

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

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

**KATERINA URASOVA, Petitioner**

**Agency Case No. 4829**

**OAH No. 2022060194**

**DECISION**

On June 16, 2022, this matter was heard by a Committee of the Board of Pharmacy (Board) pursuant to Business and Professions Code section 4309, subdivision (c). Administrative Law Judge Jessica Wall, Office of Administrative Hearings, State of California, presided by videoconference from Sacramento, California.

Nicole R. Trama, Deputy Attorney General, appeared pursuant to Government Code section 11522.

Katerina Urasova (petitioner) represented herself.

Evidence was received, the record closed, and the matter submitted for decision on June 16, 2022. The Committee met in closed session and recommended the Board grant the petitioner's request for early termination of probation. On

September 19, 2022, the Board adopted the Committee's recommendation as its own.

## **FACTUAL FINDINGS**

### **License History**

1. On November 30, 2005, the Board issued Pharmacist License No. RPH 57944 (license) to petitioner. The license will expire on August 31, 2023, unless renewed.

2. On December 21, 2017, a former executive officer of the Board filed the Second Amended Accusation, which alleged petitioner violated laws and regulations governing the practice of pharmacy. The violations took place at Century Discount Pharmacy, where petitioner served as Pharmacist-in-Charge (PIC) between 2014 and 2015. The Accusation alleged violations of regulations relating to records acquisition, disposition, and retention; corresponding responsibility to verify prescriptions; failure to complete a pharmacy self-assessment; furnishing of dangerous drugs without a prescription; unlawful refilling of prescriptions; and billing fraud.

3. On February 23, 2018, petitioner signed a Stipulated Settlement and Disciplinary Order (Stipulated Settlement), by which she admitted the truth of the allegations contained in the Accusation and agreed to the stayed revocation of her license during a six-year term of probation. The conditions of probation include reimbursement of Board investigation, prosecution, and monitoring costs; a community service program; remedial education; supervision during practice; an ethics course; and a prohibition from owning or managing a licensed facility. Additionally, the Stipulated Settlement requires petitioner to pay an administrative penalty of

\$2,000 per year for each year of probation. On June 11, 2018, the Board adopted the Stipulated Settlement as its Decision and Order, effective July 10, 2018.

## **Petition for Early Termination of Probation**

4. On October 20, 2021, petitioner filed a Petition for Early Termination of Probation (Petition). Petitioner seeks early termination of probation because she has struggled to find an employer who would hire a pharmacist with a probationary license. Additionally, she believes that her rehabilitative activities, specifically those related to ethics, have given her tools to prevent any future violations. Petitioner has not previously applied for early termination of probation. Petitioner's probation is scheduled to end in February 2025. She has completed about three and a half years of her probation, with seven months of tolling. Petitioner has complied with all terms and conditions of probation except for cost recovery and administrative penalties. She has a remaining balance of \$10,450 for cost recovery and has not paid any administrative penalties.

## **Rehabilitation Evidence**

5. Petitioner regrets her past misconduct. At the time, petitioner had been working full-time at Cedars-Sinai Medical Center (CSMC) and was on maternity leave. A friend asked her to temporarily serve as the PIC at Century Discount Pharmacy, and she agreed to help. However, she was rarely present at the pharmacy to supervise and maintain required documentation. While petitioner initially resisted acceptance of responsibility, she now understands that even if she was not present at the pharmacy, as the PIC, she was responsible for the pharmacy's compliance with laws and regulations. Petitioner agrees that her negligence contributed to the diversion of

controlled substances, and she worries about the harm this diversion could have caused.

6. Petitioner has found it difficult to find an employer in her area that will hire a pharmacist on probation. She supplied a spreadsheet listing over 350 pharmacist jobs for which she applied from August 10, 2018, through September 13, 2021. Even when volunteering, petitioner's probation terms limited her ability to work. She could not work while her supervisor was on vacation or at off-hours when her supervisor was unavailable. She currently works in an administrative position at the University of Southern California (USC) School of Pharmacy, where she coordinates student rotations and provides guidance to pharmacy students. If the Board granted her Petition, she would like to continue working in her administrative role and would also seek a part-time job in a hospital.

7. In November 2018, petitioner began volunteering at Clínica Monseñor Oscar A. Romero, where she processes prescriptions, checks laboratory results and diagnoses, consults with patients, completes authorization forms, and maintains stock. From October 2018 through March 2020, she also volunteered at Providence Cedars-Sinai Tarzana Medical Center. Petitioner returned to volunteering at Tarzana Medical Center when their volunteer program reopened in March 2021. Additionally, she has attended over 100 seminars on "Professional Boundaries & Ethics: Maintenance & Accountability" since December 2017 and volunteered to vaccinate patients during the COVID-19 pandemic.

8. Petitioner and her husband have three children. While petitioner searched for paid work, her husband's job provided the family's sole income. Nevertheless, petitioner worked with the Board to pay \$140 per month in costs during her unemployment. When she found a paid position in October 2021, she increased

her payments to \$600 per month. If necessary, she is willing to take out a loan to pay the Board's remaining costs. Being off probation would help her find a better paying job and pay costs more quickly.

9. Petitioner submitted seven letters of support from persons aware of her probation status. The letters were written by the PIC at Clínica Monseñor Oscar A. Romero, the volunteer coordinator at Tarzana Medical Center, two CSMC pharmacists, a CSMC physician, a pharmacist, and two friends. Taken together, the letters attest to petitioner's diligence as a volunteer, her trustworthy nature, and her competency as a pharmacist.

10. Along with her petition, petitioner provided proof of attendance and completion of extensive continuing education course work (CEs), including approximately 92.5 hours of CEs taken November 2019 through July 2021. Her CEs focused on opioid stewardship and pharmacy law.

## **Analysis**

11. When considering modification of penalty, including termination of probation, the Board may consider factors including: the petitioner's activities since the disciplinary action; the offense for which the petitioner was disciplined; petitioner's activities during the time the license was in good standing; petitioner's documented rehabilitative efforts; and petitioner's general reputation for truth and professional ability. (Bus. & Prof. Code, § 4309, subd. (d).)

12. Rehabilitation is a "state of mind," and the law looks with favor upon one who has achieved "reformation and regeneration." (*Pacheco v. State Bar* (1987) 43 Cal.3d 1041, 1058.) Fully acknowledging the wrongfulness of past actions is an essential step towards rehabilitation. (*Seide v. Com. of Bar Examiners* (1989) 49 Cal.3d

933, 940.) While a candid admission of misconduct and full acknowledgment of wrongdoing are necessary steps in the rehabilitation process, they are only first steps. A truer indication of rehabilitation is presented when a licensee demonstrates by sustained conduct over an extended period that she is once again safe to practice without oversight. (*In re Trebilcock* (1981) 30 Cal.3d 312, 315–316.)

13. Petitioner recognizes that she made a significant error in agreeing to serve as the PIC of Century Discount Pharmacy in 2014, and today she takes full responsibility for her mistakes. Since her license discipline, petitioner has dedicated herself to volunteer work and rehabilitative efforts. She is capable of practicing as a pharmacist without restrictions, and without risk of harm to the public. No further public interest will be served by continuing her probation. For these reasons, the Petition should be granted. Additionally, given petitioner’s diligence in searching for paid work and continuing to pay Board costs while unemployed, it is appropriate to waive the administrative penalties imposed by the Stipulated Settlement.

## **LEGAL CONCLUSIONS**

### **Applicable Standard/Burden of Proof**

1. Petitioner has the burden of proving eligibility for early termination of probation by clear and convincing evidence. (*Hippard v. State Bar of California* (1990) 49 Cal.3d 1084, 1091–1092.) “The courts have defined clear and convincing evidence as evidence which is so clear as to leave no substantial doubt and as sufficiently strong to command the unhesitating assent of every reasonable mind. [Citations.] It has been said that a preponderance calls for probability, while clear and convincing proof

demands a high probability [citations].” (*In re Terry D.* (1978) 83 Cal.App.3d 890, 899 [italics omitted].)

## **Applicable Law**

2. A licensee whose license has been placed on probation for three years or longer may petition the Board to terminate probation after two years from the effective date of the disciplinary order. (Bus. & Prof. Code, § 4309, subd. (a)(2).) The effective date of petitioner’s probation was July 10, 2018, and the Board received her petition more than two years later. Therefore, the petition is timely.

3. The Board must give notice to the Attorney General when a petition for early termination of probation is received, and the Attorney General and the petitioner must be provided an opportunity to present oral or written argument to the Board. (Gov. Code, § 11522.) When deciding a petition for early termination, the Board may consider the petitioner’s activities prior to and after discipline was imposed, her reputation for truth and professional responsibility, the factual basis for discipline, and documented evidence of rehabilitation. (Bus. & Prof. Code, § 4309, subd. (d).) The Board’s overriding consideration when deciding a petition is “protection of the public.” (Bus. & Prof. Code, § 4001.1.)

## **Conclusion**

4. As set forth in the Factual Findings and Legal Conclusions, when all the evidence is considered, petitioner has shown clear and convincing evidence of rehabilitation to establish that it would be consistent with the public interest, safety, and welfare to terminate her probation at this time. Furthermore, it is appropriate to waive petitioner’s outstanding balance of administrative penalties. She must, however, pay the balance of the Board’s costs of investigation and enforcement.

## ORDER

The petition for early termination of probation filed by petitioner Katerina Urasova, Pharm.D., is GRANTED. Petitioner's outstanding balance of administrative penalties is WAIVED.

CONDITION PRECEDENT TO TERMINATION OF PROBATION: Upon payment of the outstanding balance of the Board of Pharmacy's costs of investigation and enforcement (\$10,450), petitioner's Pharmacist License No. RPH 57944 shall be restored without restriction. Payment may be made pursuant to a Board-approved payment plan. All conditions of probation, except as modified above, remain in effect until payment in full is rendered.

This Decision shall become effective at 5:00 p.m. on October 19, 2022.

It is so ORDERED on September 19, 2022.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By



Seung W. Oh, Pharm.D.  
Board President



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

In the Matter of the Accusation Against:

**KATERINA URASOVA  
5235 White Oak Avenue 3  
Encino, CA 91316**

**Pharmacist License No. RPH 57944,**

Respondent.

Case No. 4829

OAH No. 2015090357

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER AS TO  
RESPONDENT KATERINA URASOVA  
(PHARMACIST LICENSE NO. RPH  
57944) ONLY**

**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 at 5:00 p.m. on July 10, 2018.

It is so ORDERED on June 11, 2018.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

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Victor Law, R.Ph.  
Board President

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

11 In the Matter of the Second Amended  
Accusation Against:

Case No. 4829

12 **CENTURY DISCOUNT PHARMACY,**  
13 **INC., FARHAD D. SHARIM, JOSEPH**  
14 **AMIN, Owners**  
18254 Sherman Way  
15 Reseda, CA 91335

OAH No. 2015090357

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER AS TO**  
**RESPONDENT KATERINA URASOVA**  
**(LICENSE NO. RPH 57944)**

16 Permit No. PHY 39871

17 and

18 **FARHAD D. SHARIM**  
P.O. Box 260771  
19 Encino, CA 91426

20 Pharmacist License No. RPH 46183,

21 and

22 **JONG AM KIM**  
P.O. Box 7282  
23 Mission Hills, CA 91346

24 Pharmacist License No. RPH 45267

25 and

26 **KATERINA URASOVA**  
5235 White Oak Avenue 3  
27 Encino, CA 91316

28 Pharmacist License No. RPH 57944

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and  
DAVID PEZHMANNIA  
17954 Hatton St.  
Reseda, CA 91335  
Pharmacist License No. RPH70233  
Respondents.

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

PARTIES

1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy (Board). She brought this action solely in her official capacity and is represented in this matter by Xavier Becerra, Attorney General of the State of California, by Kevin J. Rigley, Deputy Attorney General.

2. Respondent Katarina Urasova is represented in this proceeding by attorney Noah Jussim, whose address is: 633 West 5<sup>th</sup> Street - 47<sup>th</sup> Floor, Los Angeles, CA 90071-2043.

3. On or about November 30, 2005, the Board issued Pharmacist License No. RPH 57944 to Katerina Urasova (Respondent Urasova). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2019, unless renewed.

JURISDICTION

4. Second Amended Accusation No. 4829 was filed before the Board, and is currently pending against Respondent Urasova. The Second Amended Accusation and all other statutorily required documents were properly served on Respondent Urasova on December 22, 2017. Respondent Urasova timely filed her Notice of Defense contesting the Second Amended Accusation.

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1 5. A copy of Second Amended Accusation No. 4829 is attached as exhibit A and  
2 incorporated herein by reference.

3 ADVISEMENT AND WAIVERS

4 6. Respondent Urasova has carefully read, fully discussed with counsel, and understands  
5 the charges and allegations in Second Amended Accusation No. 4829. Respondent Urasova has  
6 also carefully read, fully discussed with counsel, and understands the effects of this Stipulated  
7 Settlement and Disciplinary Order.

8 7. Respondent Urasova is fully aware of her legal rights in this matter, including the  
9 right to a hearing on the charges and allegations in the Second Amended Accusation; the right to  
10 confront and cross-examine the witnesses against her; the right to present evidence and to testify  
11 on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses  
12 and the production of documents; the right to reconsideration and court review of an adverse  
13 decision; and all other rights accorded by the California Administrative Procedure Act and other  
14 applicable laws.

15 8. Respondent Urasova voluntarily, knowingly, and intelligently waives and gives up  
16 each and every right set forth above.

17 CULPABILITY

18 9. Respondent Urasova admits the truth of each and every charge and allegation in  
19 Second Amended Accusation No. 4829.

