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7

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

11 In the Matter of the Accusation Against:

Case No. 3115

12 HAWAII PHARMACY; SABINA RASULOV  
12127 Carson St  
13 Hawaiian Gdns, CA 90716-1154  
Pharmacy Permit No. PHY 46650,

**DEFAULT DECISION  
AND ORDER**

[Gov. Code, §11520]

14 SABINA RASULOV  
15 12127 Carson Street  
Hawaiian Gardens  
16 Pharmacy Technician Registration No. TCH  
43095,

17  
18 Respondents.  
19

20 FINDINGS OF FACT

21 1. On or about June 27, 2008, Complainant Virginia K. Herold, in her  
22 official capacity as the Executive Officer of the Board of Pharmacy, filed Accusation No. 3115  
23 against Hawaii Pharmacy and Sabina Rasulov (Respondents) before the Board of Pharmacy.

24 2. On or about February 13, 2004, the Board of Pharmacy (Board) issued  
25 Pharmacy Permit No. PHY 46650 to Respondents Hawaii Pharmacy and Sabina Rasulov. The  
26 Pharmacy Permit expired on February 1, 2006, and has not been renewed.

27 3. On or about October 24, 2002, the Board issued Pharmacy Technician  
28 Registration No. TCH 43095 to Sabina Rasulov. The Pharmacy Technician Registration was in

1 full force and effect at all times relevant to the charges brought herein and will expire on January  
2 31, 2010, unless renewed.

3 4. On or about July 7, 2008, Maria L. Camacho, an employee of the  
4 Department of Justice, served by Certified and First Class Mail a copy of the Accusation No.  
5 3115, Statement to Respondent, Notice of Defense (2 Copies), Request for Discovery and  
6 Government Code Section 11507.5, 11507.6, 11507.7 Provided Pursuant to Government Code  
7 Section 11504 and 11505 to Respondents addresses of record with the Board, which was and is:  
8 Advance Choices, Hawaii Pharmacy, 12127 E. Carson St, Hawaiian Gardens, California  
9 90716-1154 and Sabina Rasulov 11684 Ventura Blvd. #775, Studio City, California 91604. A  
10 copy of the Accusation is attached as exhibit A, and is incorporated herein by reference.

11 5. Service of the Accusation was effective as a matter of law under the  
12 provisions of Government Code section 11505, subdivision (c).

13 6. On or about July 11, 2008, the aforementioned documents were returned  
14 by the U.S. Postal Service marked "No Forwarding Address."

15 7. Government Code section 11506 states, in pertinent part:

16 (c) The respondent shall be entitled to a hearing on the merits if the  
17 respondent files a notice of defense, and the notice shall be deemed a specific  
18 denial of all parts of the accusation not expressly admitted. Failure to file a notice  
19 of defense shall constitute a waiver of respondent's right to a hearing, but the  
20 agency in its discretion may nevertheless grant a hearing.

21 8. Respondents failed to file a Notice of Defense within 15 days after service  
22 of the Accusation, and therefore waived their rights to a hearing on the merits of Accusation No.  
23 3115.

24 9. California Government Code section 11520 states, in pertinent part:

25 (a) If the respondent either fails to file a notice of defense or to appear at  
26 the hearing, the agency may take action based upon the respondent's express  
27 admissions or upon other evidence and affidavits may be used as evidence without  
28 any notice to respondent.

10 Pursuant to its authority under Government Code section 11520, the  
11 Board of Pharmacy finds Respondent is in default. The Board of Pharmacy will take action  
12 without further hearing and, based on the evidence on file herein, finds that the allegations in

1 Accusation No. 3115 are true.

2 11. The total cost for investigation and enforcement in connection with the  
3 Accusation are \$3,500 as of October 6, 2008.

4 DETERMINATION OF ISSUES

5 1. Based on the foregoing findings of fact, Respondent Hawaii Pharmacy;  
6 Sabina Rasulov has subjected her Pharmacy Permit No. PHY 46650 to discipline. Additionally,  
7 Respondent Sabina Rasulov has subjected her Pharmacy Technician Registration No. TCH  
8 43095 to discipline.

9 2. A copy of the Accusation is attached.

