

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

In the Matter of the Petition for Early
Termination of Probation of:

OAH No. 2016100471

ASHER KASHANCHI,

Petitioner.

DECISION

This matter was heard before a quorum of the Board of Pharmacy (Board) on October 27, 2016, in San Jose, California. Administrative Law Judge Juliet E. Cox, State of California, Office of Administrative Hearings, presided.

Kristina T. Jarvis, Deputy Attorney General, represented the Department of Justice, Office of the Attorney General.

Alexandra Derivera, Attorney, represented petitioner Asher Kashanchi, who was present.

FACTUAL FINDINGS

1. Petitioner Asher Kashanchi received Pharmacist License No. RPH 56942 on April 11, 2005. At the time of the hearing, this license was active but was on probation as set forth below.

2. Effective November 27, 2013, upon petitioner's stipulation, the Board entered a disciplinary order against petitioner. The order placed petitioner's license on probation for five years, including six months' suspension beginning January 1, 2014. Petitioner has served his suspension and has resumed work as a pharmacist. He is in full compliance with the terms of his probation.

3. The Board disciplined petitioner's license primarily because a pharmacy business for which petitioner served as pharmacist-in-charge (PIC) purchased prescription drugs from Canada for retail sale in California. Petitioner's non-pharmacist business partner ordered the drugs and assured petitioner that this practice was lawful. Despite his

responsibility as PIC, petitioner failed to confirm his business partner's representations. Petitioner and his non-pharmacist business partner also kept records obscuring the Canadian drugs' origins, because the pharmacy identified the Canadian drugs in its inventory, and on its bills, as if the pharmacy had purchased the drugs from a United States wholesaler.

4. The evidence before the Board in petitioner's disciplinary proceeding and at the hearing on petitioner's request for early termination of probation did not establish that any consumer suffered harm because of petitioner's errors.

5. The Board's disciplinary order required petitioner to take an ethics course, which he did by attending a 22-hour course on Medical Ethics and Professionalism at the University of California, Irvine, School of Medicine. Petitioner also used his suspension period to take other continuing education courses to improve his current knowledge of pain management and complex medication management practices.

6. After serving his suspension, petitioner could not serve as PIC at his pharmacy while he remained on probation. The Board's disciplinary order would have permitted petitioner to sell the business, and he intended to do so; he could not, however, and lost his investment. Petitioner's inability to sell the business for which he had served as PIC has made the economic impact of the Board's disciplinary order much harsher for petitioner than he had anticipated. He seeks early termination of his probation so that he may return to full-time unsupervised work as a pharmacist.

7. Petitioner presented letters to the Board in support of his petition from three licensed pharmacists and one medical doctor. Each of these persons stated his or her personal knowledge of the disciplinary penalty imposed by the Board, and of petitioner's activities since imposition of the penalty.

LEGAL CONCLUSIONS

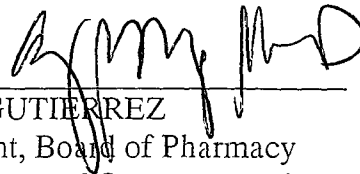
1. A petitioner bears the burden of persuading the Board to modify or terminate probation. (Bus. & Prof. Code, § 4309.) In considering petitions to modify or terminate probation, the Board considers evidence of rehabilitation as well as public safety. (*Id.*, § 4313.)

2. Petitioner has presented evidence satisfying the Board that he has acknowledged his errors and that his unsupervised practice as a licensed pharmacist would not present any danger to the public. This evidence includes letters satisfying the standard in Business and Professions Code section 4309, subdivision (b). For these reasons, the Board concludes that petitioner's probation should terminate early.

ORDER

The petition for early termination of probation of petitioner Asher Kashanchi is granted.

DATED: JAN 05 2017



A handwritten signature in black ink, appearing to read 'Amy Gutierrez', is written over a horizontal line.

AMY GUTIERREZ
President, Board of Pharmacy
Department of Consumer Affairs

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

In the Matter of the Accusation Against:

Case No. 4231

WESTLAKE CARE PHARMACY

32144 Agoura Road, #101
Westlake Village, CA 91361
Pharmacy Permit No. PHY 49290

ASHER KASHANCHI

5210 Etiwanda Street
Tarzana, CA 91356
Pharmacist License No. RPH 56942

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER-
ASHER KASHANCHI**

Respondent.

DECISION AND ORDER

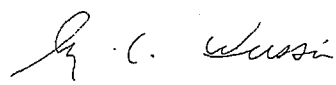
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on November 27, 2013.

It is so ORDERED on November 22, 2013.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



STAN C. WEISSER
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 MORGAN MALEK
Deputy Attorney General
4 State Bar No. 223382
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2643
6 Facsimile: (213) 897-2804
Attorneys for Complainant

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

10 In the Matter of the Accusation Against:
11 **WESTLAKE CARE PHARMACY 32144**
Agoura Road, #101
12 Westlake Village, CA 91361
Pharmacy Permit No. PHY 49290

Case No. 4231

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER-ASHER
KASHANCHI**

13 and

14 **ASHER KASHANCHI**
15 Agoura Road, #101
Westlake Village, CA 91361
16 Pharmacist License No. RPH [REDACTED]

17 Respondents.

18
19
20
21 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
entitled proceedings that the following matters are true:

22 PARTIES

23
24 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
25 She brought this action solely in her official capacity and is represented in this matter by Kamala
26 D. Harris, Attorney General of the State of California, by Morgan Malek, Deputy Attorney
27 General.

1 CULPABILITY

2 9. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 4231.

4 10. Respondent agrees that his Pharmacist License is subject to discipline and he agrees
5 to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

6 RESERVATION

7 11. The admissions made by Respondent herein are only for the purposes of this
8 proceeding, or any other proceedings in which the Board of Pharmacy or other professional
9 licensing agency is involved, and shall not be admissible in any other criminal or civil
10 proceeding.

