile injectable products from Meta were past their beyond use (BUD) date:

- Biotin lOmg/ml, lx50ml unopened vial and 1 partial vial (~30ml), BUD 9/21/2023
- Coenzyme QlO, lxS0ml unopened vial and 1 partial vial (~25ml), BUD 9/24/2023
- Glutathione 20%, lx50ml unopened vial and 1 partial vial (~l0ml), BUD 9/21/2023
- Lipo-C, 2x50ml unopened vial and 1 partial vial (~40ml), BUD 9/24/2023
- Vitamin C 50%, 1 partial vial (~35ml), BUD 7/22/2023
- Vitamin D3, lx50ml unopened vial and 1 partial vial (~25ml), BUD 9/24/2023

Levian told the Board inspector that he did not administer the products that were past their BUD to patients.

22. During the inspection, N.N., pharmacy technician and Levian's wife, arrived at the pharmacy. N.N. informed the Board inspector that she went to Las Vegas, Nevada to pick up the products from Meta. N.N. provided the Board inspector with a copy of "Meta Pharmacy Services Prescriber Activity-Detail" in response to a request for the purchase records. This document listed injectable products from Meta with a fill date range from August 1, 2023 to August 30, 2023. In addition to the products listed in paragraph 22, the document also listed other products such as "Hangover/Jet Lag IV" and "Myers cocktail IV Admixture" for patients named Arash Levian (Levian) and N.N. N.N. informed the Board inspector that many of the products listed were for personal use.

23. Levian provided the Board inspector with the Milart Pharmacy Immunization Protocol (Protocol) in response to the Board inspector inquiring about his training, certification, and the protocols permitting pharmacists to administer vitamin shots. Vitamin shots were listed under the section regarding administration of vaccines in the Protocol. The document was not signed by Levian or Dr. W. Levian informed the Board inspector that patients fill out a consent form prior to receiving the shots. Also, Levian did not have a current CPR certificate, which he must have to administer vaccines. Further, Levian did not have any additional training or certification to administer vitamin shots. He had not completed a clinical residency training and did not have an Advanced Practice Pharmacist license.

24. During the inspection, the Board inspector inquired about compounded non-sterile drug preparations (CNSP). Levian informed the inspector that the pharmacy dispenses approximately ten CNSPs per month. Upon inspection of the compounding substances and supplies, the inspector noted that some of the products (active and inactive ingredients) used in compounding were expired. Additionally, Levian did not have a recently completed pharmacy compounding self-assessment nor had he ever submitted a compounded product for potency testing at the time of the inspection. Also, Levian could not locate many of the documents requested as part of the routine pharmacy inspection.

25. Levian provided a letter dated October 18, 2023 to the Board inspector confirming they had suspended the administration of vitamin shots. However, in reviewing Milart Pharmacy's website on October 25, 2023, the website showed they were advertising vitamin shots. Levian provided an additional letter dated October 25, 2023 confirming that they had stopped providing vitamin shots at the pharmacy on September 28, 2023. He indicated that some of the vitamin shots/injections were administered by Dr. I.K. A review of the records showed that between November 16, 2020 and October 9. 2023, Dr. I.K. had administered a total of 5,596 vitamin injections. And at leave five injections administered by Dr. I.K. were administered after September 28, 2023 on October 9, 2023.

26. A review of the records showed that between September 26, 2020 and September 27, 2023, Levian had administered a total of 14,324 vitamin injections. Between September 22, 2023 and September 23, 2023, Levian had administered eight Glutathione shots and two Biotin shots after the BUD of September 21, 2023.

27. A review of the records showed that between August 1, 2023 and September 26, 2023 C.O. had administered a total of 399 vitamin injections under the supervision of Levian. On or about September 22, 2023, C.O. had administered two Biotin shots and one Glutathione shot after the BUD of September 21, 2023.

28. Based on the review of records, the Board inspector found that pharmacy staff administered Alpha Lipoic Acid, Methyl Folate, and NAD+ shots. However, the dosage administered to patients for each of these shots was not identified or listed in Milart Pharmacy's

Vitamin Shot Standing Order documents. Milart Pharmacy records show that the pharmacy sold/administered a total of 17 Alpha Lipoic Acid shots to patients. However, the pharmacy provided no acquisition records for the 17 shots of Alpha Lipoic Acid administered to patients between September 26, 2020 and September 27, 2023. Levian acquired a total of 100ml Alpha Lipoic Acid from Meta issued to him and not the pharmacy. Also, Levian administered four NAD+ shots to patients between August 31, 2022 and September 24, 200, but there were no records of the acquisition of the NAD+. And Levian administered nine Methyl Folate Shots to patients between May 6, 2022 and May 4, 2023, but there were no records of the acquisition of these injectables.

29. Milart Pharmacy sold/administered a total of 1,909 Lipo-B Max shots. However, there were no acquisition records for these shots. And there were no acquisition records for Biotin, CoQ10, glutathione, and Vitamin D, which were sold/administered to patients between September 26, 2020 and September 27, 2023. The records show that these products were sold to Levian not to Milart Pharmacy.