10 3. The agency has jurisdiction to adjudicate this case by default.

11 4. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy  
12 Permit based upon the following violations alleged in the Accusation:

13 a. Respondent Rasulov is subject to disciplinary action under sections  
14 490 and 4301, subdivision (l) of the Code, as defined in California Code of Regulations, title 16,  
15 section 1770, in that Respondent Rasulov was convicted of a crime substantially related to the  
16 qualifications, functions or duties of a licensed pharmacy technician on or about April 3, 1997,  
17 where she was convicted for violating one count of Welfare and Institutions Code section  
18 10980(c)(2), a felony, (welfare fraud), in the Los Angeles Superior Court, County of Los  
19 Angeles, State of California, Central Judicial District, Case No. BA135829 entitled The People  
20 of the State of California v. Sabina Rasulov Blum.

21 b. Respondents are further subject to disciplinary action under  
22 sections 4300 and 4301, subdivisions (f) and (o), on the grounds of unprofessional conduct, in  
23 that Respondents committed acts of moral turpitude, dishonesty, fraud or deceit, in that  
24 Respondents billed Medi-Cal for services using the previous owners Medi-Cal provider number  
25 from February 2, 2004 through April 1, 2005.

26 c. Respondents are further subject to disciplinary action under  
27 sections 4300 and 4301, subdivisions (g) and (o), on the grounds of unprofessional conduct, for  
28 violating section 810, subdivisions (a) (1) and (a) (2), in that Respondents Hawaii Pharmacy,

1 Rusalov and Schechter knowingly made or signed a certificate or other documents and submitted  
2 false and fraudulent claims for allowance of payment, under the Medi-Cal Act.

3 d. Respondents are subject to disciplinary action under section 4113,  
4 subdivision (c) and California Code of Regulations section 1709.1, in the between January 9,  
5 2005 and February 1, 2006, for failing to designate a Pharmacist-In-Charge of Hawaii Pharmacy.

6 ORDER

7 IT IS SO ORDERED that Pharmacy Permit No. PHY 46650, heretofore issued to  
8 Respondent Hawaii Pharmacy; Sabina Rasulov; is revoked;

9 IT IS FURTHER ORDERED that Pharmacy Technician Registration No. TCH  
10 43095 issued to Sabina Rasulov is revoked.


11 Pursuant to Government Code section 11520, subdivision (c), Respondents may  
12 serve a written motion requesting that the Decision be vacated and stating the grounds relied on  
13 within seven (7) days after service of the Decision on Respondents. The agency in its discretion  
14 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the  
15 statute.

16 This Decision shall become effective on January 22, 2009.

17 It is so ORDERED December 23, 2008

18  
19 BOARD OF PHARMACY  
20 DEPARTMENT OF CONSUMER AFFAIRS  
21 STATE OF CALIFORNIA

22 By

  
23 KENNETH H. SCHELL  
Board President

24 60330832.wpd

DOJ docket number:LA2007601555

25 Attachment:

26 Exhibit A: Accusation No.3115  
27  
28

Exhibit A

Accusation No. 3115

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 MARC D. GREENBAUM  
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8 **BEFORE THE**  
**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:  
11 ADVANCED CHOICES, INC.  
d.b.a, HAWAII PHARMACY  
12 12127 E. Carson St  
Hawaiian Gardens, CA 90716-1154  
13 SABINA RASULOV, President  
14 Pharmacy Permit No. PHY 46650  
15 SABINA RASULOV  
11684 Ventura Blvd. #775  
16 Studio City, CA 91604  
17 Pharmacy Technician Registration  
No. TCH 43095  
18  
19 Respondents.

Case No. 3115  
**ACCUSATION**

20 Complainant alleges:

21 PARTIES

- 22 1. Virginia Herold (Complainant) brings this Accusation solely in her official  
23 capacity as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer  
24 Affairs.  
25 2. On or about February 13, 2004, the Board issued Pharmacy Permit No.  
26 PHY 46650 to Advanced Choices, Inc., to do business as Hawaii Pharmacy, with Sabina Rasulov  
27 as President (Respondent Hawaii Pharmacy). The Pharmacy Permit expired on February 1,  
28 2006, and has not been renewed.