11 CONTINGENCY

12 12. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent
13 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may
14 communicate directly with the Board regarding this stipulation and settlement, without notice to
15 or participation by Respondent or its counsel. By signing the stipulation, Respondent understands
16 and agrees that he may not withdraw its agreement or seek to rescind the stipulation prior to the
17 time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its
18 Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or
19 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,
20 and the Board shall not be disqualified from further action by having considered this matter.

21 13. The parties understand and agree that Portable Document Format (PDF) and facsimile
22 copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format
23 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

24 14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
25 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
26 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
27 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
28

1 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
2 writing executed by an authorized representative of each of the parties.

3 15. In consideration of the foregoing admissions and stipulations, the parties agree that
4 the Board may, without further notice or formal proceeding, issue and enter the following
5 Disciplinary Order:

6 **DISCIPLINARY ORDER**

7 IT IS HEREBY ORDERED that Pharmacist License No. RPH [REDACTED] issued to Respondent
8 Asher Kashanchi is revoked. However, the revocation is stayed and Respondent is placed on
9 probation for five (5) years on the following terms and conditions.

10 1. **Actual Suspension**

11 Respondent is suspended from the practice of pharmacy for six (6) months beginning
12 January 1, 2014. From the effective date of this decision until January 1, 2014, Respondent shall
13 be bound by all terms of this decision except as provided in Term 3 of this Disciplinary Order
14 (Supervised Practice).

15 Failure to comply with this suspension shall be considered a violation of probation.

16 2. **Tolling of Suspension**

17 During the period of suspension, Respondent shall not leave California for any period
18 exceeding ten (10) days, regardless of purpose (including vacation). Any such absence in excess
19 of the ten (10) days during suspension shall be considered a violation of probation. Moreover,
20 any absence from California during the period of suspension exceeding ten (10) days shall toll the
21 suspension, i.e., the suspension shall be extended by one day for each day over ten (10) days
22 Respondent is absent from California. During any such period of tolling of suspension,
23 Respondent must nonetheless comply with all terms and conditions of probation. Respondent
24 must notify the Board in writing within ten (10) days of departure, and must further notify the
25 Board in writing within ten (10) days of return. The failure to provide such notification(s) shall
26 constitute a violation of probation. Upon such departure and return, Respondent shall not resume
27 the practice of pharmacy until notified by the Board that the period of suspension has been
28 satisfactorily completed.

1 **3. Supervised Practice**

2 During the period of probation, Respondent shall practice under the supervision only as
3 provided in this section.

- 4
- 5 a. From the effective date of the decision until January 1, 2014 when Respondent begins a six-
6 month suspension as provided in Term 1 of this Disciplinary Order (Actual Suspension):
7 Respondent shall be subject to all other terms of this settlement except with respect to supervised
8 practice. Supervision during this period only until January 1, 2014 shall be as follows:
9 Respondent shall not supervise any intern pharmacist or serve as a consultant to any entity
10 licensed by the board. Respondent may remain at the pharmacist-in-charge. However, if during
11 this initial period of probation Respondent serves as a pharmacist-in-charge, Respondent shall
12 retain an independent consultant at his or her own expense who shall be responsible for reviewing
13 pharmacy operations on at least a twice monthly basis on an unannounced basis for compliance by
14 Respondent with state and federal laws and regulations governing the practice of pharmacy and for
15 compliance by Respondent with the obligations of a pharmacist in charge. The consultant shall be
16 a pharmacist licensed by and not on probation with the board, and whose name shall be submitted
17 to the board or its designee, for prior approval, within seven days of the effective date of this
18 decision. Respondent shall not be a pharmacist-in-charge at more than one pharmacy or at any
19 pharmacy other than Westlake Care Pharmacy and until January 1, 2014, its successor pharmacy if
20 Westlake Care Pharmacy is sold before December 1, 2013. Failure to timely retain, seek approval
21 of, or ensure timely reporting by the consultant shall be considered a violation of probation.
22
- 23 b. From January 1, 2014 until July 1, 2014, Respondent shall be suspended from the practice of
24 pharmacy as provided in Term 1 of this decision. Tolling of the suspension as provide in Term 2
25 of this Decision (Tolling of Suspension) may alter the ending date of the suspension period.
- 26 c. For the remainder of Respondent's probation, after complying with all provisions governing
27 Respondent's 180-day suspension from pharmacy, including any tolling periods that may be
28 applied: supervision during this period of probation shall be as follows:

1 Respondent shall practice only under the supervision of a licensed pharmacist not on probation
2 with the board. Respondent shall not resume practice of pharmacy, and his license shall remain
3 automatically suspended until a supervisor is approved by the board or its designee. The
4 supervision shall be, as required by the board or its designee, one of the following:

5 Continuous -- at least 75 percent of a work week

6 Substantial – at least 50 percent of a work week

7 Partial – at least 25 percent of a work week

8 Daily review – supervisor’s review of probationer’s daily activities within 24 hours

9 Respondent shall have his supervisor submit notification to the board in writing stating that the
10 supervisor has read the decision in case number 4231, and is familiar with the required level of
11 supervision as determined by the board or its designee. It shall be the Respondent’s responsibility
12 to ensure that his supervisor submits timely acknowledgement to the board. Failure to cause the
13 direct supervisor and the pharmacist-in-charge to submit timely acknowledgement to the board
14 shall be considered a violation of probation.

15 If the Respondent changes employment, it shall be the Respondent’s responsibility to ensure that
16 his employer, pharmacist-in-charge and/or supervisor submit timely acknowledgements to the
17 board. Respondent shall have his new supervisor, within 15 days after employment commences,
18 submit notification to the board in writing stating the direct supervisor and pharmacist-in-charge
19 have read the decision in case number 4231 and are familiar with the level of supervision as
20 determined by the board. Respondent shall not practice pharmacy and his license shall be
21 automatically suspended until the board or its designee approves a new supervisor. Failure to
22 cause the direct supervisor and the pharmacist-in-charge to submit timely acknowledgment to the
23 board shall be considered a violation of probation.