FIRST CAUSE FOR DENIAL OF APPLICATION

(Records of Dangerous Drugs and Devices Kept Open for Inspection: Maintenance of Records)

30. Applicant's application is subject to denial under section 475, subdivision (a)(4) in conjunction with section 4301, subdivisions (j) and (o) in that between September 26, 2020, and October 9, 2023, Milart Pharmacy and Levian sold/administered sterile injectables to patients and did not have a record of their acquisition in violation of sections 4081, subdivision (a) and 4113, subdivision (c). Milart Pharmacy and Levian did not have records for the acquisition of NAD+, Mehtyl Folate, and Lipo-B Max. Also, the Biotin, Co-Q10, Glutathione, and Vitamin D3 purchased from Meta were sold to a named individual not to the Pharmacy. The facts in support of this case for discipline are set forth above in paragraphs 18 through 29, which are incorporated here by this reference, as though set forth fully.

///

///

SECOND CAUSE FOR DENIAL OF APPLICATION

(**Prohibited Act – Purchasing Dangerous Drugs from Facility Not Licensed in California**)

31. Applicant's application is subject to denial under section 475, subdivision (a)(4) in conjunction with sections 4301, subdivisions (j) and (o), 4169, subdivision (a), and 4113, subdivision (c), in that Milart Pharmacy and Levian purchased dangerous drugs from Meta, an entity not licensed with the Board, as set forth more particularly in paragraphs 18 through 29.

THIRD CAUSE FOR DENIAL OF APPLICATION

(**Prohibited Act – Purchasing Dangerous Drugs from Facility Not Licensed in California**)

32. Applicant's application is subject to denial under section 475, subdivision (a)(4) in conjunction with sections 4301, subdivisions (j) and (o), 4169, subdivision (a)(4), and 4113, subdivision (c) in that Milart Pharmacy and Levian administered/sold dangerous drugs (Biotin and Glutathione injections) after their BUD, as set forth more particularly in paragraphs 18 through 29.

FOURTH CAUSE FOR DENIAL OF APPLICATION

(**Unprofessional Conduct**)

33. Applicant's application is subject to denial under sections 475, subdivision (a)(4) and Section 4300, subdivision (c) in conjunction with section 4301 and 4113, subdivision (c), in that Milart Pharmacy and Levian engaged in unprofessional conduct between September 26, 2020 and October 9, 2023 as follows:

(a) Sold/administered sterile injectables to patients and did not have a record of their acquisition. Milart Pharmacy did not have records for the acquisition of NAD+, Mehtyl Folate, and Lipo-B Max. Also, the Biotin, Co-Q10, Glutathione, and Vitamin D3 purchased from Meta were sold to a named individual not to the Pharmacy. See table in paragraph 34.

(b) Administered the following sterile injectables to patients, pursuant to an immunization protocol, without an order by the prescriber: Alpha Lipoic Acid, Biotin, Co-Q10, Glutathione, Lipo-B Max, Methyl Folate, NAD+, and Vitamin D3. See table in paragraph 34.

(c) Levian administered injections without having a current basic life support certification. Levian only had a CPR card issued on February 17, 2017 that was valid for two years.

34.

Medication	Administered by Levian	Administered by I.K.	Administered by C.O.	Total Shots Sold/Administered
Alpha Lipoic Acid	16	0	1	17
Biotin	868	352	17	1237
Co-O10	299	52	18	369
Glutathione	1665	587	54	2306
Lipo-B Max	1429	480	0	1909
Methyl Folate	9	0	0	9
NAD+	4	0	0	4
Vitamin D3	1631	533	38	2202

35. The facts in support of this case for discipline are set forth above in paragraphs 18 through 29, which are incorporated here by this reference, as though set forth fully.

FIFTH CAUSE FOR DENIAL OF APPLICATION

(**Prohibited Act – Purchasing Dangerous Drugs from Facility Not Licensed in California**)

36. Applicant's application is subject to denial under section 475, subdivision (a)(4) and Section 4300, subdivision (c) in conjunction with sections 4301 and 2029, subdivisions (a)(1), in that Milart Pharmacy engaged in unprofessional conduct between August 1, 2023 and September 26, 2023, when it allowed C.O., a medical assistant, to administer intramuscular injections to patients under the supervision of a pharmacist, and not a licensed physician and surgeon or a licensed podiatrist, physician assistant, nurse practitioner, or certified nurse-midwife, as set forth more particularly in paragraphs 18 through 29.

///

///

///

SIXTH CAUSE FOR DENIAL OF APPLICATION

(Furnishing Dangerous Drugs)

37. Applicant's application is subject to denial under section 475, subdivision (a)(4) in conjunction with sections 4301, subdivisions (j) and (o), 4126.5, subdivision (a), and 4113, subdivision (c), in that between September 26, 2020 and October 9, 2023, Milart Pharmacy and Levian furnished/administered the following dangerous drugs/sterile injectables (see table below), which are not vaccines, to patients without a prescription, but pursuant to an immunization protocol, as set forth more particularly in paragraphs 18 through 29.