20 10. Respondent Urasova agrees that her Pharmacist License is subject to discipline and he  
21 agrees to be bound by the terms and conditions of the Disciplinary Order below.

22 CONTINGENCY

23 11. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent  
24 Urasova understands and agrees that counsel for Complainant and the staff of the Board of  
25 Pharmacy may communicate directly with the Board regarding this stipulation and settlement,  
26 without notice to or participation by Respondent Urasova or her counsel. By signing the  
27 stipulation, Respondent Urasova understands and agrees that they may not withdraw her  
28 agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it.

1 If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and  
2 Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible  
3 in any legal action between the parties, and the Board shall not be disqualified from further action  
4 by having considered this matter.

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

8 13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
9 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
10 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
11 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
12 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
13 writing executed by an authorized representative of each of the parties.

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

17 DISCIPLINARY ORDER

18 IT IS HEREBY ORDERED that Pharmacist License No. RPH 57944 issued to Katerina  
19 Urasova is revoked. However, the revocation is stayed and Respondent Urasova is placed on  
20 probation for six (6) years on the following terms and conditions.

21 1. Suspension

22 As part of probation, Respondent Urasova is suspended from the practice of pharmacy until  
23 she completes the DEA / Board of Pharmacy joint training on prescription drug abuse, beginning  
24 the effective date of this decision. If Respondent Urasova enrolls and successfully completes the  
25 DEA / Board of Pharmacy joint training on prescription drug abuse prior to the effective date of  
26 this decision, the suspension will not apply.

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

1 distributor of drugs which is licensed by the board, or any manufacturer, or where dangerous  
2 drugs and devices or controlled substances are maintained. Respondent Urasova shall not  
3 practice pharmacy nor do any act involving drug selection, selection of stock, manufacturing,  
4 compounding, dispensing or patient consultation; nor shall Respondent Urasova manage,  
5 administer, or be a consultant to any licensee of the board, or have access to or control the  
6 ordering, manufacturing or dispensing of dangerous drugs and devices or controlled substances.

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

11 Subject to the above restrictions, Respondent Urasova may continue to own or hold an  
12 interest in any licensed premises in which she holds an interest at the time this decision becomes  
13 effective unless otherwise specified in this order.

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

15 **2. Obey All Laws**

16 Respondent Urasova shall obey all state and federal laws and regulations.

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

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

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

2 **3. Report to the Board**

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

11 **4. Interview with the Board**

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

17 **5. Cooperate with Board Staff**

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

21 **6. Continuing Education**

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

24 **7. Notice to Employers**

25 During the period of probation, Respondent Urasova shall notify all present and prospective  
26 employers of the decision in case number 4829 and the terms, conditions and restrictions imposed  
27 on Respondent Urasova by the decision, as follows:

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1        Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
2 Respondent Urasova's undertaking any new employment, Respondent Urasova shall cause her  
3 direct supervisor, pharmacist-in-charge (including each new pharmacist-in-charge employed  
4 during Respondent Urasova'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 4829; and  
6 terms and conditions imposed thereby. It shall be Respondent Urasova's responsibility to ensure  
7 that her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

8        If Respondent Urasova works for or is employed by or through a pharmacy employment  
9 service, Respondent Urasova must notify her direct supervisor, pharmacist-in-charge, and owner  
10 at every entity licensed by the board of the terms and conditions of the decision in case number  
11 4829 in advance of the Respondent Urasova commencing work at each licensed entity. A record  
12 of this notification must 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 Urasova undertaking any new employment by or through a pharmacy  
15 employment service, Respondent Urasova shall cause her direct supervisor with the pharmacy  
16 employment service to report to the board in writing acknowledging that they have read the  
17 decision in case number 4829 and the terms and conditions imposed thereby. It shall be  
18 Respondent Urasova's responsibility to ensure that her employer(s) and/or supervisor(s) submit  
19 timely 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 Urasova is an employee, independent contractor or  
27 volunteer.

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1 8. No Supervision of Interns, Serving as Pharmacist-in-Charge (PIC), Serving as  
2 Designated Representative-in-Charge, or Serving as a Consultant

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

8 9. Reimbursement of Board Costs

9 As a condition precedent to successful completion of probation, Respondent Urasova shall  
10 pay to the board its costs of investigation and prosecution in the amount of \$16,740.00.  
11 Respondent Urasova shall be permitted to pay these costs in a payment plan approved by the  
12 Board.

13 There shall be no deviation from this schedule absent prior written approval by the board or  
14 its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of  
15 probation.

16 The filing of bankruptcy by Respondent shall not relieve Respondent of her responsibility  
17 to reimburse the board its costs of investigation and prosecution.

18 10. Probation Monitoring Costs

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

23 11. Status of License

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

27 If Respondent Urasova's license expires or is cancelled by operation of law or otherwise at  
28 any time during the period of probation, including any extensions thereof due to tolling or

1 otherwise, upon renewal or reapplication Respondent Urasova's license shall be subject to all  
2 terms and conditions of this probation not previously satisfied.

3 **12. License Surrender While on Probation/Suspension**

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

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

18 **13. Notification of a Change in Name, Residence Address, Mailing Address or**  
19 **Employment**

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

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

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1           14. Tolling of Probation

2           Except during periods of suspension, Respondent Urasova shall, at all times while on  
3 probation, be employed as a pharmacist in California for a minimum of forty (40) hours per  
4 calendar month. Any month during which this minimum is not met shall toll the period of  
5 probation, i.e., the period of probation shall be extended by one month for each month during  
6 which this minimum is not met. During any such period of tolling of probation, Respondent  
7 Urasova must nonetheless comply with all terms and conditions of probation.

8           Should Respondent Urasova, regardless of residency, for any reason (including vacation)  
9 cease practicing as a pharmacist for a minimum of forty (40) hours per calendar month in  
10 California, Respondent Urasova must notify the board in writing within ten (10) days of the  
11 cessation of practice, and must further notify the board in writing within ten (10) days of the  
12 resumption of practice. Any failure to provide such notification(s) shall be considered a violation  
13 of probation.

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

17           "Cessation of practice" means any calendar month during which Respondent  
18 Urasova is not practicing as a pharmacist for at least forty (40) hours, as defined by  
19 Business and Professions Code section 4000 et seq. "Resumption of practice" means  
20 any calendar month during which Respondent Urasova is practicing as a pharmacist  
21 for at least forty (40) hours as a pharmacist as defined by Business and Professions  
22 Code section 4000 et seq.

23           15. Violation of Probation

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

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

9 **16. Completion of Probation**

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

12 **17. Community Services Program**

13 Within sixty (60) days of the effective date of this decision, Respondent Urasova shall  
14 submit to the board or its designee, for prior approval, a community service program in which  
15 Respondent Urasova shall provide free health-care related services on a regular basis to a  
16 community or charitable facility or agency for at least forty (40) hours per year for each year of  
17 probation. Within thirty (30) days of board approval thereof, Respondent Urasova shall submit  
18 documentation to the board demonstrating commencement of the community service program. A  
19 record of this notification must be provided to the board upon request. Respondent Urasova shall  
20 report on progress with the community service program in the quarterly reports. Failure to timely  
21 submit, commence, or comply with the program shall be considered a violation of probation.

22 **18. Remedial Education**

23 Within two (2) years of the effective date of this decision, Respondent Urasova shall submit  
24 to the board or its designee, for prior approval, an appropriate program of remedial education  
25 related to pharmacy security, and controlled substance handling and prescribing requirements.  
26 The program of remedial education shall consist of at least ten (10) hours each in both subject  
27 matter categories referenced above (50% of which must be live/in-person), at Respondent  
28 Urasova's own expense. In addition, Respondent Urasova shall continue to participate in a bi-

1 weekly teleconference titled "Professional Boundaries & Ethics: Maintenance & Accountability  
2 Seminars", hosted by Professional Boundaries, Inc., during the term of probation.

3 All remedial education shall be in addition to, and shall not be credited toward, continuing  
4 education (CE) courses used for license renewal purposes.

5 Failure to timely submit or complete the approved remedial education shall be considered a  
6 violation of probation. The period of probation will be automatically extended until such  
7 remedial education is successfully completed and written proof, in a form acceptable to the board,  
8 is provided to the board or its designee.

9 Following the completion of each course, the board or its designee may require the  
10 Respondent Urasova, at her own expense, to take an approved examination to test Respondent  
11 Urasova's knowledge of the course. If the Respondent Urasova does not achieve a passing score  
12 on the examination, this failure shall be considered a violation of probation. Any such  
13 examination failure shall require Respondent Urasova to take another course approved by the  
14 board in the same subject area.

15 **19. Supervised Practice**

16 With the exception of Respondent Urasova's current employment at Cedars Sinai Medical  
17 Center in Los Angeles (for which this Term Number 19 will not apply), during the period of  
18 probation, Respondent Urasova shall practice only under the supervision of a licensed pharmacist  
19 not on probation with the board. Upon and after the effective date of this decision, Respondent  
20 Urasova shall not practice pharmacy and her license shall be automatically suspended until a  
21 supervisor is approved by the board or its designee. The supervision shall be, as required by the  
22 board or its designee, either:

23 Continuous - At least 75% of a work week

24 Substantial - At least 50% of a work week

25 Partial - At least 25% of a work week

26 Daily Review - Supervisor's review of probationer's daily activities within 24 hours

27 Within thirty (30) days of the effective date of this decision, Respondent Urasova shall have  
28 her supervisor submit notification to the board in writing stating that the supervisor has read the

1 decision in case number 4829 and is familiar with the required level of supervision as determined  
2 by the board or its designee. It shall be Respondent Urasova's responsibility to ensure that her  
3 employer(s); pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to the  
4 board. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely  
5 acknowledgements to the board shall be considered a violation of probation.

6 If Respondent Urasova changes employment, it shall be Respondent Urasova's  
7 responsibility to ensure that her employer(s), pharmacist-in-charge and/or supervisor(s) submit  
8 timely acknowledgement(s) to the board. Respondent Urasova shall have her new supervisor,  
9 within fifteen (15) days after employment commences, submit notification to the board in writing  
10 stating the direct supervisor and pharmacist-in-charge have read the decision in case number 4829  
11 and are familiar with the level of supervision as determined by the board. Respondent Urasova  
12 shall not practice pharmacy and her license shall be automatically suspended until the board or its  
13 designee approves a new supervisor. Failure to cause the direct supervisor and the pharmacist-in-  
14 charge to submit timely acknowledgements to the board shall be considered a violation of  
15 probation.

16 Within ten (10) days of leaving employment, Respondent Urasova shall notify the board in  
17 writing.

18 During suspension, Respondent Urasova shall not enter any pharmacy area or any portion  
19 of the licensed premises of a wholesaler, veterinary food-animal drug retailer or any other  
20 distributor of drugs which is licensed by the board, or any manufacturer, or where dangerous  
21 drugs and devices or controlled substances are maintained. Respondent Urasova shall not  
22 practice pharmacy nor do any act involving drug selection, selection of stock, manufacturing,  
23 compounding, dispensing or patient consultation; nor shall Respondent Urasova manage,  
24 administer, or be a consultant to any licensee of the board, or have access to or control the  
25 ordering, manufacturing or dispensing of dangerous drugs and controlled substances. Respondent  
26 Urasova shall not resume practice until notified by the board. During suspension, Respondent  
27 Urasova shall not engage in any activity that requires the professional judgment of a pharmacist.  
28 Respondent Urasova shall not direct or control any aspect

1 of the practice of pharmacy. Respondent Urasova shall not perform the duties of a pharmacy  
2 technician or a designated representative for any entity licensed by the board.

3 Subject to the above restrictions, Respondent Urasova may continue to own or hold an  
4 interest in any licensed premises in which she holds an interest at the time this decision becomes  
5 effective unless otherwise specified in this order.

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

7 **20. No Ownership of Licensed Premises**

8 Respondent Urasova shall not own, have any legal or beneficial interest in, or serve as a  
9 manager, administrator, member, officer, director, trustee, associate, or partner of any business,  
10 firm, partnership, or corporation currently or hereinafter licensed by the board. Respondent  
11 Urasova shall sell or transfer any legal or beneficial interest in any entity licensed by the board  
12 within ninety (90) days following the effective date of this decision and shall immediately  
13 thereafter provide written proof thereof to the board. Failure to timely divest any legal or  
14 beneficial interest(s) or provide documentation thereof shall be considered a violation of  
15 probation.

16 **21. Tolling of Suspension**

17 During the period of suspension, Respondent Urasova shall not leave California for any  
18 period exceeding ten (10) days, regardless of purpose (including vacation). Any such absence in  
19 excess of the (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 Urasova is absent from California. During any such period of tolling of suspension,  
23 Respondent Urasova must nonetheless comply with all terms and conditions of probation.

24 Respondent Urasova must notify the board in writing within ten (10) days of departure, and  
25 must further notify the board in writing within ten (10) days of return. The failure to provide such  
26 notification(s) shall constitute a violation of probation. Upon such departure and return,  
27 Respondent Urasova shall not resume the practice of pharmacy until notified by the board that the  
28 period of suspension has been satisfactorily completed.

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22. Ethics Course

Within two (2) years of the effective date of this decision, Respondent Urasova shall enroll in the board approved ethics course (IMQ), at Respondent Urasova's expense, approved in advance by the board or its designee. Failure to initiate the course during the first year of probation, and complete it within the second year of probation, is a violation of probation.

Respondent Urasova shall submit a certificate of completion to the board or its designee within five days after completing the course.

23. Pay Administrative Penalty

Respondent Urasova shall pay an administrative penalty of \$2,000.00 per year for each year of her probation.

Respondent Urasova shall be permitted to pay these administrative penalty amounts each year in a payment plan approved by the Board.