24 Within 10 days of leaving employment, Respondent shall notify the board in writing of this
25 departure.

26 During suspension, Respondent shall not enter any pharmacy area or any portion of the licensed
27 premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of drugs
28

1 which is licensed by the board, or any manufacturer, or where dangerous drugs and devices or
2 controlled substances are maintained. Respondent shall not practice pharmacy no do any act
3 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient
4 consultation; nor shall Respondent manage, administer, or be a consultant to any licensee of the
5 board or have access to or control the ordering, manufacturing or dispensing of dangerous drugs
6 and controlled substances. Respondent shall not resume practice until notified by the board.

7 During suspension, Respondent shall not engage in any activity that requires the
8 professional judgment of a pharmacist. Respondent shall not direct or control any aspect
9 of the practice of pharmacy. Respondent shall not perform the duties of a pharmacy
10 technician or a designated representative for any entity licensed by the board.

11 Failure to comply with this suspension shall be considered a violation of probation.

12
13 **4. Obey All Laws**

14 Respondent shall obey all state and federal laws and regulations.

15 Respondent shall report any of the following occurrences to the board, in writing, within
16 seventy-two (72) hours of such occurrence:

- 17
- 18 • an arrest or issuance of a criminal complaint for violation of any provision of the
19 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
20 substances laws
 - 21 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to any
22 criminal complaint, information or indictment
 - 23 • a conviction of any crime
 - 24 • discipline, citation, or other administrative action filed by any state or federal agency
25 which involves Respondent's pharmacist license or which is related to the practice of
26 pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging
27 for any drug, device or controlled substance.

28 Failure to timely report such occurrence shall be considered a violation of probation.

1 **5. Report to the Board**

2 Respondent shall report to the board quarterly, on a schedule as directed by the board or its
3 designee. The report shall be made either in person or in writing, as directed. Among other
4 requirements, Respondent shall state in each report under penalty of perjury whether there has
5 been compliance with all the terms and conditions of probation. Failure to submit timely reports
6 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency
7 in submission of reports as directed may be added to the total period of probation. Moreover, if
8 the final probation report is not made as directed, probation shall be automatically extended until
9 such time as the final report is made and accepted by the board.

10 **6. Interview with the Board**

11 Upon receipt of reasonable prior notice, Respondent shall appear in person for interviews
12 with the board or its designee, at such intervals and locations as are determined by the board or its
13 designee. Failure to appear for any scheduled interview without prior notification to board staff,
14 or failure to appear for two (2) or more scheduled interviews with the board or its designee during
15 the period of probation, shall be considered a violation of probation.

16 **7. Cooperate with Board Staff**

17 Respondent shall cooperate with the board's inspection program and with the board's
18 monitoring and investigation of Respondent's compliance with the terms and conditions of their
19 probation. Failure to cooperate shall be considered a violation of probation.

20 **8. Continuing Education**

21 Respondent shall provide evidence of efforts to maintain skill and knowledge as a
22 pharmacist as directed by the board or its designee.

23 **9. Notice to Employers**

24 During the period of probation, Respondent shall notify all present and prospective
25 employers of this Decision (case number 4231) and the terms, conditions and restrictions imposed
26 on Respondent by this Decision, as follows, except as provided in Term 3 (Supervised Practice)
27 of this Disciplinary Order:
28

1 Within fifteen (15) days of Respondent undertaking any new employment after July 1,
2 2014, and as provided in Term 3 of this Disciplinary Order (Supervised Practice), Respondent
3 shall cause his direct supervisor, pharmacist-in-charge (including each new pharmacist-in-charge
4 employed during Respondent's tenure of employment) and owner to report to the board in writing
5 acknowledging that the listed individual(s) has/have read the decision in case number 4231, and
6 terms and conditions imposed thereby. It shall be Respondent's responsibility to ensure that his
7 employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

8 If Respondent works for or is employed by or through a pharmacy employment service,
9 Respondent must notify their direct supervisor, pharmacist-in-charge, and owner at every entity
10 licensed by the board of the terms and conditions of the decision in case number 4231 in advance
11 of the Respondent commencing work at each licensed entity. A record of this notification must
12 be provided to the board upon request.

13 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
14 (15) days of Respondent undertaking any new employment by or through a pharmacy
15 employment service, Respondent shall cause their direct supervisor with the pharmacy
16 employment service to report to the board in writing acknowledging that they has read the
17 decision in case number 4231 and the terms and conditions imposed thereby. It shall be
18 Respondent's responsibility to ensure that their employer(s) and/or supervisor(s) submit timely
19 acknowledgment(s) to the board.

20 Failure to timely notify present or prospective employer(s) or to cause that/those
21 employer(s) to submit timely acknowledgments to the board shall be considered a violation of
22 probation.

23 "Employment" within the meaning of this provision shall include any full-time,
24 part-time, temporary, relief or pharmacy management service as a pharmacist or any
25 position for which a pharmacist license is a requirement or criterion for employment,
26 whether the Respondent is an employee, independent contractor or volunteer.

27 10. No Supervision of Interns, Serving as Pharmacist-in-Charge (PIC), Serving as
28 Designated Representative-in-Charge, or Serving as a Consultant

1 During the period of probation, Respondent shall not supervise any intern pharmacist, be
2 the pharmacist-in-charge or designated representative-in-charge of any entity licensed by the
3 board nor serve as a consultant unless otherwise specified in this order. Assumption of any such
4 unauthorized supervision responsibilities shall be considered a violation of probation.

5 **11. Reimbursement of Board Costs**

6 As a condition precedent to successful completion of probation, Respondent shall pay to the
7 board its costs of investigation and prosecution in the amount of twenty seven thousand five
8 hundred sixty six (\$27, 566). Respondent shall make payments quarterly in equal amount. The
9 first payment shall be due within thirty (30) days of the effective date of this Decision. There
10 shall be no deviation from this schedule absent prior written approval by the board or its designee.
11 Failure to pay costs by the deadline(s) as directed shall be considered a violation of probation.