Medication	Administered by Levian	Administered by I.K.	Administered by C.O.	Total Shots Sold/Administered
Alpha Lipoic Acid	16	0	1	17
Biotin	868	352	17	1237
Co-O10	299	52	18	369
Glutathione	1665	587	54	2306
Lipo-B Max	1429	480	0	1909
Methyl Folate	9	0	0	9
NAD+	4	0	0	4
Vitamin D3	1631	533	38	2202

SEVENTH CAUSE FOR DENIAL OF APPLICATION

(Compounding Quality Assurance)

38. Applicant's application is subject to denial under section 475, subdivision (a)(4) in conjunction with sections 4301, subdivision (o) and 4113, subdivision (c) in conjunction with California Code of Regulations, title 16, section 1735.8, subdivision (c) in that Milart Pharmacy and Levian failed to have routine testing and analysis of compounded drug preparations on at least an annual basis as required, and as set forth more particularly in paragraphs 18 through 29.

///

///

///

EIGHTH CAUSE FOR DENIAL OF APPLICATION

(**Failure to Perform Required a Self-Assessment of the Pharmacy**)

39. Applicant's application is subject to denial under section 475, subdivision (a)(4) in conjunction with sections 4301, subdivision (o) and 4113, subdivision (c), in conjunction with California Code of Regulations, title 16, section 1715, subdivision (a), in that Milart Pharmacy and Levian failed to perform a self-assessment of the Pharmacy's compliance with federal and state law before July 1 of every odd-numbered year as required. During the inspection, the Pharmacy did not have a completed self-assessment performed before July 1, 2023, with the last completed self-assessment dated October 2017. The facts in support of this case for discipline are set forth above in paragraphs 18 through 29, which are incorporated here by this reference, as though set forth fully.

NINTH CAUSE FOR DENIAL OF APPLICATION

(**Failure to Perform Required a Self-Assessment of Compounding Pharmacy Prior to Drug Product Preparation**)

40. Applicant's application is subject to denial under section 475, subdivision (a)(4) in conjunction with sections 4301, subdivision (o) and 4113, subdivision (c) in conjunction with California Code of Regulations, title 16, section 1735.2, subdivision (k) in that Milart Pharmacy and Levian failed to complete a self-assessment for compounding pharmacies before July 1 of every odd-numbered year as required, and prior to allowing drug product preparations to be compounded by the pharmacy. The last completed compounding self-assessment was dated October 2017 and the Pharmacy dispensed non-sterile compounded drug preparations without the completed compounding self-assessment. The facts in support of this case for discipline are set forth above in paragraphs 18 through 29, which are incorporated here by this reference, as though set forth fully.

TENTH CAUSE FOR DENIAL OF APPLICATION

(**Unprofessional Conduct – Medical Assistant Administering Intramuscular Injections**)

41. Applicant's application is subject to denial under section 475, subdivision (a)(4) and Section 4300, subdivision (c) in conjunction with sections 4113, subdivision (c), 4301, 4306.5,

subdivision (a), and 2029, subdivisions (a)(1), in that Levian, as PIC, engaged in unprofessional conduct between August 1, 2023 and September 26, 2023, when he inappropriately exercised his education, training, and experience as a pharmacist when he supervised and allowed C.O., a medical assistant, to administer intramuscular injections to patients under his supervision, and not a licensed physician and surgeon or a licensed podiatrist, physician assistant, nurse practitioner, or certified nurse-midwife, as set forth more particularly in paragraphs 18 through 29.

OTHER MATTERS

42. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number PHY 47582 issued to Milart Pharmacy, Inc., dba Milart Prescription Pharmacy and/or Pharmacist License Number RPH 55981 issued to Arash Levian while Arash Levian has been an officer and owner and had knowledge of or knowingly participated in any conduct for which the licensee is disciplined, Arash Levian shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for 5 years if Pharmacy Permit Number PHY 47582 and/or Pharmacist License Number RPH 55981 issued to Arash Levian is placed on probation or until Pharmacy Permit Number PHY 47582 and/or Pharmacist License Number RPH 55981 to Arash Levian are reinstated if revoked.

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. Denying the application of Arash Levian for an Advanced Practice Pharmacist License;

2. Prohibiting Arash Levian from serving as a manager, administrator, owner member, officer, director, associate, or partner of a license for 5 years if Pharmacy Permit Number PHY 47582 and/or Pharmacist License Number RPH 55981 to Arash Levian is placed on probation or until Pharmacy Permit Number PHY 47582 and/or Pharmacist License Number RPH 55981 issued to Arash Levian are reinstated if Pharmacy Permit Number PHY 47582 issued to Milart Pharmacy, Inc., dba Milart Prescription Pharmacy is revoked; and

///

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

DATED: 7/30/2025

Sodergren, Anne@DCA

Digitally signed by Sodergren, Anne@DCA
Date: 2025.07.30 20:22:44 -07'00'

ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

LA2024605055
67637729.docx