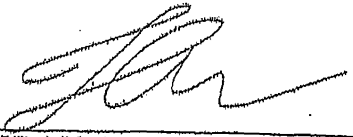
There shall be no deviation from this schedule absent prior written approval by the board or its designee. Failure to pay the administrative penalty amounts by the deadline(s) as directed shall be considered a violation of probation.

The filing of bankruptcy by Respondent Urasova shall not relieve Respondent Urasova of her responsibility to pay the administrative penalty amounts.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Noah Jussim. I understand the stipulation and the effect it will have on my Permit. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.


DATED: 2/23/2018

  
KATARINA URASOVA  
Respondent



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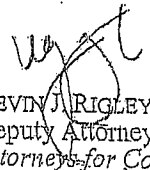
I have read and fully discussed with Respondent Katarina Urasova the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 2/23/18   
NOAH JUSSIM  
*Attorney for Respondent*

ENDORSEMENT

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

Dated: 2/23/18

Respectfully submitted,  
XAVIER BECERRA  
Attorney General of California  
LINDA L. SUN  
Supervising Deputy Attorney General  
  
KEVIN J. RIGLEY  
Deputy Attorney General  
*Attorney for Complainant*

LA2013509657

Exhibit A

Second Amended Accusation No. 4829

1 XAVIER BECERRA  
Attorney General of California  
2 LINDA L. SUN  
Supervising Deputy Attorney General  
3 KEVIN J. RIGLEY  
Deputy Attorney General  
4 State Bar No. 131800  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 620-2558  
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:

Case No. 4829

11 **CENTURY DISCOUNT PHARMACY,**  
12 **INC., FARHAD D. SHARIM, JOSEPH**  
13 **AMIN, Owners**  
14 **18254 Sherman Way**  
**Reseda, CA 91335**

OAH No. 2015090357

**SECOND AMENDED ACCUSATION**

15 **Permit No. PHY 39871**

16 **and**

17 **FARHAD D. SHARIM**  
18 **P.O. Box 260771**  
**Encino, CA 91426**

19 **Pharmacist License No. RPH 46183,**

20 **and**

21 **JONG AM KIM**  
22 **P.O. Box 7282**  
**Mission Hills, CA 91346**

23 **Pharmacist License No. RPH 45267**

24 **and**

25 **KATERINA URASOVA**  
26 **5235 White Oak Avenue 3**  
**Encino, CA 91316**

27 **Pharmacist License No. RPH 57944**  
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**and**  
**DAVID PEZHMANNIA**  
**17954 Hatton St.**  
**Reseda, CA 91335**  
  
**Pharmacist License No. RPH70233**  
  
Respondents.

Complainant alleges:

**PARTIES**

1. Virginia Herold ("Complainant") brings this Second Amended Accusation solely in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

2. On or about April 4, 1994, the Board of Pharmacy ("Board") issued Permit Number PHY 39871 to Century Discount Pharmacy, Inc., Farhad D. Sharim and Joseph Amin, Owners ("Respondent Century Discount Pharmacy" and/or "the pharmacy"). The Permit, which was in full force and effect at all times relevant to the charges brought herein, expired on April 1, 2017, and has not been renewed.

3. On or about May 3, 1993, the Board issued Pharmacist License Number RPH 46183 to Farhad D. Sharim ("Respondent Sharim"). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2018, unless renewed.

4. On or about April 3, 1992, the Board issued Pharmacist License Number RPH 45267 to Jong Am Kim ("Respondent Kim"). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2017, unless renewed.

5. On or about November 30, 2005, the Board issued Pharmacist License Number RPH 57944 to Katerina Urasova ("Respondent Urasova"). The Pharmacist License was in full force

1 and effect at all times relevant to the charges brought herein and will expire on August 31, 2019,  
2 unless renewed.

3 6. On or about November 21, 2013, the Board issued Pharmacist License Number RPH  
4 70233 to David Pezhmannia ("Respondent Pezhmannia"). The Pharmacist License was in full  
5 force and effect at all times relevant to the charges brought herein and will expire on August 31,  
6 2019, unless renewed.

### 7 JURISDICTION

8 7. This Second Amended Accusation is brought before the Board, Department of  
9 Consumer Affairs, under the authority of the following laws. All section references are to the  
10 Business and Professions Code unless otherwise indicated.

11 8. Section 4300.1 of the Code states:

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

17 9. Section 4300 of the Code states, in pertinent part:

18 "(a) Every license issued may be suspended or revoked.

19 "(b) The board shall discipline the holder of any license issued by the board, whose default  
20 has been entered or whose case has been heard by the board and found guilty, by any of the  
21 following methods:

22 "(1) Suspending judgment.

23 "(2) Placing him or her upon probation.

24 "(3) Suspending his or her right to practice for a period not exceeding one year.

25 "(4) Revoking his or her license.

26 "(5) Taking any other action in relation to disciplining him or her as the board in its  
27 discretion may deem proper."

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1           10. Section 4307 states, in pertinent part:

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

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

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

15   **STATUTORY PROVISIONS**

16           11. Section 490 states, in pertinent part:

17           “(a) In addition to any other action that a board is permitted to take against a licensee, a  
18 board may suspend or revoke a license on the ground that the licensee has been convicted of a  
19 crime, if the crime is substantially related to the qualifications, functions, or duties of the business  
20 or profession for which the license was issued.

21           “(b) Notwithstanding any other provision of law, a board may exercise any authority to  
22 discipline a licensee for conviction of a crime that is independent of the authority granted under  
23 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties  
24 of the business or profession for which the licensee's license was issued.

25           “(c) A conviction within the meaning of this section means a plea or verdict of guilty or a  
26 conviction following a plea of nolo contendere. Any action that a board is permitted to take  
27 following the establishment of a conviction may be taken when the time for appeal has elapsed, or  
28 the judgment of conviction has been affirmed on appeal, or when an order granting probation is

1 made suspending the imposition of sentence, irrespective of a subsequent order under the  
2 provisions of Section 1203.4 of the Penal Code.”

3 12. Section 733 of the Code states, in pertinent part:

4 "(a) A licentiate shall not obstruct a patient in obtaining a prescription drug or device that  
5 has been legally prescribed or ordered for that patient. A violation of this section constitutes  
6 unprofessional conduct by the licentiate and shall subject the licentiate to disciplinary or  
7 administrative action by his or her licensing agency.

8 "(b) Notwithstanding any other law, a licentiate shall dispense drugs and devices, as  
9 described in subdivision (a) of Section 4024, pursuant to a lawful order or prescription unless one  
10 of the following circumstances exists:

11 "(1) Based solely on the licentiate's professional training and judgment, dispensing  
12 pursuant to the order or the prescription is contrary to law, or the licentiate determines that the  
13 prescribed drug or device would cause a harmful drug interaction or would otherwise adversely  
14 affect the patient's medical condition.

15 "(2) The prescription drug or device is not in stock. If an order, other than an order  
16 described in Section 4019, or prescription cannot be dispensed because the drug or device is not  
17 in stock, the licentiate shall take one of the following actions:

18 "(A) Immediately notify the patient and arrange for the drug or device to be delivered to  
19 the site or directly to the patient in a timely manner.

20 "(B) Promptly transfer the prescription to another pharmacy known to stock the  
21 prescription drug or device that is near enough to the site from which the prescription or order is  
22 transferred, to ensure the patient has timely access to the drug or device.

23 "(C) Return the prescription to the patient and refer the patient. The licentiate shall make a  
24 reasonable effort to refer the patient to a pharmacy that stocks the prescription drug or device that  
25 is near enough to the referring site to ensure that the patient has timely access to the drug or  
26 device.

27 "(3) The licentiate refuses on ethical, moral, or religious grounds to dispense a drug or  
28 device pursuant to an order or prescription. A licentiate may decline to dispense a prescription

1 drug or device on this basis only if the licentiate has previously notified his or her employer, in  
2 writing, of the drug or class of drugs to which he or she objects, and the licentiate's employer can,  
3 without creating undue hardship, provide a reasonable accommodation of the licentiate's  
4 objection. The licentiate's employer shall establish protocols that ensure that the patient has  
5 timely access to the prescribed drug or device despite the licentiate's refusal to dispense the  
6 prescription or order. For purposes of this section, "reasonable accommodation" and "undue  
7 hardship" shall have the same meaning as applied to those terms pursuant to subdivision (l) of  
8 Section 12940 of the Government Code."

9 13. Section 4024 of the Code states:

10 "(a) Except as provided in subdivision (b), "dispense" means the furnishing of drugs or  
11 devices upon a prescription from a physician, dentist, optometrist, podiatrist, veterinarian, or  
12 naturopathic doctor pursuant to Section 3640.7, or upon an order to furnish drugs or transmit a  
13 prescription from a certified nurse-midwife, nurse practitioner, physician assistant, naturopathic  
14 doctor pursuant to Section 3640.5, or pharmacist acting within the scope of his or her practice.

15 "(b) "Dispense" also means and refers to the furnishing of drugs or devices directly to a  
16 patient by a physician, dentist, optometrist, podiatrist, or veterinarian, or by a certified nurse-  
17 midwife, nurse practitioner, naturopathic doctor, or physician assistant acting within the scope of  
18 his or her practice."

19 14. Section 4052.5 of the Code states, in pertinent part:

20 "In addition to the authority allowed under Section 4073, a pharmacist filling a prescription  
21 order for a drug product may select a different form of medication with the same active chemical  
22 ingredients of equivalent strength and duration of therapy as the prescribed drug product when the  
23 change will improve the ability of the patient to comply with the prescribed drug therapy.

24 . . . .

25 "(f) This section shall not permit substitution between long-acting and short-acting forms of  
26 a medication with the same chemical ingredients or between one drug product and two or more  
27 drug products with the same chemical ingredients."

28 ///



1           15. Section 4059 of the Code states, in pertinent part:

2           “(a) A person may not furnish any dangerous drug, except upon the prescription of a  
3 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  
5 physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section  
6 3640.7.

7           16. Section 4081, subdivision (a) of the Code states, in pertinent part:

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

18           “(b) The owner, officer, and partner of any pharmacy, wholesaler, . . . shall be jointly  
19 responsible, with the pharmacist-in-charge, responsible manager, or designated representative-in-  
20 charge, for maintaining the records and inventory described in this section.”

21           17. Section 4105 of the Code states, in pertinent part:

22           “(a) All records or other documentation of the acquisition and disposition of dangerous  
23 drugs and dangerous devices by any entity licensed by the board shall be retained on the licensed  
24 premises in a readily retrievable form.

25           “(b) The licensee may remove the original records or documentation from the licensed  
26 premises on a temporary basis for license-related purposes. However, a duplicate set of those  
27 records or other documentation shall be retained on the licensed premises.

28       ///

1           "(c) The records required by this section shall be retained on the licensed premises for a  
2 period of three years from the date of making.

3           . . . .

4           "(e) (1) Notwithstanding subdivisions (a), (b), and (c), the board may, upon written request,  
5 grant to a licensee a waiver of the requirements that the records described in subdivisions (a), (b),  
6 and (c) be kept on the licensed premises.

7           "(f) When requested by an authorized officer of the law or by an authorized representative  
8 of the board, the owner, corporate officer, or manager of an entity licensed by the board shall  
9 provide the board with the requested records within three business days of the time the request  
10 was made. The entity may request in writing an extension of this timeframe for a period not to  
11 exceed 14 calendar days from the date the records were requested. . ."

12           18. Section 4113 of the Code states, in pertinent part:

13           . . . .

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

16           “(d) Every pharmacy shall notify the board in writing, on a form designed by the board,  
17 within 30 days of the date when a pharmacist-in-charge ceases to act as the pharmacist-in-charge,  
18 and shall on the same form propose another pharmacist to take over as the pharmacist-in-charge.  
19 The proposed replacement pharmacist-in-charge shall be subject to approval by the board. If  
20 disapproved, the pharmacy shall propose another replacement within 15 days of the date of  
21 disapproval and shall continue to name proposed replacements until a pharmacist-in-charge is  
22 approved by the Board.”

23           19. Section 4116 of the Code states, in pertinent part:

24           “(a) No person other than a pharmacist, an intern pharmacist, an authorized officer of the  
25 law, or a person authorized to prescribe shall be permitted in that area, place, or premises  
26 described in the license issued by the board wherein controlled substances or dangerous drugs or  
27 dangerous devices are stored, possessed, prepared, manufactured, derived, compounded,  
28 dispensed, or repackaged. However, a pharmacist shall be responsible for any individual who

1 enters the pharmacy for the purposes of receiving consultation from the pharmacist or performing  
2 clerical, inventory control, housekeeping, delivery, maintenance, or similar functions relating to  
3 the pharmacy if the pharmacist remains present in the pharmacy during all times as the authorized  
4 individual is present.

5 “(b) (1) The board may, by regulation, establish reasonable security measures consistent  
6 with this section in order to prevent unauthorized persons from gaining access to the area, place,  
7 or premises or to the controlled substances or dangerous drugs or dangerous devices therein.

8 “(2) The board shall, by regulation, establish conditions for the temporary absence of a  
9 pharmacist for breaks and lunch periods pursuant to Section 512 of the Labor Code and the orders  
10 of the Industrial Welfare Commission without closing the pharmacy and removing authorized  
11 personnel from the pharmacy. These conditions shall ensure the security of the pharmacy and its  
12 operations during the temporary absence of the pharmacist and shall allow, at the discretion of the  
13 pharmacist, nonpharmacist personnel to remain and perform any lawful activities during the  
14 pharmacist s temporary absence.”

15 20. Section 4301 of the Code states, in pertinent part:

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

19 . . . .