12 The filing of bankruptcy by Respondent shall not relieve Respondent of their responsibility
13 to reimburse the board its costs of investigation and prosecution.

14 **12. Probation Monitoring Costs**

15 Respondent shall pay any costs associated with probation monitoring as determined by the
16 board each and every year of probation. Such costs shall be payable to the board on a schedule as
17 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall
18 be considered a violation of probation.

19 **13. Status of License**

20 Respondent shall, at all times while on probation, maintain an active, current license with
21 the board, including any period during which suspension or probation is tolled. Failure to
22 maintain an active, current license shall be considered a violation of probation.

23 If Respondent's license expires or is cancelled by operation of law or otherwise at any time
24 during the period of probation, including any extensions thereof due to tolling or otherwise, upon
25 renewal or reapplication Respondent's license shall be subject to all terms and conditions of this
26 probation not previously satisfied.

27
28

1 **14. License Surrender While on Probation/Suspension**

2 Following the effective date of this decision, should Respondent cease practice due to
3 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
4 Respondent may tender their license to the board for surrender. The board or its designee shall
5 have the discretion whether to grant the request for surrender or take any other action it deems
6 appropriate and reasonable. Upon formal acceptance of the surrender of the license, Respondent
7 will no longer be subject to the terms and conditions of probation. This surrender constitutes a
8 record of discipline and shall become a part of the Respondent's license history with the board.

9 Upon acceptance of the surrender, Respondent shall relinquish their pocket and wall license
10 to the board within ten (10) days of notification by the board that the surrender is accepted.
11 Respondent may not reapply for any license from the board for three (3) years from the effective
12 date of the surrender. Respondent shall meet all requirements applicable to the license sought as
13 of the date the application for that license is submitted to the board, including any outstanding
14 costs.

15 **15. Notification of a Change in Name, Residence Address, Mailing Address or**
16 **Employment**

17 Respondent shall notify the board in writing within ten (10) days of any change of
18 employment. Said notification shall include the reasons for leaving, the address of the new
19 employer, the name of the supervisor and owner, and the work schedule if known. Respondent
20 shall further notify the board in writing within ten (10) days of a change in name, residence
21 address, mailing address, or phone number.

22 Failure to timely notify the board of any change in employer(s), name(s), address(es), or
23 phone number(s) shall be considered a violation of probation.

24 **16. Tolling of Probation**

25 Except during periods of suspension, Respondent shall, at all times while on probation, be
26 employed as a pharmacist in California for a minimum of twenty (20) hours per calendar month.
27 Any month during which this minimum is not met shall toll the period of probation, i.e., the
28 period of probation shall be extended by one month for each month during which this minimum is

1 not met. During any such period of tolling of probation, Respondent must nonetheless comply
2 with all terms and conditions of probation.

3 Should Respondent, regardless of residency, for any reason (including vacation) cease
4 practicing as a pharmacist for a minimum of twenty (20) hours per calendar month in California,
5 Respondent must notify the board in writing within ten (10) days of the cessation of practice, and
6 must further notify the board in writing within ten (10) days of the resumption of practice. Any
7 failure to provide such notification(s) shall be considered a violation of probation.

8 It is a violation of probation for Respondent's probation to remain tolled pursuant to the
9 provisions of this condition for a total period, counting consecutive and non-consecutive months,
10 exceeding thirty-six (36) months.

11 "Cessation of practice" means any calendar month during which Respondent is
12 not practicing as a pharmacist for at least twenty (20) hours, as defined by Business
13 and Professions Code section 4000 et seq. "Resumption of practice" means any
14 calendar month during which Respondent is practicing as a pharmacist for at least
15 twenty (20) hours as a pharmacist as defined by Business and Professions Code
16 section 4000 et seq.

17 During the period of probation, Respondent shall not leave California for any period
18 exceeding ten (10) days, regardless of purpose (including vacation). Any such absence in excess
19 of the ten (10) days during suspension shall be considered a violation of probation. Moreover,
20 any absence from California during the period of probation exceeding ten (10) days shall toll the
21 probation, i.e., the probation shall be extended by one day for each day over ten (10) days
22 Respondent is absent from California. During any such period of tolling of probation,
23 Respondent must nonetheless comply with all terms and conditions of probation. Respondent
24 must notify the Board in writing within ten (10) days of departure, and must further notify the
25 Board in writing within ten (10) days of return. The failure to provide such notification(s) shall
26 constitute a violation of probation.

27
28

1 **17. Violation of Probation**

2 If a Respondent has not complied with any term or condition of probation, the board shall
3 have continuing jurisdiction over Respondent, and probation shall automatically be extended,
4 until all terms and conditions have been satisfied or the board has taken other action as deemed
5 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and
6 to impose the penalty that was stayed.

7 If Respondent violates probation in any respect, the board, after giving Respondent notice
8 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
9 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a
10 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If
11 a petition to revoke probation or an accusation is filed against Respondent during probation, the
12 board shall have continuing jurisdiction and the period of probation shall be automatically
13 extended until the petition to revoke probation or accusation is heard and decided.

14 **18. Completion of Probation**

15 Upon written notice by the board or its designee indicating successful completion of
16 probation, Respondent's license will be fully restored.

17 **19. No Ownership of Licensed Premises**

18 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,
19 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
20 partnership, or corporation currently or hereinafter licensed by the Board. Respondent shall sell
21 or transfer any legal or beneficial interest in any entity licensed by the Board within ninety (90)
22 days following the effective date of this decision and shall immediately thereafter provide written
23 proof thereof to the Board,. Failure to timely divest any legal or beneficial interest(s) or provide
24 documentation thereof shall be considered a violation of probation.