1 deceit, or corruption, whether the act is committed in the course of relations as a licensee or  
2 otherwise, and whether the act is a felony or misdemeanor or not.

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

5  
6 "(i) The conviction of a crime substantially related to the qualifications, functions,  
7 and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
8 (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
9 substances or of a violation of the statutes of this state regulating controlled substances or  
10 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the  
11 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.  
12 The board may inquire into the circumstances surrounding the commission of the crime, in order  
13 to fix the degree of discipline or, in the case of a conviction not involving controlled substances  
14 or dangerous drugs, to determine if the conviction is of an offense substantially related to the  
15 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty  
16 or a conviction following a plea of nolo contendere is deemed to be a conviction within the  
17 meaning of this provision. The board may take action when the time for appeal has elapsed, or  
18 the judgment of conviction has been affirmed on appeal or when an order granting probation is  
19 made suspending the imposition of sentence, irrespective of a subsequent order under Section  
20 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a  
21 plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information,  
22 or indictment.

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

27 9. Section 490 of the Code states:

28 "A board may suspend or revoke a license on the ground that the licensee has



1 been convicted of a crime, if the crime is substantially related to the qualifications, functions, or  
2 duties of the business or profession for which the license was issued. A conviction within the  
3 meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo  
4 contendere. Any action which a board is permitted to take following the establishment of a  
5 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has  
6 been affirmed on appeal, or when an order granting probation is made suspending the imposition  
7 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the  
8 Penal Code.”

9 10. Section 810 of the Code states:

10 "(a) It shall constitute unprofessional conduct and grounds for disciplinary action,  
11 including suspension or revocation of a license or certificate, for a health care professional to do  
12 any of the following in connection with his or her professional activities:

13 (1) Knowingly present or cause to be presented any false or fraudulent claim for  
14 the payment of a loss under a contract of insurance.

15 (2) Knowingly prepare, make, or subscribe any writing, with intent to present or  
16 use the same, or to allow it to be presented or used in support of any false or fraudulent claim.

17 11. California Code of Regulations, title 16, section 1709.1, states in pertinent  
18 part:

19 (a) The pharmacist-in-charge of a pharmacy shall be employed at that location and  
20 shall have responsibility for the daily operation of the pharmacy.

21 (b) The pharmacy owner shall vest the pharmacist-in-charge with adequate  
22 authority to assure compliance with the laws governing the operation of a pharmacy.

23 . . . .  
24 12. California Code of Regulations, title 16, section 1770, states:

25 "For the purpose of denial, suspension, or revocation of a personal or facility  
26 license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions  
27 Code, a crime or act shall be considered substantially related to the qualifications, functions or  
28 duties of a licensee or registrant if to a substantial degree it evidences present or potential

1 unfitness of a licensee or registrant to perform the functions authorized by his license or  
2 registration in a manner consistent with the public health, safety, or welfare."

3 13. Section 125.3 of the Code provides, in pertinent part, that the Board may  
4 request the administrative law judge to direct a licentiate found to have committed a violation or  
5 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
6 and enforcement of the case

7 FIRST CAUSE FOR DISCIPLINE

8 (Conviction of a Substantially Related Crime)

9 14. Respondent Rasulov is subject to disciplinary action under sections 490  
10 and 4301, subdivision (1) of the Code, as defined in California Code of Regulations, title 16,  
11 section 1770, in that Respondent Rasulov was convicted of a crime substantially related to the  
12 qualifications, functions or duties of a licensed pharmacy technician, as follows:

13 15. On or about April 3, 1997, Respondent Rasulov was convicted by the  
14 Court on a plea of nolo contendere for violating one count of Welfare and Institutions Code  
15 section 10980(c)(2), a felony, (welfare fraud), in the Los Angeles Superior Court, County of Los  
16 Angeles, State of California, Central Judicial District, Case No. BA135829 entitled *The People*  
17 *of the State of California v. Sabina Rasulov Blum.*

18 16. The circumstances of the conviction are that between July 1, 1992 and  
19 January 31, 1996, in Los Angeles County, Respondent Rasulov committed welfare fraud by  
20 representing that she was entitled to aid to families with dependent children (AFDC) where she  
21 was not so entitled. Respondent Rasulov failed to disclose assets including her income from her  
22 employment, real and personal property, including Respondent Rasulov's bank accounts.  
23 Further, Respondent Rasulov failed to disclose to the Department of Public Social Services  
24 (DPSS) that she was living with the child's father, and not alone with the child.