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

22 “(e) The clearly excessive furnishing of controlled substances in violation of subdivision (a)  
23 of Section 11153.5 of the Health and Safety Code. Factors to be considered in determining  
24 whether the furnishing of controlled substances is clearly excessive shall include, but not be  
25 limited to, the amount of controlled substances furnished, the previous ordering pattern of the  
26 customer (including size and frequency of orders), the type and size of the customer, and where  
27 and to whom the customer distributes its product.

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

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

6           . . . .

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

9           . . . .

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

27           “(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
28 violation of or conspiring to violate any provision or term of this chapter or of the applicable

1 federal and state laws and regulations governing pharmacy, including regulations established by  
2 the board or by any other state or federal regulatory agency.

3 . . . .

4 “(q) Engaging in any conduct that subverts or attempts to subvert an investigation of the  
5 board.”

6 21. Section 4305 provides, in pertinent part:

7 “(a) Failure by any pharmacist to notify the board in writing that he or she has ceased to  
8 act as the pharmacist-in-charge of a pharmacy, or by any pharmacy to notify the board in writing  
9 that a pharmacist-in-charge is no longer acting in that capacity, within the 30-day period specified  
10 in Sections 4101 and 4113 shall constitute grounds for disciplinary action.

11 “(b) Operation of a pharmacy for more than 30 days without supervision or management  
12 by a pharmacist-in-charge shall constitute grounds for disciplinary action.”

13 22. Health and Safety Code section 11153, subdivision (a) states:

14 "(a) A prescription for a controlled substance shall only be issued for a legitimate medical  
15 purpose by an individual practitioner acting in the usual course of his or her professional practice.  
16 The responsibility for the proper prescribing and dispensing of controlled substances is upon the  
17 prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the  
18 prescription. Except as authorized by this division, the following are not legal prescriptions:

19 (1) an order purporting to be a prescription which is issued not in the usual course of professional  
20 treatment or in legitimate and authorized research; or (2) an order for an addict or habitual user of  
21 controlled substances, which is issued not in the course of professional treatment or as part of an  
22 authorized narcotic treatment program, for the purpose of providing the user with controlled  
23 substances, sufficient to keep him or her comfortable by maintaining customary use."

24 23. Health and Safety Code section 11153.5, subdivision (a) states:

25 “(a) No wholesaler or manufacturer, or agent or employee of a wholesaler or manufacturer,  
26 shall furnish controlled substances for other than legitimate medical purpose.

27 “(b) Anyone who violates this section knowingly, or having a conscious disregard for the  
28 fact, that the controlled substances are for other than a legitimate medical purpose shall be

1 punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code, or in  
2 a county jail not exceeding one year, or by fine not exceeding twenty thousand dollars (\$20,000),  
3 or by both that fine and imprisonment.

4 “(c) Factors to be considered in determining whether a wholesaler or manufacturer, or  
5 agent or employee of a wholesaler or manufacturer, furnished controlled substances knowing or  
6 having a conscious disregard for the fact that the controlled substances are for other than  
7 legitimate medical purpose shall include, but not be limited to, whether the use of controlled  
8 substances was for purposes of increasing athletic ability or performance, the amount of  
9 controlled substances furnished, the previous ordering pattern of the customer (including size and  
10 frequency of orders), the type and size of the customer, and where and to whom the customer  
11 distributes the product.”

12 24. Health and Safety Code section 11162.1 states, in pertinent part:

13 “(a) The prescription forms for controlled substances shall be printed with the following  
14 features:

15 . . . .

16 “(2) A watermark shall be printed on the backside of the prescription blank; the watermark  
17 shall consist of the words “California Security Prescription.”

18 . . . .

19 “(4) A feature printed in thermochromic ink.

20 . . . .

21 “(6) A description of the security features shall be printed on the form . . .

22 . . . .

23 “(b) Each batch of controlled substance prescription forms shall have the lot number printed  
24 on the form and each form within that batch shall be numbered sequentially beginning with the  
25 numeral one.”

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1           “(c) The pharmacy and fixtures and equipment shall be maintained in a clean and orderly  
2 condition. The pharmacy shall be dry, well-ventilated, free from rodents and insects, and properly  
3 lighted. The pharmacy shall be equipped with a sink with hot and cold running water for  
4 pharmaceutical purposes.

5           “(d) Each pharmacist while on duty shall be responsible for the security of the prescription  
6 department, including provisions for effective control against theft or diversion of dangerous  
7 drugs and devices, and records for such drugs and devices. Possession of a key to the pharmacy  
8 where dangerous drugs and controlled substances are stored shall be restricted to a pharmacist.

9           “(e) The pharmacy owner, the building owner or manager, or a family member of a  
10 pharmacist owner (but not more than one of the aforementioned) may possess a key to the  
11 pharmacy that is maintained in a tamper evident container for the purpose of 1) delivering the key  
12 to a pharmacist or 2) providing access in case of emergency. An emergency would include fire,  
13 flood or earthquake. The signature of the pharmacist-in-charge shall be present in such a way that  
14 the pharmacist may readily determine whether the key has been removed from the container.”

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

16           “(a) The pharmacist-in-charge of each pharmacy as defined under section 4029 or section  
17 4037 of the Business and Professions Code shall complete a self-assessment of the pharmacy's  
18 compliance with federal and state pharmacy law. The assessment shall be performed before July 1  
19 of every odd-numbered year. The primary purpose of the self-assessment is to promote  
20 compliance through self-examination and education.

21           “(b) In addition to the self-assessment required in subdivision (a) of this section, the  
22 pharmacist-in-charge shall complete a self-assessment within 30 days whenever:

23           . . . .

24           “(2) There is a change in the pharmacist-in-charge, and he or she becomes the new  
25 pharmacist-in-charge of a pharmacy.

26           . . . .

27           ///

28           ///



1           “(c) The components of this assessment shall be on Form 17M-13 (Rev. 10/14) entitled  
2 “Community Pharmacy Self-Assessment Hospital Outpatient Pharmacy Self-Assessment” and on  
3 Form 17M-14 (Rev. 10/14) entitled “Hospital Pharmacy Self-Assessment” which are hereby  
4 incorporated by reference to evaluate compliance with federal and state laws and regulations.

5           “(d) Each self-assessment shall be kept on file in the pharmacy for three years after it is  
6 performed.”

7           29. California Code of Regulations, title 16, section 1716 provides that:

8           "Pharmacists shall not deviate from the requirements of a prescription except upon the prior  
9 consent of the prescriber or to select the drug product in accordance with Section 4073 of the  
10 Business and Professions Code.

11           "Nothing in this regulation is intended to prohibit a pharmacist from exercising commonly-  
12 accepted pharmaceutical practice in the compounding or dispensing of a prescription."

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

14           "'Current Inventory' as used in Sections 4081 and 4332 of the Business and Professions  
15 Code shall be considered to include complete accountability for all dangerous drugs handled by  
16 every licensee enumerated in Sections 4081 and 4332.

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

19           31. California Code of Regulations, title 16, section 1761 states:

20           "(a) No pharmacist shall compound or dispense any prescription which contains any  
21 significant error, omission, irregularity, uncertainty, ambiguity or alteration. Upon receipt of any  
22 such prescription, the pharmacist shall contact the prescriber to obtain the information needed to  
23 validate the prescription.

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

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1 32. California Code of Regulations, title 16, section 1770, states, in pertinent part:  
2 “For the purpose of denial, suspension, or revocation of a personal or facility license  
3 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a  
4 crime or act shall be considered substantially related to the qualifications, functions or duties of a  
5 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a  
6 licensee or registrant to perform the functions authorized by his license or registration in a manner  
7 consistent with the public health, safety, or welfare.”

8 **COST RECOVERY**

9 33. Section 125.3 of the Code states, in pertinent part, that the Board may request the  
10 administrative law judge to direct a licentiate found to have committed a violation or violations of  
11 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
12 enforcement of the case.

13 **CONTROLLED SUBSTANCES**

14 34. Alprazolam, the generic name for Xanax, is a Schedule IV controlled substance  
15 pursuant to Health and Safety Code section 11057, subdivision (d)(1) and is a dangerous drug  
16 pursuant to Code section 4022.

17 35. Hydrocodone/acetaminophen is a Schedule III controlled substance pursuant to  
18 Health and Safety Code section 11056, subdivision (e)(4) and is a dangerous drug pursuant to  
19 Code section 4022.

20 36. Oxycodone is a Schedule II controlled substance pursuant to Health and Safety Code  
21 section 11055, subdivision (b)(1)(M) and is a dangerous drug pursuant to Code section 4022.

22 37. Carisoprodol, also known as Soma, is a Schedule IV controlled substance pursuant to  
23 California Code of Regulations, title 21, section 1308.14, subdivision (c)(6), and is a dangerous  
24 drug pursuant to Code section 4022.

25 38. Amphetamine, also known as Adderal, is a Schedule II controlled substance pursuant  
26 to Health and Safety Code section 11055, subdivision (d)(1), and is a dangerous drug pursuant to  
27 Code section 4022.

28 ///

1           39. Promethazine/codeine cough syrup, also known as Codeine, is a Schedule II  
2 controlled substance pursuant to Health and Safety Code section 11055, subdivision (b)(1)(G),  
3 and is a dangerous drug pursuant to Code section 4022.

4                   **BACKGROUND RE BOARD INVESTIGATION ON JANUARY 30-31, 2013**

5           40. In 2013, the Board received consumer complaints regarding both Joseph Amin and  
6 Respondent Sharim, co-owners of Respondent Century Discount Pharmacy, alleging poor  
7 pharmacy practice with respect to controlled substances. Due to the potential for missing  
8 controlled substances and records, the Board initiated on-site inspections of Respondent Century  
9 Discount Pharmacy on January 30 and 31, 2013.

10           41. During the course of the inspections, drug usage reports were requested from the  
11 pharmacy that were reviewed along with the pharmacy's drug inventory, DEA inventories,  
12 patient prescription profiles, and acquisition records, among other documents.

13           42. Examination of prescription records for controlled substances raised many red flags  
14 including a repeating pattern of prescriptions written by Drs. N.C. and E.R., and Nurse  
15 Practitioner (NP) P.P. Each prescription had nearly identical handwriting with similar spacing.  
16 In addition, most medical offices/clinics and patients were listed in either Compton or Los  
17 Angeles, CA, yet Respondent Century Discount Pharmacy, the pharmacy issuing the  
18 prescriptions, was located in Reseda, CA. More often than not, the patients traveled  
19 approximately 73 miles to fill their prescriptions. Additionally, further examination of the  
20 prescriptions revealed that the majority of patient names for both controlled and non-controlled  
21 prescription records were of Middle Eastern descent.<sup>1</sup> Yet the vast majority of prescriptions  
22 issued by Drs. N.C. and E.R., and NP P.P. were for patients of non-Middle Eastern descent.

23           43. Also during the inspection, a review of computer records revealed the existence of  
24 seven medications with altered names that did not match National Drug Code numbers for any  
25 known drugs. The names included: (1) NNNCODONE HCL 30 MG TAB; (2) NNNCODONE  
26 HCL TAB; (3) NNNCODONE HCL" MG TAB; (4) NNNRAzolam 2 MG TAB; (5)

27 \_\_\_\_\_  
28 <sup>1</sup> Pharmacist Nouri Nourani advised inspectors that Respondent Century Discount Pharmacy  
primarily services a Persian community.

1 NNNROCOD/APAP MG TAB; (6) NNNROCODONE/APAP MG TAB; and (7) NNYCODON'  
2 HCL 30 MG TAB.

3 44. A Board inspector also requested computer records from the pharmacy's software  
4 vendor for all medications filled and dispensed from 8-1-2011 to 1-31-2013. Additionally, the  
5 Board inspector requested a Controlled Substance Utilization Review and Evaluation System  
6 ("CURES") report for that date range. Examination of these records revealed that Respondent  
7 had filled a total of 44,090 prescriptions. Of these prescriptions, 7,808 (or 17.71%) of the  
8 prescriptions were for controlled substances. Of the controlled substance prescriptions, the most  
9 dispensed prescriptions were alprazolam 2 mg, hydrocodone acetaminophen 10/325 mg,  
10 oxycodone 30 mg, hydrocodone acetaminophen 5/500 mg, and zolpidem 10 mg. With the  
11 exception of zolpidem 10 mg, these were the same medications with altered names in Respondent  
12 Century Discount Pharmacy's computer records.

13 45. On or around February 6, 2013, a meeting was arranged with Respondent Sharim.  
14 When asked what criteria he uses for evaluating a controlled substance prescription, he failed to  
15 offer specific criteria. However, he indicated that he would notice people in pain while they were  
16 in the pharmacy and he would also call the prescribers (often on their cell phones) to verify the  
17 prescriptions. Respondent Sharim also noted that he had a limit of six prescriptions for  
18 oxycodone per day. After filling six prescriptions, he would stop. Respondent Sharim did not  
19 mention that he used any of the following methods to check the legitimacy of the prescriptions:  
20 (1) drug utilization review of a patient's prescription history; (2) the distance between the  
21 pharmacy and the prescriber; (3) the distance between the pharmacy and the residence of the  
22 patient; and (4) how a legitimate medical purpose was determined.