25 **20. Ethics Course**


26 Within sixty (60) calendar days of the effective date of this Decision, Respondent shall
27 enroll in a course in ethics, at Respondent's expense, approved in advance by the Board or its
28 designee. Failure to initiate the course during the first year of probation, and complete it within

1 the second year of probation, is a violation of probation. Respondent shall submit a certificate of
2 completion to the Board or its designee within five (5) days after completing the course.

3 ACCEPTANCE

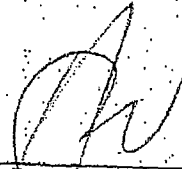
4 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
5 discussed it with my attorney, Herbert L. Weinberg, Esq. I understand the stipulation and the
6 effect it will have on my Permit. I enter into this Stipulated Settlement and Disciplinary Order
7 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
8 Board of Pharmacy.

9
10 DATED: 7/28/13


11 ASHER KASHANCHI
12 Respondent

13 I have read and fully discussed with Respondent Westlake Care Pharmacy; Asher
14 Kashanchi; Jack Richman; Annette Richman the terms and conditions and other matters
15 contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and
16 content.

17
18 DATED: 7/28/13


19 Herbert A. Weinberg, Esq.
20 Attorney for Respondent

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

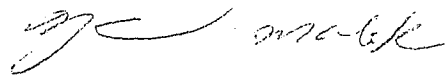
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Dated: 7/28/13

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
MARC D. GREENBAUM
Supervising Deputy Attorney General



MORGAN MALEK
Deputy Attorney General
Attorneys for Complainant

LA2012602695
51338841.doc

Exhibit A

Accusation No. 4231

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 MORGAN MALEK
Deputy Attorney General
4 State Bar No. 223382
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2643
6 Facsimile: (213) 897-2804
Attorneys for Complainant

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

10 In the Matter of the Accusation Against:
11 **WESTLAKE CARE PHARMACY 32144**
Agoura Road, #101
12 Westlake Village, CA 91361
Pharmacy Permit No. PHY 49290

Case No. 4231

13 **SECOND AMENDED ACCUSATION**

14 and

15 **ASHER KASHANCHI**
Agoura Road, #101
16 Westlake Village, CA 91361
Pharmacist License No. RPH [REDACTED]

17 Respondent.

18
19
20
21
22 Complainant alleges:

23 **PARTIES**

- 24 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
25 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
- 26 2. On or about November 20, 2008, the Board of Pharmacy issued Permit Number PHY
27 49290 to Westlake Care Pharmacy (WESTLAKE CARE PHARMACY). The Permit was in full
28 force and effect at all times relevant to the charges brought herein and will expire on November 1,

1 2013, unless renewed. Asher Kashanchi (ASHER KASHANCHI) has been the President and
2 Pharmacist-in-Charge of WESTLAKE CARE PHARMACY since November 20, 2008. Jack
3 Richman has been the Vice President of WESTLAKE CARE PHARMACY since November 20,
4 2008. Annette Richman has been the Secretary of WESTLAKE CARE PHARMACY since
5 November 20, 2008.

6 3. On or about April 11, 2005, the Board issued Pharmacist License No. RPH [REDACTED] to
7 Asher Kashanchi (ASHER KASHANCHI). The Pharmacist License was in full force and effect
8 at all times relevant to the charges brought herein and will expire on June 30, 2014, unless
9 renewed.

10 JURISDICTION

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

14 STATUTORY AUTHORITIES

15 5. Section 118, subdivision (b), of the Code states:

16 "The suspension, expiration, or forfeiture by operation of law of a license issued by a board
17 in the department, or its suspension, forfeiture, or cancellation by order of the board or by order
18 of a court of law, or its surrender without the written consent of the board, shall not, during any
19 period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its
20 authority to institute or continue a disciplinary proceeding against the licensee upon any ground
21 provided by law or to enter an order suspending or revoking the license or otherwise taking
22 disciplinary action against the licensee on any such ground."

23 6. Section 4006 of the Code states:

24 "The board may adopt regulations consistent with this chapter and Section 111485 of the
25 Health and Safety Code or regulations adopted thereunder, limiting or restricting the furnishing
26 of a particular drug upon a finding that the otherwise unrestricted retail sale of the drug pursuant
27 to Section 4057 is dangerous to the public health or safety."

28 7. 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:

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

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

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

2 8. Section 4059 of the Code states:

3 a) A person may not furnish any dangerous drug, except upon the prescription of a
physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section
4 3640.7. A person may not furnish any dangerous device, except upon the prescription of a
physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section
5 3640.7.

6 (b) This section does not apply to the furnishing of any dangerous drug or dangerous
device by a manufacturer, wholesaler, or pharmacy to each other or to a physician, dentist,
7 podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7, or to a
laboratory under sales and purchase records that correctly give the date, the names and addresses
8 of the supplier and the buyer, the drug or device, and its quantity. This section does not apply to
the furnishing of any dangerous device by a manufacturer, wholesaler, or pharmacy to a physical
9 therapist acting within the scope of his or her license under sales and purchase records that
correctly provide the date the device is provided, the names and addresses of the supplier and the
buyer, a description of the device, and the quantity supplied.

10 9. Section 4081, subdivision (a) of the Code states:

11 "(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
12 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
13 food-animal drug retailer, physician, dentist, podiatrist, veterinarian, laboratory, clinic, hospital,
institution, or establishment holding a currently valid and unrevoked certificate, license, permit,
14 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
15 Institutions Code who maintains a stock of dangerous drugs or dangerous devices.

16 10. Section 4301 of the Code, subdivision (q) of the Code states:

17 "...Unprofessional conduct shall include, but is not limited to engaging in any conduct that
18 subverts or attempts to subvert an investigation of the board."

19 11. Section 4306.5 of the Code states:

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

21 (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.

22 (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
23 dispensing or furnishing of controlled substances, dangerous drugs, or dangerous devices, or with
regard to the provision of services.

24 (c) Acts or omissions that involve, in whole or in part, the failure to consult appropriate
patient, prescription, and other records pertaining to the performance of any pharmacy function.