25 17. Through Respondent Rasulov's fraudulent activity, including her false  
26 statements and representations, Respondent Rasulov obtained financial assistance from DPSS  
27 through the AFDC program to which she was not entitled in the sum of \$24,654.

28 ///

1 SECOND CAUSE FOR DISCIPLINE

2 (Moral Turpitude, Dishonesty, Fraud or Deceit)

3 18. Respondents Hawaii Pharmacy and Rusalov are subject to disciplinary  
4 action under sections 4300 and 4301, subdivisions (f) and (o), on the grounds of unprofessional  
5 conduct, in that Respondents committed acts of moral turpitude, dishonesty, fraud or deceit, on  
6 the grounds of unprofessional conduct, in that Respondents billed Medi-Cal for services using  
7 the previous owners Medi-Cal provider number.

8 19. The circumstances are that from February 2, 2004 through April 1, 2005,  
9 Respondents Hawaii Pharmacy and Rusalov fraudulently represented that they were licensed  
10 Medi-Cal providers, where they had not received a Medi-Cal provider number. In furtherance of  
11 their fraud, Respondents Hawaii Pharmacy and Rusalov submitted claims for payment to the  
12 Department of Health Services using the Medi-Cal provider number assigned to the prior owners  
13 of Respondent Hawaii Pharmacy. Through their misrepresentations Respondents Hawaii  
14 Pharmacy and Rusalov received payments from Medi-Cal in the collective principal sum of  
15 \$1,492,430.33.

16 THIRD CAUSE FOR DISCIPLINE

17 (Knowingly Making or Signing Any Certificate or Other Document)

18 20. Respondents Hawaii Pharmacy and Rusalov are subject to disciplinary  
19 action under sections 4300 and 4301, subdivisions (g) and (o), on the grounds of unprofessional  
20 conduct, for violating section 810, subdivisions (a) (1) and (a) (2), in that Respondents Hawaii  
21 Pharmacy and Rusalov knowingly made or signed a certificate or other documents and submitted  
22 false and fraudulent claims for allowance of payment, under the Medi-Cal Act, as more fully set  
23 forth in paragraphs 18 and 19 above.

24 FOURTH CAUSE FOR DISCIPLINE

25 (Failure to Designate Pharmacist in Charge)

26 21. Respondent Hawaii Pharmacy is subject to disciplinary action under  
27 section 4113, subdivision (c) and California Code of Regulations section 1709.1, in the between  
28 January 9, 2005 and February 1, 2006, Respondent Hawaii Pharmacy failed to designate a

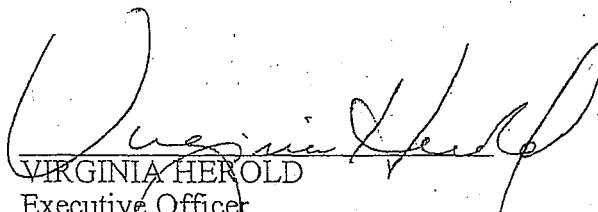
1 Pharmacist-In-Charge of Hawaii Pharmacy.

2 PRAYER

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

- 5 1. Revoking or suspending Pharmacy Permit No. PHY 46650, issued to  
6 Advanced Choices, Inc., to do business as Hawaii Pharmacy, with Sabina Rasulov as President;
- 7 2. Revoking or suspending Pharmacy Technician Registration No.  
8 TCH 43095, issued to Sabina Rasulov;
- 9 3. Ordering Sabina Rasulov and Advanced Choices, Inc. to pay the Board the  
10 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
11 Professions Code section 125.3;
- 12 4. Taking such other and further action as deemed necessary and proper.

13  
14 DATED: 6/27/08

15  
16  
17   
18 VIRGINIA HEROLD  
19 Executive Officer  
20 Board of Pharmacy  
21 State of California  
22 Complainant  
23  
24  
25  
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