23 46. On or about February 8, 2013, a Board investigator conducted an audit of certain  
24 controlled substances that had been dispensed at Respondent Century Discount Pharmacy from 8-  
25 1-2011 to 1-31-2013. The results of the audit were as follows:

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Drug Name and Strength	Initial Amount	Amount Ordered	Total Amount	Dispensed Amount	Amount to be Accounted	Stock on Hand	Amount Over	Amount Short
Hydrocodone/ Apap 10/500 mg	333	155,500	155,833	151,930	3903	109		-3794
Hydrocodone/ Apap 10/325 mg	1000	187,00	188,00	183,564	4436	190		-4246
Alprazolam 2 mg	1250	282,100	283,350	279,240	4110	418		-3692
Oxycodone 30 mg	1220 (from perpetua l inv.)	161,600	162,820	161,370	1450	10		-1440

47. Based on a review of the pharmacy's computer records and hard copy prescriptions, a Board investigator determined that prescriptions for Oxycontin 30 mg (oxycodone 30 mg extended release or long acting) prescribed by Drs. R.A., N.C., and E.R., and NP P.P. were filled with shorting acting oxycodone 30 mg. A total of 879 prescriptions were confirmed to have been erroneously filled. Of these prescriptions, 851 prescriptions had a tag with the initial "DS" for Respondent Sharim and 28 prescriptions had a tag with the initials "JK" for Respondent Kim.

48. In order to determine if Respondent Century Discount Pharmacy was dispensing an excessive amount of controlled substances, on or around February 25, 2013, letters were sent to certain prescribers along with a list of prescriptions dispensed by the pharmacy between August 1, 2011 and January 31, 2013. The prescribers were asked to review the list of patients and medications to determine if the patients were prescribed the medications for a legitimate medical purpose.

49. In March 2013, certain prescribers responded to letters from the Board investigator. NP P.P. indicated that she did not write any of the prescriptions for the medications that were listed in the letter. Dr. R.A. indicated that she had not seen the patients listed and did not prescribe any of the medications on the list. Drs. J.B., E.R., and M.S. also indicated that they did not write any of the prescriptions on the list. Conversely, Drs. E.C. and B.O. indicated that they did write the prescriptions. Drs. R.L. and N.C. did not reply.

///

1           50. A Board investigator made a determination about the percentage of controlled  
2 substance prescriptions versus non-controlled substance prescriptions that were allegedly written  
3 by the prescribers to whom the investigator sent his letters. He also made a determination  
4 regarding whether or not the prescriptions were paid with cash, i.e., insurance was bypassed. For  
5 the time period July 1, 2010 to January 31, 2013 the results were: (1) 99.5% of the prescriptions  
6 written by NP P.P. were controlled substances and 100% of the prescriptions bypassed insurance;  
7 (2) 100% of the prescriptions written by Dr. R.A. were controlled substances and 100% of the  
8 prescriptions bypassed insurance; (3) 100% of the prescriptions written by Dr. J.B. were for  
9 controlled substances and 100% of the prescriptions bypassed insurance; (4) 76.72% of the  
10 prescriptions written by Dr. M.S. were for controlled substances and 100% of the prescriptions  
11 bypassed insurance; (5) 80% of the prescriptions written by Dr. E.C. were for controlled  
12 substances and 100% of the prescriptions bypassed insurance; (6) 98.37% of the prescriptions  
13 written by Dr. R.L. were for controlled substances and 100% of the prescriptions bypassed  
14 insurance; (7) 97% of the prescriptions written by Dr. B.O. were for controlled substances and  
15 99.43% of the prescriptions bypassed insurance; (8) 98.67% of the prescriptions written by Dr.  
16 E.R. were for controlled substances and 100% of the prescriptions bypassed insurance; and (9)  
17 100% of the prescriptions written by Dr. N.C. were for controlled substances and 100% of the  
18 prescriptions bypassed insurance.

19           51. In a further effort to determine if Respondent Century Discount Pharmacy was  
20 dispensing an excessive amount of controlled substances, the dispensing practices of the  
21 pharmacy were compared to four other pharmacies located less than one mile away. Included  
22 among the four pharmacies were two major retail chains.

23           52. The data showed that between July 1, 2010 and January 31, 2013, Respondent  
24 Century Discount Pharmacy filled 344,672 more oxycodone 30 mg tablets versus a Walgreens  
25 pharmacy down the street, and 358,169 more oxycodone 30 mg tablets versus the CVS pharmacy  
26 down the street.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Violation of Corresponding Responsibility)**

3 53. Respondent Century Discount Pharmacy and Respondent Sharim are subject to  
4 disciplinary action under Code section 4301, subdivisions (d) and (j), in conjunction with Health  
5 and Safety Code section 11153, subdivision (a), in that they violated their corresponding  
6 responsibility by excessively furnishing controlled substances. Respondent Sharim misused his  
7 education and experience as a pharmacist and failed to implement his best professional judgment  
8 by excessively dispensing controlled substances with a high potential for abuse despite multiple  
9 clues of irregularity and uncertainty related to patient and prescriber factors. The facts and  
10 circumstances are as follows:

11 (a) Drs. R.A., J.B. and E.R., and NP P.P. did not write or authorize prescriptions  
12 for controlled substances that Respondent Century Discount Pharmacy dispensed under their  
13 names. The number of illegitimate prescriptions for controlled substances for these prescribers  
14 exceeded 4000.

15 (b) A high number of the prescriptions were paid for in cash. Specifically, for Drs.  
16 R.A., J.B., M.S., E.C., R.L., E.R., and N.C., and NP P.P., 100% of the patients paid for controlled  
17 substances in cash.

18 (c) Many patients did not reside in the Reseda area and drove long distances to  
19 have their prescriptions filled at Respondent Century Discount Pharmacy. Similarly, many  
20 patients drove long distances to obtain the prescriptions from the prescribers.

21 (d) The patient population receiving controlled substances was different from the  
22 regular patient population of the pharmacy.

23 (e) Patients who received controlled substances rarely received medications other  
24 than controlled substances.

25 (f) Despite a notation on the prescription that a representative of Respondent  
26 Century Discount Pharmacy called the prescribers to verify the prescriptions, there was no name  
27 of the person verifying the prescription, just a time, date, and "MD" or "NP."

28 (g) Drs. R.A., J.B., and E.R., and NP P.P. all denied writing the prescriptions.

1 (h) Some prescriptions contained doctors' cell phone numbers, which is highly  
2 irregular, and other prescriptions contained multiple stamped telephone numbers overlapping  
3 each other.

4 54. Complainant incorporates by reference paragraphs 40 through 52 as though fully set  
5 forth herein.

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Operational Standards and Security)**

8 55. Respondent Century Discount Pharmacy is subject to disciplinary action under Code  
9 section 4301, subdivision (o), in conjunction with California Code of Regulations, title 16,  
10 section 1714, in that between August 1, 2011 and January 31, 2013, they could not account for  
11 3,794 tablets of hydrocodone/acetaminophen 10/500 mg, 4,246 tablets of hydrocodone/  
12 acetaminophen 10/325 mg, 3,692 tablets of alprazolam 2 mg and 1,440 tablets of oxycodone 30  
13 mg. Complainant incorporates by reference paragraphs 40 through 52 above as though fully set  
14 forth herein.

15 **THIRD CAUSE FOR DISCIPLINE**

16 **(Record Retention)**

17 56. Respondent Century Discount Pharmacy and Respondent Sharim are subject to  
18 disciplinary action under Code section 4301, subdivision (o), in conjunction with Code section  
19 4105, subdivisions (a), (b), and (c), in that a routine inspection conducted on January 30 and 31,  
20 2013 revealed that records of acquisition and prescription hard copies of Schedule II controlled  
21 substances were not maintained on the pharmacy premises. Respondent Sharim removed the  
22 records from Respondent Century Discount Pharmacy and did not retain a duplicate copy or other  
23 documentation. Complainant incorporates by reference paragraphs 40 through 52 above as  
24 though fully set forth herein.

25 **FOURTH CAUSE FOR DISCIPLINE**

26 **(Variation from Prescriptions)**

27 57. Respondent Century Discount Pharmacy and Respondent Sharim are subject to  
28 disciplinary action under Code section 4301, subdivision (o), in conjunction with Code section



1 4052.5, subdivision (f) and California Code of Regulations, title 16, section 1716, in that between  
2 August 1, 2011 and January 31, 2013, Respondent Century Discount Pharmacy dispensed 879  
3 prescriptions for the short-acting form of oxycodone 30 mg when the prescriber wrote a  
4 prescription for the long-acting form of oxycodone 30 mg i.e., Oxycontin 30 mg. Complainant  
5 incorporates by reference paragraphs 40 through 52 above as though fully set forth herein.

6 **FIFTH CAUSE FOR DISCIPLINE**

7 **(Variation from Prescriptions)**

8 58. Respondent Kim is subject to disciplinary action under Code section 4301,  
9 subdivision (o), in conjunction with Code section 4052.5, subdivision (f) and California Code of  
10 Regulations, title 16, section 1716, in that between August 1, 2011 and January 31, 2013,  
11 Respondent Kim dispensed 28 prescriptions for the short acting form of oxycodone 30 mg when  
12 the prescriber wrote a prescription for the long-acting form of oxycodone 30 mg i.e., Oxycontin  
13 30 mg. The prescriptions at issue are as follows: 445958, 445957, 446010, 446009, 445944,  
14 445945, 445972, 445973, 449068, 449050, 449067, 453085, 453101, 453098, 447673, 447672,  
15 447678, 447679, 449039, 448998, 448996, 448997, 452140, 452138, 452145, 452147, 452360,  
16 and 452361. Complainant incorporates by reference paragraphs 40 through 52 above as though  
17 fully set forth herein.

18 **BACKGROUND RE: BOARD INVESTIGATION ON MARCH 10, 2015**

19 59. A Board inspection was conducted on or about March 10, 2015 at Century Discount  
20 Pharmacy, in response to a letter/complaint it received on or about December 10, 2014 from  
21 attorney J.M.<sup>2</sup>, who represented Respondent Sharim, the owner of this pharmacy. The letter  
22 alleged that, although he had not worked or been on the premises of the pharmacy for around two  
23 years, due to a dispute with the co-owner of the pharmacy, Joseph Amin, he still received  
24 information about occurrences at the pharmacy. On or about November 28, 2014, Sharim spoke  
25 with staff pharmacist Nourani by telephone, and he stated that Amin had asked him to help  
26 illegally sell oxycodone tablets from the pharmacy on the street to dealers. Nourani refused a

27 <sup>2</sup> The initials of individuals are used in this Accusation to protect their right to privacy, but  
28 upon a proper and timely discovery request from Respondent, documents will be produced which  
reveal their identities.

1 request by Amin to fill the prescriptions for oxycodone because the patients were not present. An  
2 inspection and drug audit did not substantiate the allegations set forth in J.M.'s letter/complaint,  
3 but determined that other violations of pharmacy law had occurred, as set forth below.

4 60. Nourani was present during the Board's Inspection of the pharmacy on March 10,  
5 2015. He estimated the pharmacy filled around 100-120 prescriptions per day. Nourani indicated  
6 that he was the only full-time pharmacist and the pharmacist-in-charge, Respondent Urasova,  
7 worked one day per week at the pharmacy.

8 61. When asked to provide the pharmacy's most recent self-assessment by the  
9 pharmacist-in-charge, Nourani provided a self-assessment he had completed with his name listed  
10 as the pharmacist-in-charge, even though he stated he was not the pharmacist-in-charge. Nourani  
11 could not locate any self-assessment completed by Respondent Urasova, the pharmacist-in-  
12 charge.

13 62. A Board inspector requested the most recent Drug Enforcement Administration  
14 (DEA) Biennial Inventory, and Nourani produced a notebook containing two inventories dated  
15 March 13, 2014 and August 14, 2013, which he had completed. Neither of these inventories  
16 contained any entries for Schedule II (CII) controlled substances. Nourani indicated he did not  
17 count the CII controlled substances because the pharmacy stopped carrying them for about two  
18 years, and started re-ordering them again in October, 2014. The earliest date listed on a four-page  
19 perpetual inventory for oxycodone 30 mg tablets was February 10, 2015. Nourani was not aware  
20 of any inventories taken by Respondent Urasova.

21 63. When asked if there were any recent drug losses, Nourani said there were two armed  
22 robberies at the pharmacy in the last two years where drugs were stolen from the pharmacy. On  
23 March 11, 2013 and July 3, 2013, these incidents were reported to the DEA on DEA Form 106s,  
24 as well as the Board.

25 64. Nourani denied ever seeing Amin take medications out of the pharmacy and stated he  
26 could not recall if Amin ever asked him to fill a prescription which Nourani believed to be  
27 illegitimate. Nourani added that "he did not want to get in trouble" with Amin. He denied seeing  
28 Amin bring prescriptions into the pharmacy to fill, other than for himself or his family. Nourani

1 stated that Amin was able to order CII controlled substances, and believed Respondent Urasova  
2 had power of attorney to order them, but in fact she did not. Nourani and Amin had keys to the  
3 pharmacy, but Respondent Urasova did not.

4 65. During the inspection, Nourani counted the entire quantity of the following controlled  
5 substances and recorded the counts on the "Stock on Hand" form, as follows: 68 oxycodone 30  
6 mg tablets; 1,419 carisoprodol 350 mg tablets; 1,500 alprazolam 2mg tablets; and 1,070  
7 hydrocodone/acetaminophen 10/325 mg, as Century Discount Pharmacy had generic tablets in  
8 stock.

9 66. Nourani indicated that they had no records of disposition of the controlled substances,  
10 other than the dispensing records. He expressed concern that the dispensing records would not be  
11 complete, because he might not recall each manufacturer they had used. Consequently, it was  
12 agreed that the pharmacy would request dispensing data from the software company, Cerner  
13 Etreby, to ensure the records were complete.