25 (d) Acts or omissions that involve, in whole or in part, the failure to fully maintain and
26 retain appropriate patient-specific information pertaining to the performance of any pharmacy
function."

27 12. Section 4342 of the Code states:
28

1 19. California Code of Regulations, title 16, section 1718, states:
2 "Current Inventory" as used in Sections 4081 and 4332 of the Business and Professions
3 Code shall be considered to include complete accountability for all dangerous drugs handled by
4 every licensee enumerated in Sections 4081 and 4332. "The controlled substances inventories
5 required by Title 21, CFR, Section 1304 shall be available for inspection upon request for at least
6 3 years after the date of the inventory."

7 20. California Code of Regulations, title 16, section 1793.7, subdivision (d), states:
8 "...
9 (c) A pharmacy technician must wear identification clearly identifying him or her as a
10 pharmacy technician.
11 "(d) Any pharmacy employing or using a pharmacy technician shall develop a job
12 description and written policies and procedures adequate to ensure compliance with the
13 provisions of Article 11 of this Chapter, and shall maintain, for at least three years from the time
14 of making, records adequate to establish compliance with these sections and written policies and
15 procedures."

16 **COST RECOVERY**

17 21. Section 125.3 of the Code states, in pertinent part, that the Board may request the
18 administrative law judge to direct a licentiate 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 **FIRST CAUSE FOR DISCIPLINE**

22 (Subverting the investigation)

23 22. Respondents WESTLAKE CARE PHARMACY and ASHER KASHANCHI are
24 subject to disciplinary action under section 4301, subdivision (q) of the Code, in that during a
25 Board investigation of the Westlake Care Pharmacy on February 3, 2011, the Board Inspector
26 requested the production of the copies of the Self Assessment, QA, technician P/P, acquisition
27 and disposition documents for medications Zyprexa 5 mg, Caduet 10/20 and Abilify 10 mg from
28 the time Westlake Care Pharmacy was originally opened for business up to and including the date
of the inspection (February 3, 2011). Further, the inspector requested an explanation to the
following: (1) why were there one hundred nineteen (119) tablets in a one hundred (100) count
bottle, (2) the location where the medications were shipped, (3) the invoices from a wholesaler, if

1 available, and the length of time the drugs were being dispensed.¹ The inspector provided
2 fourteen (14) days to comply. On February 17, 2011, Westlake Care Pharmacy forwarded the
3 impairment policy, a technician job statement, and the DEA inventory. The remaining requested
4 documents were not produced to the Board Inspector, in violation of section 4301, subdivision (q)
5 of the Code.

6 **SECOND CAUSE FOR DISCIPLINE**

7 (Failure to Have Pharmacy Records Available and Open for Inspection)

8 23. Respondents WESTLAKE CARE PHARMACY and ASHER KASHANCHI are
9 subject to disciplinary action under section 1718 of California Code of Regulations, in that during
10 a Board investigation of the Westlake Care Pharmacy on February 3, 2011, the Board Inspector
11 requested the production of the acquisition documents for the Canadian drugs, however, the
12 Respondents failed to comply with said request, in violation of section 1718 of California Code of
13 Regulations.

14 **THIRD CAUSE FOR DISCIPLINE**

15 (Name Tag Missing on the Pharmacy Technician)

16 24. Respondents WESTLAKE CARE PHARMACY and ASHER KASHANCHI are
17 subject to disciplinary action under section 1793.7, subdivision (c) of California Code of
18 Regulations, in that during a Board investigation of the Westlake Care Pharmacy on February 3,
19 2011, the Board Inspector found that the technician did not have a name tag identifying herself as
20 a technician, in violation of 1793.7, subdivision (c) of California Code of Regulations.

21 **FOURTH CAUSE FOR DISCIPLINE**

22 (Controlled Substance Inventory Missing)

23 25. Respondents WESTLAKE CARE PHARMACY and ASHER KASHANCHI are
24 subject to disciplinary action under section 1718 of California Code of Regulations, in that during
25 a Board investigation of the Westlake Care Pharmacy on February 3, 2011, the Board Inspector
26

27 ¹ During the inspection, Annette Richman asked the Board Inspector whether it would be better to provide the
28 documents and get fined by the Board, or whether not provide the documents at all.

1 found that the biennial DEA inventories were missing, in violation of 1718 of California Code of
2 Regulations.

3 **FIFTH CAUSE FOR DISCIPLINE**

4 (Technician Policies and Job Duties Unavailable during the Inspection)

5 26. Respondents WESTLAKE CARE PHARMACY and ASHER KASHANCHI are
6 subject to disciplinary action under section 1793.7, subdivision (d) of California Code of
7 Regulations, in that during a Board investigation of the Westlake Care Pharmacy on February 3,
8 2011, the Board Inspector found that the technician policies or procedures and/or job duty
9 statements were unavailable for inspection, in violation of 1793.7, subdivision (d) of California
10 Code of Regulations.

11 **SIXTH CAUSE FOR DISCIPLINE**

12 (Self Assessment Form Unavailable During the Inspection)

13 27. Respondents WESTLAKE CARE PHARMACY and ASHER KASHANCHI are
14 subject to disciplinary action under section 1715, subdivision (d) of California Code of
15 Regulations, in that during a Board investigation of the Westlake Care Pharmacy on February 3,
16 2011, the Board Inspector found that the Self Assessment Form was unavailable for inspection, in
17 violation of section 1715, subdivision (d) of California Code of Regulations.

18 **SEVENTH CAUSE FOR DISCIPLINE**

19 (Quality Assurance Policy and Procedure Unavailable During the Inspection)

20 28. Respondents WESTLAKE CARE PHARMACY and ASHER KASHANCHI are
21 subject to disciplinary action under section 1711, subdivision (c)(1) of California Code of
22 Regulations, in that during a Board investigation of the Westlake Care Pharmacy on February 3,
23 2011, the Board Inspector found that the Quality Assurance Policy and Procedure was
24 unavailable for inspection, in violation of section 1711, subdivision (c)(1) of California Code of
25 Regulations.

26 ///

27 ///

28 ///

1 EIGHTH CAUSE FOR DISCIPLINE

2 (Inadequate Recordkeeping)

3 29. Respondents WESTLAKE CARE PHARMACY and ASHER KASHANCHI are
4 subject to disciplinary action under section 4059, subdivisions (a) and (b) of the Code, in that
5 during a Board investigation of the Westlake Care Pharmacy on February 3, 2011, the Board
6 Inspector found numerous prescriptions filled for patients from Drug Company which were
7 depoted at Westlake Care Pharmacy, but there were no documentation indicating that the drugs
8 had been transferred to Westlake Care Pharmacy, in violation of section 4059, subdivisions (a)
9 and (b) of the Code.

10 NINETH CAUSE FOR DISCIPLINE

11 (Misbranded Drugs)

12 30. Respondents WESTLAKE CARE PHARMACY and ASHER KASHANCHI are
13 subject to disciplinary action under section 111430 of the Health and Safety Code, in that during a
14 Board investigation of the Westlake Care Pharmacy on February 3, 2011, the Board Inspector
15 found the following drugs at Westlake Care Pharmacy which were not intended for use in the
16 United States, in violation of section 111430 of the Health and Safety Code. Specifically The
17 Board Inspector asked ASHER KASHANCHI from where he received the English/French drugs.
18 ASHER KASHANCHI told the inspector that he received them from his wholesaler. When the
19 Board Inspector asked for the record, ASHER KASHANCHI asked his partner, Annette
20 Richman, part owner of the Westlake Pharmacy, however, no one produced any records. After
21 thirty (30) minutes, the Board Inspector asked again for the records, and ASHER KASHANCHI
22 and Ms. Richman admitted that they did not have them. The Board Inspector inquired whether
23 they went over the border to Canada to obtain the English/French drugs, however, they did not
24 answer. The inspector informed them that they needed to have documents showing where the
25 drugs came from. Annette Richman then admitted that she had purchased the drugs from a
26 pharmacy in Canada and that she did not have the documentation. The inspector asked how the
27 pharmacy billed for the Canadian product since it did not have a NDC number. ASHER
28

1 KASHANCHI stated the pharmacy billed under the NDC² for the similar United States product.
 2 The inspector noted that there was no US product on the shelves for those English/French drugs.
 3 The following drugs were misbranded:

Drug Name	Strength	Pills Per Unit	Number of Units	Available in the United States	Misbranded
8 Fosavance	70/2800	4	6	No	Yes
9 Imitrex DF	100	24	2	No	Yes
10 Actonel	150	1	10	Yes	Yes
11 Wellbutrin 12 XL	150	90	1	Yes	Yes
13 Wellbutrin 14 XL	300	90	1	Yes	Yes
15 Niaspan FCT	750	90	1	No	Yes
16 Niaspan FCT	1000	90	1	No	Yes
17 Abilify	5	30	2	Yes	Yes
18 Abilify	10	30	3	Yes	Yes
19 Aromasin	25	30	1	Yes	Yes
20 Asacol	400	180	2	Yes	Yes
21 Caduet	1020	90	180	Yes	Yes
22 Maxcalt RPD	10	6	3	No	Yes
23 Seroquel	300	100	1	Yes	Yes
24 SeroquelXR	300	60	2	Yes	Yes

26 ² The National Drug Code (NDC) is a unique product identifier used in the United States for drugs
 27 intended for human use. The Drug Listing Act of 1972 requires registered drug establishments to provide the Food
 28 and Drug Administration (FDA) with a current list of all drugs manufactured, prepared, propagated, compounded, or
 processed by it for commercial distribution. Drug products are identified and reported using the NDC.

1	Prevacid	15	30	3	Yes	Yes
2	Fastab					
3	Singulair	4	30	3	Yes	Yes
4	Zyprexa	5	100	2	Yes	Yes
5	Zyprexa	10	100	1	Yes	Yes
6	Zyprexa	20	100	2	Yes	Yes

7

8 **TENTH CAUSE FOR DISCIPLINE**

9 (Unlawfully Holding, Delivering or Offering for Sale Misbranded Drugs)

10 31. Respondents WESTLAKE CARE PHARMACY and ASHER KASHANCHI are
 11 subject to disciplinary action under section 111440 of the Health and Safety Code, in that during a
 12 Board investigation of the Westlake Care Pharmacy on February 3, 2011, the Board Inspector
 13 found the following drugs at Westlake Care Pharmacy which were held and offered for sale, in
 14 violation of section 111440 of the Health and Safety Code.

15

16	Drug Name	Strength	Pills Per Unit	Number of	Available in	Misbranded
17				Units	the United	
18					States	
19	Fosavance	70/2800	4	6	No	Yes
20	Imitrex DF	100	24	2	No	Yes
21	Actonel	150	1	10	Yes	Yes
22	Wellbutrin	150	90	1	Yes	Yes
23	XL					
24	Wellbutrin	300	90	1	Yes	Yes
25	XL					
26	Niaspan FCT	750	90	1	No	Yes
27	Niaspan FCT	1000	90	1	No	Yes

1	Abilify	5	30	2	Yes	Yes
2	Abilify	10	30	3	Yes	Yes
3	Aromasin	25	30	1	Yes	Yes
4	Asacol	400	180	2	Yes	Yes
5	Caduet	1020	90	180	Yes	Yes
6	Maxcalt RPD	10	6	3	No	Yes
7	Seroquel	300	100	1	Yes	Yes
8	SeroquelXR	300	60	2	Yes	Yes
9	Prevacid	15	30	3	Yes	Yes
10	Fastab					
11	Singulair	4	30	3	Yes	Yes
12	Zyprexa	5	100	2	Yes	Yes
13	Zyprexa	10	100	1	Yes	Yes
14	Zyprexa	20	100	2	Yes	Yes

ELEVENTH CAUSE FOR DISCIPLINE

(Unlawfully Receiving Misbranded Drugs)

32. Respondents WESTLAKE CARE PHARMACY and ASHER KASHANCHI are subject to disciplinary action under section 111450 of the Health and Safety Code, in that during a Board investigation of the Westlake Care Pharmacy on February 3, 2011, the Board Inspector found the following misbranded drugs were received in commerce and delivered by Westlake Care Pharmacy which were not intended for use in the United States, in violation of section 111450 of the Health and Safety Code.