14 67. Nourani stated the Controlled Substance Utilization Review and Evaluation System  
15 records of controlled substances (CURES) dispensed by the pharmacy, showing many 6-10 day  
16 periods over the last year with no controlled substance prescriptions dispensed, while other days  
17 50-100 controlled substance prescriptions were filled by the pharmacy, sounded accurate. He  
18 explained the pharmacy often did not pay their wholesalers in a timely manner, resulting in long  
19 periods where the wholesalers would not deliver controlled substances, and there were many  
20 prescriptions waiting to be filled, once a delivery was eventually made. The Board's inspector  
21 also collected samples of invoices and DEA Form 222s from McKesson and AmerisourceBergen  
22 and hard copy prescriptions, many of which were written by Dr. S.K.

23 68. Nourani indicated that he called and spoke with Dr. S.K.'s office staff and verified  
24 that Dr. S.K. wrote the prescriptions, but that he never did so by speaking directly to Dr. S.K.  
25 Sometimes large groups of people arrived at the pharmacy and dropped off their prescriptions.  
26 Nourani did not have any specific information about Dr. S.K.'s medical practice or if he had a  
27 specialty. Nourani did not have access to the CURES database to review a patient's prior  
28 prescription history, but sometimes checked a patient's driver's license to confirm their identity

1 when filling their prescription. Nourani stated the focus of his evaluation of the prescription was  
2 if the prescriber actually wrote it.

3 69. On or about March 11, 2015, a Board inspector interviewed Respondent Urasova by  
4 telephone, who said she agreed to become the pharmacist-in-charge of Century Discount  
5 Pharmacy a “few months ago”, as a favor to her friend, Nourani, who had an issue with his  
6 California pharmacist license. Respondent Urasova worked at the pharmacy once per week. She  
7 thought she might have completed a self-assessment for the pharmacy, with Nourani’s assistance  
8 and a Board inspector requested that Respondent Urasova locate the self-assessment, or complete  
9 one, and provide her with the first and last page.

10 70. Furthermore, a Board inspector asked Respondent Urasova if she had completed a  
11 DEA biennial inventory, and she replied that she would have to ask Nourani if such an inventory  
12 had been completed. To her knowledge, only the owner of the pharmacy could order CII  
13 controlled substances. Respondent Urasova had not seen Dr. S.K.’s prescriptions and stated she  
14 was not very familiar with retail pharmacy practice because she worked in a hospital setting.  
15 Nourani told Respondent Urasova there was nothing unusual about the prescriptions at the  
16 pharmacy.

17 71. Respondent Urasova said she did not have any suspicions about Amin, but she did not  
18 have a key to the pharmacy and did not work there often. The pharmacy staff verified the  
19 legitimacy of prescriptions by asking the patients about the indications of their prescriptions.  
20 Nourani would call the prescriber to verify every prescription for a CII controlled substance.

21 72. On or about March 16, 2015, a Board inspector spoke with Respondent Urasova, who  
22 told her she visited the pharmacy to discuss the inspection with Nourani. Respondent Urasova  
23 said she resigned her position with the pharmacy in August of 2014 and disassociated as  
24 pharmacist-in-charge with the Board. Recently, Nourani requested that she return to her position  
25 as pharmacist-in-charge and further requested that she tell the Board she had not disassociated in  
26 August, but had continued to function as pharmacist-in-charge since then. Respondent Urasova  
27 agreed to Nourani’s request, contacted the Board to retract her disassociation letter and stated that  
28 she had been the responsible pharmacist-in-charge since her original association. Respondent

1 Urasova stated that, during the fall and winter of 2014, she was not actually acting as the  
2 pharmacist-in-charge of Century Discount Pharmacy. Respondent Urasova stated she no longer  
3 wanted to be pharmacist-in-charge of the pharmacy.

4 73. On or about March 16, 2015 and March 22, 2015, the Board's inspector received  
5 emails from Respondent Urasova, stating she became the pharmacist-in-charge in May or June  
6 2014, but could have been the pharmacist-in-charge as early as April 2014. Respondent Urasova  
7 had been promised that it was a temporary position and they were looking for someone else to  
8 assume the pharmacist-in-charge position. When she was paid in July, she was "mad" and told  
9 Amin to stop depositing money in her account because she did not have time to manage the  
10 pharmacy. Respondent Urasova sent an email dated August 21, 2014 to "picstatus@dca.ca.gov"  
11 stating that she would like to resign her PIC position from the pharmacy. Starting on August 21<sup>st</sup>,  
12 she was not performing pharmacist-in-charge duties, but Amin continued to pay her for them  
13 anyway. At the end of December, Nourani contacted her and asked her to continue in the  
14 pharmacist-in-charge position until April or May, when he would regain the ability to assume the  
15 position. She therefore sent another email to the Board, to "picstatus@dca.ca.gov" indicating that  
16 she had been ". . . performing PIC responsibilities at Century Discount Pharmacy . . . without any  
17 interruptions . . . Please renew my PIC status from 8/21/14."

18 74. On April 2, 2015, a Board inspector sent a fax to the pharmacy with additional  
19 questions related to the inspection and, on April 13, 2015, Nourani told her by telephone that he  
20 would send the responses soon.

21 75. On April 15, 2015, Respondent Urasova faxed a response to the questions to the  
22 Board's inspector, including a statement reiterating that the pharmacy had no records of  
23 disposition other than dispensing records for the following controlled substances, from March 14,  
24 2014 to March 10, 2015: oxycodone 30 mg tablets; carisoprodol 350 mg tablets; alprazolam 2mg  
25 tablets; and hydrocodone/acetaminophen 10/325 mg tablets. Furthermore, Respondent Urasova's  
26 answers to the questionnaire indicate that no drugs were returned to the wholesaler, sent to a  
27 reverse distributor, or in any way sold without a prescription. In addition, if a note was made  
28 about a patient or prescription, it would be made on the hard copy of the prescription. The

1 pharmacy had a policy to dispense controlled substance prescriptions only from doctors who are  
 2 in the area and the “[m]ajority of patients are from the area (all).”

3 76. After the inspection, a Board inspector gathered records from wholesalers McKesson  
 4 and AmerisourceBergen related to the sales of brand and generic forms of oxycodone 30 mg  
 5 tablets, carisoprodol 350 mg tablets, and alprazolam 2mg tablets, to perform an audit. The audit  
 6 showed the following:

7 Subject: Century Discount Pharmacy  
 8 Time Period: 03/13/2014 (Close of business) to 03/10/2015  
 9 11:16 am  
 10 Address: 18245 Sherman Way, Reseda, CA 91335  
 11 License Number: PHY 39871  
 12 RPH: Nouri Noorani (RPH 58760)

13 Drug Name and Strength	14 Initial Amount	15 Amount Ordered WLS (A)	16 Total Amount (I+A)=T	17 Amount Dispensed or sold (D)	18 Amt to be Accounted for (T-D)	19 Stock on Hand (S)	20 Amount Over $S \geq T-D$	21 Amount Short $S \leq T-D$
22 Oxycodone 30 mg	23 0	24 M: 7,100 ABC: 18,000	25 25,100	26 25,190	27 -90	28 68	29 158	
30 Carisoprodol 350 mg	31 441	32 M:4,000 ABC: 6,000	33 10,441	34 8,783*	35 1,658	36 1,419		37 239
38 Alprazolam 2 mg	39 333	40 M:15,500 ABC: 49,000	41 64,833	42 92,144	43 -27,311	44 1,500	45 28,811	
46 Hydrocodone/Acetaminophen 10/325 mg	47 499	48 M:40,500 ABC: 134,000	49 174,500	50 173,051	51 1,449	52 1,070		53 379

54 77. The audit showed variances in all four audited drugs, including an overage of 28,211  
 55 alprazolam 2 mg tablets during the query period. Century Discount Pharmacy’s records of  
 56 disposition showed they dispensed more tablets than they possessed (based upon their acquisition  
 57 records and inventory records) during the query period, and the pharmacy was unable to account  
 58 for this discrepancy and, therefore, was not accountable for a current inventory of all dangerous  
 59 drugs.

60 78. On April 20, 2015, Nourani stated in a telephone conversation with a Board inspector  
 61 that the pharmacy ordered alprazolam 2 mg tablets from AmerisourceBergen and McKesson only.

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1           79. On May 20, 2015, a Board inspector contacted B.C., a DEA Diversion Investigator,  
2 who indicated the Automation of Reports and Consolidated Orders System (ARCOS) showed that  
3 the pharmacy only ordered controlled substances from AmerisourceBergen and McKesson.

4           80. Between January 2, 2013 and March 9, 2015, the two most commonly filled  
5 medications were: hydrocodone/APAP 10-325 mg tablets - 1,284 prescriptions, which constituted  
6 2.86% of the total medications filled, and alprazolam 2 mg tablets – 1,091 prescriptions, which  
7 constituted 2.43% of the total medications filled. The dispensing data indicated that 86.91% of  
8 the prescriptions processed during this period of time were billed to prescription insurance while  
9 13.09% of the prescriptions were paid for with cash.

10          81. A Board inspector reviewed the prescription profiles of several of the most common  
11 prescribers at the pharmacy, and identified irregularities in the prescribing patterns of Drs. S.K.,  
12 R.G. and W.S. Dr. S.K.'s prescribing profile at Century Discount Pharmacy during the query  
13 period from January 2, 2013 to March 9, 2015 showed the following irregularities:

- 14           • 100% of the 1,383 prescriptions dispensed for Dr. S.K.'s patients showed cash (not  
15 prescription insurance) as the payment method.
- 16           • 96.75% or 1338 out of 1,383 prescriptions dispensed for Dr. S.K.'s patients were for  
17 controlled substances.
- 18           • 76.8% of Dr. S.K.'s prescriptions were for either hydrocodone/acetaminophen 10/325 mg  
19 or alprazolam 2 mg, two medications with high abuse potential.
- 20           • Dr. S.K.'s self-reported areas of practice were Internal Medicine, Complementary and  
21 Alternative Medicine, and Family Medicine, according to the online records for his  
22 California physician's license. Given the wide variety of conditions treated by internal  
23 medicine and family medicine practitioners, a much more varied prescribing profile would  
24 be expected.
- 25           • The frequent prescribing of hydrocodone/acetaminophen, a pain reliever, with alprazolam,  
26 an anti-anxiety medication, was irregular because it was unlikely that Dr. S.K.'s patients  
27 suffered from the same ailments necessitating the same combination of medications.
- 28           • The pharmacy filled many prescriptions written by Dr. S.K. on certain days.
- During the query period, the pharmacy filled an average of 80.3 prescriptions per day.  
When compared with the daily counts for Dr. S.K.'s prescriptions, which ranged from 47  
prescriptions to 129 prescriptions on a daily basis, this was a highly irregular prescribing  
pattern which was unlikely for the pharmacy not to have noticed.

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1           82. A Board inspector also reviewed the patient information for the 599 patients who  
2 received prescriptions written by Dr. S.K., which showed that 17 patients had the last name  
3 “Mason”; 17 patients had the last name “Smith”; 18 patients had the last name “Willis” and 11  
4 patients had the last name “Wells”. The record contained entries of patients with nearly identical  
5 names, but with different addresses.

6           83. The Board’s inspector reviewed the dispensing records for prescriptions written by  
7 D.R., PA, a physician assistant working under Dr. S.K., which were filled by Century Discount  
8 Pharmacy during the query period from January 2, 2013 to March 9, 2015<sup>3</sup>. These prescriptions  
9 showed the following irregularities:

- 10           • All 653 prescriptions written by D.R., PA during the query period showed cash as the  
11 payment method.
- 12           • 98.93% of the prescriptions written by D.R., PA (all but 7 prescriptions for promethazine  
13 liquid) were written for controlled substances.
- 14           • 96.32% of the prescriptions written by D.R., PA were for hydrocodone/acetaminophen  
15 10/325 mg, alprazolam 2 mg, or promethazine with codeine syrup, three commonly  
16 abused controlled substances.
- 17           • D.R.’s limited prescribing for a physician (Dr. S.K.) with self-reported areas of practice in  
18 Internal Medicine, Complementary and Alternative Medicine, and Family Medicine, of  
19 almost exclusively controlled substances, was not consistent with the expected prescribing  
20 profile of an internal medicine or family medicine practitioner.

21           84. A Board inspector reviewed the dispensing records for prescriptions written by Dr.  
22 R.G., which were filled at Century Discount Pharmacy during the query period from January 2,  
23 2013 to March 9, 2015<sup>4</sup>. These prescriptions show the following irregularities:

- 24           • All 272 prescriptions written by Dr. R.G. during the query period were paid in cash.
- 25           • All 272 prescriptions written by Dr. R.G. during the query period were for controlled  
26 substances.
- 27           • 94.85% (or 258 out of 272 prescriptions) written by Dr. R.G. during the query period were  
28 for alprazolam 2 mg tablets or hydrocodone/acetaminophen 10/325 mg tablets.

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<sup>3</sup> The earliest prescription written by D.R. was filled on May 2, 2014.

<sup>4</sup> The earliest prescription written by Dr. R.G. was filled on December 26, 2014.