///

///

///

///

	Drug Name	Strength	Pills Per Unit	Number of Units	Available in the United States	Misbranded
1	Fosavance	70/2800	4	6	No	Yes
2	Imitrex DF	100	24	2	No	Yes
3	Actonel	150	1	10	Yes	Yes
4	Wellbutrin XL	150	90	1	Yes	Yes
5	Wellbutrin XL	300	90	1	Yes	Yes
6	Niaspan FCT	750	90	1	No	Yes
7	Niaspan FCT	1000	90	1	No	Yes
8	Abilify	5	30	2	Yes	Yes
9	Abilify	10	30	3	Yes	Yes
10	Aromasin	25	30	1	Yes	Yes
11	Asacol	400	180	2	Yes	Yes
12	Caduet	10/20	90	180	Yes	Yes
13	Maxcalt RPD	10	6	3	No	Yes
14	Seroquel	300	100	1	Yes	Yes
15	SeroquelXR	300	60	2	Yes	Yes
16	Prevacid	15	30	3	Yes	Yes
17	Fastab					
18	Singulair	4	30	3	Yes	Yes
19	Zyprexa	5	100	2	Yes	Yes
20	Zyprexa	10	100	1	Yes	Yes
21	Zyprexa	20	100	2	Yes	Yes
22						
23						
24						
25						
26						
27						
28						

1 TWELFTH CAUSE FOR DISCIPLINE

2 (Misbranded Drugs)

3 33. Respondents WESTLAKE CARE PHARMACY and ASHER KASHANCHI are
4 subject to disciplinary action under section 111490 of the Health and Safety Code, in that during a
5 Board investigation of the Westlake Care Pharmacy on February 3, 2011, the Board Inspector
6 found the following misbranded drugs were found at Westlake Care Pharmacy, in violation of
7 section 111490 of the Health and Safety Code.

8

9 Drug Name	Strength	Pills Per Unit	Number of	Available in	Misbranded
10			Units	the United	
11				States	
12 Fosavance	70/2800	4	6	No	Yes
13 Imitrex DF	100	24	2	No	Yes
14 Actonel	150	1	10	Yes	Yes
15 Wellbutrin	150	90	1	Yes	Yes
16 XL					
17 Wellbutrin	300	90	1	Yes	Yes
18 XL					
19 Niaspan FCT	750	90	1	No	Yes
20 Niaspan FCT	1000	90	1	No	Yes
21 Abilify	5	30	2	Yes	Yes
22 Abilify	10	30	3	Yes	Yes
23 Aromasin	25	30	1	Yes	Yes
24 Asacol	400	180	2	Yes	Yes
25 Caduet	1020	90	180	Yes	Yes
26 Maxcalt RPD	10	6	3	No	Yes
27 Seroquel	300	100	1	Yes	Yes

28

1	SeroquelXR	300	60	2	Yes	Yes
2	Prevacid	15	30	3	Yes	Yes
3	Fastab					
4	Singulair	4	30	3	Yes	Yes
5	Zyprexa	5	100	2	Yes	Yes
6	Zyprexa	10	100	1	Yes	Yes
7	Zyprexa	20	100	2	Yes	Yes

THIRTEENTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct- Billing Fraud)

33. Respondents WESTLAKE CARE PHARMACY and ASHER KASHANCHI are subject to disciplinary action under sections 4342 and 4169 of the Code and section 111335 of the Health and Safety Code, in that during a Board investigation of the Westlake Care Pharmacy on February 3, 2011, the Board Inspector asked ASHER KASHANCHI how WESTLAKE CARE PHARMACY billed for the Canadian drugs (misbranded drugs) listed below since it did not have a NDC number. ASHER KASHANCHI admitted to the Board Inspector that WESTLAKE CARE PHARMACY billed the misbranded drugs listed below under the NDC for the similar United States drugs, in violation of sections 4342 and 4169 of the Code and section 111335 of the Health and Safety Code.

Drug Name	Strength	Pills Per Unit	Number of Units	Available in the United States	Misbranded
Fosavance	70/2800	4	6	No	Yes
Imitrex DF	100	24	2	No	Yes
Actonel	150	1	10	Yes	Yes
Wellbutrin	150	90	1	Yes	Yes

1	XL					
2	Wellbutrin	300	90	1	Yes	Yes
3	XL					
4	Niaspan FCT	750	90	1	No	Yes
5	Niaspan FCT	1000	90	1	No	Yes
6	Abilify	5	30	2	Yes	Yes
7	Abilify	10	30	3	Yes	Yes
8	Aromasin	25	30	1	Yes	Yes
9	Asacol	400	180	2	Yes	Yes
10	Caduet	1020	90	180	Yes	Yes
11	Maxcalt RPD	10	6	3	No	Yes
12	Seroquel	300	100	1	Yes	Yes
13	SeroquelXR	300	60	2	Yes	Yes
14	Prevacid	15	30	3	Yes	Yes
15	Fastab					
16	Singulair	4	30	3	Yes	Yes
17	Zyprexa	5	100	2	Yes	Yes
18	Zyprexa	10	100	1	Yes	Yes
19	Zyprexa	20	100	2	Yes	Yes

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 Permit Number PHY 49290, issued to WESTLAKE CARE PHARMACY;
2. Revoking or suspending Pharmacist License Number RPH [REDACTED], issued to ASHER KASHANCHI;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

3. Ordering Asher Kashanchi to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: 5/20/13

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

LA2012602695
51097231.doc