- 1 • Dr. R.G.'s self-reported areas of practice included Family Medicine and Pain Medicine. The prescribing pattern of a family medicine practitioner or pain management specialist would typically be much more varied than Dr. R.G.'s profile at Century Discount Pharmacy.
- 2
- 3 • Due to numerous different types of pain treated by pain specialists, the prescribing pattern of pain specialists is typically varied and could include oral anti-inflammatories (e.g. ibuprofen and naproxen), topical anti-inflammatories (e.g. Voltaren gel), medications treating neuropathic pain (e.g. gabapentin and Lyrica), numbing agents (e.g. lidocaine gel), non-controlled substance muscle relaxants (e.g. baclofen), in addition to opioid agonists (e.g. hydrocodone and oxycodone) and controlled substance muscle relaxants (e.g. carisoprodol).
- 4
- 5
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- 8 • The majority of Dr. R.G.'s patients received prescriptions for a combination of hydrocodone/acetaminophen 10/325 mg and alprazolam 2 mg, which was irregular because it was unlikely that all of his patients would receive the same treatment.
- 9
- 10 • All of the prescriptions written by Dr. R.G. were filled between 12/16/2014 and 03/09/2015 and Century Discount Pharmacy filled many prescriptions for Dr. R.G.'s patients on the same days. Dr. R.G.'s highly irregular prescribing pattern should have been obvious to pharmacists at Century Discount Pharmacy when filling many prescriptions for the same combination of hydrocodone/acetaminophen 10/325 mg tablets and alprazolam 2 mg tablets in one day.
- 11
- 12
- 13

14 85. A Board inspector reviewed the dispensing records for medications dispensed under  
 15 Dr. W.S.'s prescribing authority at Century Discount Pharmacy during the query period from  
 16 January 2, 2013 to March 9, 2015. The dispensing records show the following:

- 17 • All of the 101 prescriptions written by Dr. W.S. and filled at the pharmacy during the query period showed "Cash" as the payment method.
- 18
- 19 • All of the prescriptions written by Dr. W.S. and filled at the pharmacy during the query period were for controlled substances.
  - 20 ○ The dispensing profile consisted of only four medications: alprazolam 2 mg tablets, hydrocodone/acetaminophen 10/325 mg tablets, oxycodone 30 mg tablets, and promethazine/codeine syrup.
  - 21
  - 22
  - 23 • In addition to Dr. W.S.'s patients receiving only controlled substances and paying only with cash, the distance between Dr. W.S.'s office and the pharmacy was another factor of irregularity. Dr. W.S.'s prescription blank contained two addresses:
    - 24 ○ 14075 Hesperia Road, Suite 205 & 207, Victorville, CA 92395 and 109 East 11<sup>th</sup> Dr. W.S., Corona, CA 92879
    - 25
    - 26 ■ Century Discount Pharmacy processed these prescriptions with Dr. W.S.'s Victorville address recorded in the dispensing software.
    - 27
    - 28

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- 3
- On 07/06/2015, a Board inspector accessed Google Maps and searched for directions from Dr. W.S.'s Victorville office to Century Discount Pharmacy according to Google Maps indicated Dr. W.S.'s office was 92.9 miles away from Century Discount Pharmacy.

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- Dr. W.S.'s self-reported areas of practice were Anesthesiology and Pain Medicine. Also, Dr. W.S.'s publically-available online license information disclosed an accusation and petition to revoke filed against Dr. W.S.'s license on 12/08/2014 by the Medical Board of California (MBC).<sup>5</sup> The accusation document indicated MBC was attempting to revoke Dr. W.S.'s medical license due to improper prescribing of controlled substances.
  - Once filed, accusations are included with a physician's license information on MBC's website and are visible to the public. Century Discount Pharmacy filled 79 prescriptions written by Dr. W.S. in the portion of the query period after 12/08/2014.

10 86. A Board inspector reviewed the prescription documents written by Dr. S.K. and the  
11 handwriting and signatures appeared inconsistent with the prescriptions. The prescription  
12 documents listed D.R., PA-C as an alternate prescriber on many of the prescriptions documents,  
13 and did not contain any reference to the nature of Dr. S.K.'s practice. Moreover, the majority of  
14 the prescriptions had as a diagnosis "DX: L/S HNP" (either herniated nucleus pulposus of the  
15 lumbar spine or a herniated intervertebral disc which causes back pain) or "DX: chronic LBP  
16 (chronic low back pain). It would be unusual for a physician not specializing in spinal pain or  
17 injuries to diagnose most of his patients with lower back pain. Additionally, neither of these  
18 diagnoses address why alprazolam 2 mg tablets were prescribed.

19 87. Despite Respondent Urasova's statement to a Board inspector that prescription  
20 verifications were documented on the prescription, there were no notations on the prescriptions or  
21 documents showing the staff at Century Discount Pharmacy had in fact verified the prescriptions.

22 88. On April 1, 2015, a Board inspector sent letters to Drs. S.K., W.S., and R.G., and  
23 D.R., PA, enclosing a list of prescriptions filled at Century Discount Pharmacy under each  
24 prescriber's authority, and requesting that each prescriber indicate if they had prescribed each of

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27 <sup>5</sup> The accusation can be read online by doing a license search at MBC's website at:  
28 <http://www.mbc.ca.gov/>. The MBC issued an order adopting a stipulated surrender of Dr. W.S.'s  
physician's license, effective on April 13, 2016.

1 the prescriptions. No response to the Board's inspector's letter was received from Drs. W.S. and  
2 R.G., or D.R., PA.

3 89. On April 10, 2015, Dr. S.K. responded in an email to the Board's inspector's April 1,  
4 2015 letter that he did not recognize Century Discount Pharmacy and "All Rx's provided in your  
5 list are forgeries based on the date written and medication quantity listed." Furthermore, Dr. S.K.  
6 stated the signatures were forged, and he believed former employees had ordered prescription  
7 pads without his knowledge and the forged prescriptions were brought to his attention recently by  
8 a number of pharmacies. On April 21, 2015, Dr. S.K. attested to the truth and accuracy of the  
9 information in his email under penalty of perjury.

10 90. The dispensing data for complete dispensing data for the pharmacy from January 2,  
11 2013 to March 9, 2015 showed that hydrocodone/acetaminophen 10/325 mg (1,284 prescriptions  
12 representing 2.86% of the total prescriptions) and alprazolam 2 mg tablets (1,091 prescriptions  
13 representing 2.43% of the total prescriptions) were the two medications the pharmacy most  
14 commonly dispensed during the query period.

#### 15 **BACKGROUND RE BOARD INVESTIGATION ON JUNE 15, 2015**

16 91. A Board investigation was conducted on or about June 15, 2015 in response to a  
17 consumer ("S.S.") complaint that was submitted to the Board on or about April 9, 2015, which  
18 alleged that Respondent Century Discount Pharmacy had caused a significant delay in the  
19 dispensing of her mother's ("E.P.") prescriptions. According to S.S., the pharmacy "took about 10  
20 days" to dispense some of E.P.'s prescriptions. In addition to investigating the April 9, 2015  
21 complaint, additional information was obtained which related to the Board's prior investigation of  
22 March 10, 2015.

23 92. The Board's investigation revealed that Respondent Century Discount Pharmacy  
24 processed E.P.'s prescriptions through "MediCal" on March 26, 2015. S.S. contacted and verified  
25 with "MediCal" all medications were covered. In particular, Respondent Century Discount  
26 Pharmacy did not provide E.P. her prescribed Advair diskus inhaler until April 3, 2015, eight (8)  
27 days from the date Respondent Century Discount Pharmacy processed the prescription. During  
28 the eight (8) day waiting period, E.P. developed a mild asthma attack. In the interim, S.S.

1 contacted Respondent Century Discount Pharmacy to find out why they have not received ANY  
2 medications, but was not provided with a clear answer to her question.

3 93. When S.S. and E.P. subsequently went to Respondent Century Discount Pharmacy to  
4 pick up E.P.'s prescriptions, they requested an opportunity to speak with the pharmacist about the  
5 unexplained delay E.P. endured for her prescriptions to be filled. However, the pharmacist would  
6 not come forward to the front counter to speak to them.

7 94. Thereafter, when S.S. called the owner of Respondent Century Discount Pharmacy,  
8 Joseph Amin, in an effort to speak to him about what had occurred, she was told that Amin did  
9 not have time to speak with her.

10 95. The Board's investigation ultimately determined that Respondent Century Discount  
11 Pharmacy had failed to dispense E.P.'s prescription for an Advair 500/50 diskus inhaler in a  
12 timely manner. The investigation further revealed that during the time Respondent Century  
13 Discount Pharmacy did not have the Advair 500/50 diskus inhaler in stock, they failed to  
14 inform E.P. about the situation immediately, and failed to dispense the Advair 500/50 diskus  
15 inhaler until eight (8) days after E.P.'s prescription was submitted to be filled without ever  
16 providing an explanation as to the reason for the delay.

17 96. The Board's consumer complaint investigation and related inspection of Respondent  
18 Century Discount Pharmacy on or about June 15, 2015 also revealed that the owner of  
19 Respondent Century Discount Pharmacy failed to retain and have available for inspection at all  
20 times during business hours, records of acquisition of (bulk) dangerous drugs. The Board  
21 inspection revealed that another pharmacy, Century Pharmacy (Santa Monica), was routinely  
22 physically transferring dangerous drugs to Respondent Century Discount Pharmacy without any  
23 record of these acquisitions ever being generated by Respondent Century Discount Pharmacy  
24 and/or maintained on its licensed premises. Furthermore, the Board's records confirmed that  
25 Respondent Century Discount Pharmacy did not have an approved waiver from the Board of its  
26 obligation to maintain such records of acquisition physically located on its licensed premises.

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1           97. The Board's inspection of Respondent Century Discount Pharmacy's premises on or  
2 about June 15, 2015 also found that Respondent Century Discount Pharmacy had failed to  
3 maintain a clean and orderly work area.

4           98. During an interview with Nourani on June 15, 2015, he stated the pharmacy could  
5 only afford a certain dollar amount of medications. When the pharmacy failed to pay its  
6 wholesalers, they would not make deliveries due to the outstanding balances owed to them.  
7 There was a delay in dispensing prescriptions when the pharmacy ran out of medications.  
8 Nourani indicated that Century Discount Pharmacy would transfer medications from Century  
9 Pharmacy. Nourani stated that Amin handled the transfer of drugs from Century Pharmacy to  
10 Century Discount Pharmacy and, therefore, Nourani was unaware of any records for acquisition  
11 of medication from Century Pharmacy.

12           99. When Amin was interviewed by a Board inspector, he said they did maintain such  
13 records. However, Amin was unable to locate any such records, including but not limited to  
14 records physically stored at Century Discount Pharmacy. Amin presented an Anda Invoice for a  
15 delivery of drugs to Century Pharmacy, which he explained was taken, unopened to Century  
16 Discount Pharmacy. The Board's inspector informed Amin the record of drug acquisition must  
17 be stored in the licensed premises and should reflect the transfer of drugs from the source to the  
18 receiving pharmacy. The Board's inspector gave Mr. Amin until 06/22/2015 to gather and submit  
19 Century Discount Pharmacy's records of drug acquisition from Century Pharmacy. Amin further  
20 indicated that prescriptions were transferred to Century Pharmacy to be filled and then the  
21 finished prescriptions were delivered to Century Discount Pharmacy to be picked up.  
22 Occasionally, Amin said that he would order medications from Century Pharmacy and bring them  
23 over to Century Discount Pharmacy. Although a Board inspector made numerous attempts to  
24 obtain records of drug acquisitions Century Discount Pharmacy from Amin, between June 23,  
25 2015 and July 13, 2015, Amin submitted a duplicate copy of the previously-submitted Anda  
26 Invoice and duplicate copies of a credit memorandum from Anda to Century Discount Pharmacy,  
27 which were not acceptable as records of drug acquisition. Amin provided only two records of  
28 drug acquisition, which were not commensurate with Nourani's statement that medications were

1 commonly obtained for Century Discount Pharmacy from Century Pharmacy. Although Amin  
2 was the owner of Century Pharmacy, he also failed to provide records of the delivery of the  
3 finished prescriptions to Century Discount Pharmacy in Reseda, CA.

4 100. A Board inspector asked Nourani for two “books” of prescriptions documents of  
5 recent prescriptions for non-controlled substances for Century Discount Pharmacy, including for  
6 brand name medications. She also obtained hard copies of Dr. R.G.’s prescriptions from Nourani,  
7 because she had not collected these documents during the inspection on March 10, 2015.

8 101. Nourani explained he would fax the prescriptions to Dr. R.G.’s office and they would  
9 fax them back with “OK” written in the center. The header at the top of all but three of the 18  
10 pages of faxed verifications identify Dr. R.G. with the date of April 28, 2015, at 12:35 p.m. and a  
11 fax number of 714-744-0049. This 714-744-0049 fax number is the same fax number listed for  
12 Dr. S.K.’s Anaheim office on the hard copies of faxed prescriptions collected during the March  
13 10, 2015 inspection.

14 102. The Board’s inspector reviewed all of the 31 prescriptions written by Dr. R.G., and 27  
15 of these prescriptions were for Norco 10/325 mg and Xanax 2 mg. Two California identification  
16 cards were collected by the inspector, which matched two names on the prescription documents.  
17 The identification cards had addresses in Lancaster, which were 58.5 miles and 57.4 miles away  
18 from the pharmacy.

19 103. The pharmacy labels affixed to the back of the prescription documents indicated  
20 Nourani filled all of these prescriptions. Except for one prescription document, the prescriptions  
21 did not conform to Health and Safety Code section 11162.1, for the following reasons:

- 22 • The prescription documents did not have a watermark consisting of the words,  
23 “California Security Prescription.”
- 24 • The prescription documents listed safety features, including “thermochromic ink”, but  
25 did not have a feature printed in thermochromic ink.
- 26 • The prescription documents listed safety features, including, “microprint lines”, but  
27 did not contain microprint lines.

28

- 1           • The prescription documents printed in black did contain lot numbers and sequential  
2           batch numbers.
- 3           • The prescription documents printed in blue contained only one four-digit number  
4           representing a lot or batch number.

5           104. The Board’s inspectors explained to Nourani and Amin why the prescriptions did not  
6 meet the requirements of Health and Safety Code section 11162.1 and were not valid  
7 prescriptions. In addition, they discussed the results of the audit from the previous inspection  
8 with Nourani and Amin, and told them it showed the pharmacy had dispensed more alprazolam 2  
9 mg than they had ordered. When asked if there were any other sources of acquisitions for this  
10 medication, other than McKesson and AmerisourceBergen, Nourani stated he was not aware of  
11 any but would research this after the inspection. Amin was asked if it was possible the  
12 medication was ordered at Century Pharmacy and transferred to Century Discount Pharmacy, to  
13 which he replied “Absolutely not”. The Board’s inspector asked Nourani, verbally and in her  
14 inspection report, to fax or email records of the acquisition of alprazolam 2 mg from any source  
15 other than AmerisourceBergen and McKesson to her attention, by June 19, 2015.

16           105. The Board’s inspector followed up on her request for records of acquisition from  
17 other wholesalers, besides AmerisourceBergen and McKesson, via a telephone call with Nourani,  
18 who stated he was unable to locate any such records. He agreed to provide the inspector with a  
19 written statement confirming the lack of additional wholesaler records. The inspector also faxed  
20 a request to Nourani for the front and signature pages of the self-assessment completed by  
21 pharmacist-in-charge Respondent Urasova, to be sent to her by July 13, 2015.

22           106. Nourani did not cooperate with the Board’s inspector in timely providing the  
23 requested written statement or providing the self-assessment. Having not received Respondent  
24 Urasova’s self-assessment or Nourani’s statement by July 13, 2015, the Board’s inspector  
25 followed-up with Nourani by telephone on July 15, 2015, July 17, 2015 and July 20, 2015. On  
26 July 20, 2015, Nourani stated he sent the statement on July 16, 2015. The inspector asked him to  
27 re-fax his statement and the front and signature pages of Respondent Urasova’s self-assessment.  
28 On July 24, 2015, the Board’s inspector received a statement from Nourani which had been sent

1 to the Board's Sacramento office, and stamped as received on July 17, 2015, on which Nourani  
2 wrote, "I didn't or couldn't find any alprazolam 2 mg bought from ABC Bergen or McKesson or  
3 any other company bought more than it shows." The inspector did not receive a copy of the self-  
4 assessment completed by Respondent Urasova as she had requested, despite her calls to Nourani  
5 on three occasions to remind him of her request.

6 107. On July 13, 2015, a Board inspector accessed the Department of Consumer Affairs'  
7 licensing database and determined that Respondent Urasova had disassociated as pharmacist-in-  
8 charge of Century Discount Pharmacy on March 19, 2015, but the records did not reflect the  
9 appointment of a new pharmacist-in-charge. The Board's licensing department provided the  
10 following information about whether the pharmacy had submitted either an application to appoint  
11 a new pharmacist-in-charge or an interim pharmacist-in-charge:

<b>Date</b>	<b>Action</b>
03/19/2015	PIC Urasova disassociated as pharmacist-in-charge of Century Discount Pharmacy.
04/20/2015	The Board of Pharmacy received a "Change of Pharmacist-in-Charge" form from Century Discount Pharmacy. Ms. R. stated, "The form was a copy of a fax."
06/03/2015	The Board of Pharmacy sent a letter requesting a new "Change of Pharmacist-in-Charge" form with original inked signatures to be submitted within 30 days.
06/11/2015	The Board of Pharmacy received another "Change of Pharmacist-in-Charge" form, nominating a different pharmacist-in-charge. According to Ms. R., the form was incomplete in that it did not contain the previous pharmacist-in-charge's information.
06/17/2015	The Board of Pharmacy sent a letter requesting a new "Change of Pharmacist-in-Charge" form, fully completed, to be received by the Board within 30 days of the letter's date.
07/20/2015	An email from Ms. R. confirming she had not received a response to the deficiency letter sent 06/17/2015.

22 108. The Board's investigation showed that Century Discount Pharmacy operated without  
23 a pharmacist-in-charge from 03/20/2015 until at least 07/20/2015. Additionally, Century  
24 Discount Pharmacy failed to respond to the deficiency notice sent 06/17/2015 within 30 days of  
25 the letter's date. The emails provided by Respondent Urasova indicated she provided false  
26 information to the Board when she claimed she was acting as pharmacist-in-charge at Century  
27 Discount Pharmacy from August 22, 2014 to February 4, 2015.



1           109. The pharmacy's records of disposition showed they dispensed more tablets than they  
2 possessed (based on their acquisition records and inventory records) during the query period. The  
3 audit showed variances of all four audited drugs, including an overage of 28,811 alprazolam 2 mg  
4 tablets. The pharmacy was unable to account for this discrepancy and was not accountable for a  
5 current inventory of all dangerous drugs.

6           110. The dispensing data and prescription documents collected showed that Century  
7 Discount Pharmacy failed to fulfill its corresponding responsibility by dispensing excessive  
8 amounts of controlled substances, pursuant to prescriptions with many objective red flags.  
9 Objective factors pointing to the illegitimacy of these prescriptions included the following:

- 10           1. Dispensing profiles consisting entirely of prescriptions paid in cash (not billed to  
11 insurance) for Drs. S.K., R.G. and W.S., and PA, D.R.
- 12           2. Dispensing profiles consisting almost entirely of controlled substances for the  
13 prescribers listed above.
- 14           3. Highly irregular prescribing patterns for the prescribers listed above. For each  
15 prescriber, two to four frequently abused controlled substances accounted for the vast  
16 majority of dispensing at the pharmacy.
- 17           4. Highly irregular pattern of the majority of patients of Drs. S.K. and R.G. receiving the  
18 combination of hydrocodone/acetaminophen 10/325 mg tablets and alprazolam 2 mg  
19 tablets with the same quantity and directions.
- 20           5. Large numbers of prescriptions for hydrocodone/acetaminophen 10/325 mg tablets  
21 and alprazolam 2 mg tablets with the same quantity and directions filled on the same  
22 day, often consecutively.
- 23           6. Patients travelling a driving distance of 92 miles (one way) between Dr. W.S.'s office  
24 and Century Discount Pharmacy in order to fill prescriptions for controlled substances.

25           111. The investigation did not find evidence of substantive attempts to confer with the  
26 prescribers of these irregular controlled substance prescriptions to attempt to determine their  
27 medical legitimacy. Nourani's statements indicated his efforts to verify prescriptions were  
28 limited to attempts to determine if a prescriber actually wrote the prescription and not to attempts  
to address red flags or determine if the prescription was appropriately written for a legitimate  
medical need. While Nourani's statement indicated he attempted to confirm prescribers actually

1 wrote the prescriptions in question, he failed to identify the 1,383 prescriptions filled under Dr.  
2 S.K.'s prescribing authority which Dr. S.K. denied prescribing.

3 112. The verifications of Dr. R.G.'s prescriptions collected during the inspection on June  
4 15, 2015 indicated Nourani faxed images of prescriptions to Dr. R.G.'s office, on at least one  
5 occasion, in an attempt to determine if Dr. R.G. wrote the prescriptions. However, Nourani's  
6 statements indicated he did not speak with Dr. R.G. or anyone in his office regarding his highly  
7 irregular prescribing pattern.

8 113. The dispensing record listed Nourani as the pharmacist who filled the vast majority of  
9 the prescriptions during the audit period. Additionally, Nourani's statements indicated he was the  
10 only pharmacist working consistently on a full time basis during this time. While Respondent  
11 Urasova was pharmacist-in-charge for only part of the audit period, she was the pharmacist-in-  
12 charge when almost all of the prescriptions written by Drs. S.K., R.G., and W.S., and PA, D.R.  
13 were filled.

14 114. On July 22, 2015, a Board inspector sent Written Notices for the various violations  
15 described above with letters soliciting any mitigating information the subjects wished to provide  
16 to Century Discount Pharmacy, Nourani and Respondent Urasova.

17 115. On August 1, 2015, the Board's inspector received an email from Respondent  
18 Urasova which stated: "I did faxed (sic) the self-assessment form as you requested on 03/17/2015.  
19 Please see attachment. The first page is the proof from fax." Respondent Urasova attached a  
20 PDF file containing a self-assessment she completed, signed and dated on March 17, 2015. The  
21 file also contained a confirmation page indicating the document was faxed March 17, 2015. The  
22 result of the fax was listed as "NO ANSWER".

23 116. On August 2, 2015, the Board's inspector responded to Respondent Urasova's email.  
24 Respondent Urasova's email indicated she did attempt to send the self-assessment as requested  
25 during the inspection. However, the self-assessment was dated March 17, 2015, indicating it was  
26 completed after the inspection occurred.

27 ///

28 ///

1 117. On August 4, 2015, the Board’s inspector received two emails from Nourani. One of  
2 the emails contained no content but an attachment titled, “board letter.odt”, which she was unable  
3 to open. The second email stated the following:

4 “TO WHOM IT MAY CONCERN,  
5 I BELIVE Ms. NOELLE RANDALL COUNT FOR ALPRAZOLAM 2MG IS  
6 INCORRECT. PLEASE GIVE US MORE TIME TO RECALCULATE AND SEND  
7 YOU OUR FINDING. FOR EXTRA OXYCODONE 30 MG WE VARIFIED THE  
8 PRESCRIPTION AND WE ASKED FOR ID DIDN’T MATCH SO WE FORGOT TO  
9 DELETE THE PRESCRIPTION. FOR SHORTAGE OF CARISOPRODOL 350 MG IT  
10 WAS ESTIMATED NOT EXACT COUNT. SAME THING FOR  
11 HYDROCODONE/ACETAMINOPHEN 10/325 MG WAS ESTIMATED WHICH WAS  
12 C3. AT THAT TIME.  
13 SINCERELY YOURS  
14 NOURI NOURANI”

15 118. On August 4, 2015, the Board’s inspector replied via email, stating she could not  
16 open the first attachment and instructed Nourani to resend it in a different form if it contained  
17 information other than what was included in the second email. The inspector also extended the  
18 deadline to provide mitigating information until August 10, 2015.

19 119. On August 5, 2015, the Board’s inspector received another email from Nourani,  
20 stating the following:

- 21 • “Dear pharmacist Noelle Randall,  
22 The policy of our pharmacy Century Discount Pharmacy is to fill prescription for the  
23 patient who lives near which their doctor may be far from the pharmacy, Or the doctor’s  
24 office is near by and Patient may live far from the pharmacy. These doctors (S.K., R.G.  
25 and W.S.), They are pain management. All the prescription (sic) were verified.  
26 Thank you  
27 Nouri Nourani”

28 120. On August 6, 2015, the Board’s inspector replied to Nourani via email. On August 7,  
2015, the inspector received a fax from Nourani with a letter and supporting documents. Details  
of the letter included the following:

- Nourani calculated Century Discount Pharmacy dispensed 91,839 tablets of alprazolam 2 mg during the audit period.
- Nourani stated Century Discount Pharmacy purchased 51 bottles of alprazolam 2 mg containing 500 tablets each from McKesson.
- Nourani stated Century Discount Pharmacy purchased 128 bottles of alprazolam 2 mg containing 500 tablets each from Amerisource Bergen.

1 • Nourani wrote, “ $128 + 51 = 179$  bottles of 500 =  $179 \times 500 = 89,500$  tab purchased.  
2 91,839 (etreby) – 89,500(purchased) = 2,334

3 • Nourani wrote, “We had 845 tab on shelf on 03/13/14”

4 120. Supporting documents from Nourani included the following:

5 • Drug usage report for controlled substances dispensed from March 10, 2014 to March 10,  
6 2015.

7 • Report (presumably from McKesson) showing orders and purchases of Item Number  
8 2713055 from March 1, 2014 to March 31, 2015.

9 • Purchase History Report (presumably from Amerisource Bergen) for alprazolam 2 mg  
10 from September 11, 2013 to August 4, 2015.

11 121. The Board’s investigation revealed the following inaccuracies in the accounting for  
12 the acquisition and disposition of medications by Century Discount Pharmacy:

13 • Nourani stated Century Discount Pharmacy had 845 tablets in stock on March 13, 2014,  
14 but the DEA biennial inventory stated there were 333 tablets in stock.

15 • Nourani stated Century Discount Pharmacy purchased 51 500-count bottles of alprazolam  
16 2 mg tablets from McKesson during the audit period.

17 ○ The report he provided only showed purchases of one item number while the  
18 certified records from McKesson showed McKesson sold alprazolam tablets with  
19 three item numbers to Century Discount Pharmacy.

20 ○ The report Nourani provided showed purchases from March 1, 2014 to March 31,  
21 2015 while the audit period was March 13, 2014 (at the close of business) to  
22 March 10, 2015.

23 ○ Nourani asserted the report indicated 51 bottles were ordered. The report also  
24 showed only 22 bottles were actually “filled” by McKesson. The certified records  
25 provided by McKesson also showed 22 bottles of alprazolam 2 mg, with the item  
26 number used to generate Nourani’s report, were sold to Century Discount  
27 Pharmacy during the audit period.

28 • Nourani stated Century Discount Pharmacy purchased 128 bottles of 500 tablets each  
from Amerisource Bergen; however, the certified records from Amerisource Bergen  
showed 98 bottles sold during the audit period.

○ The additional bottles reflected in Nourani’s report were sold before or after the  
audit period.

- Nourani’s report showed 98 bottles sold during the audit period, which is the same amount reflected on the certified records provided by Amerisource Bergen.
- Nourani stated 91,839 tablets of alprazolam 2 mg were dispensed during the audit period. The dispensing records showed 92,144 tablets dispensed. Nourani used a different audit period, from March 10, 2014 to March 10, 2015. Additionally, his total included dispensing for lorazepam 2 mg and diazepam 2 mg.
  - Even if Nourani’s slightly lower dispensing amount was used, the audit result still showed a significant overage of alprazolam 2 mg tablets.

**SUBSEQUENT BOARD INVESTIGATION SET FORTH IN**  
**INVESTIGATION REPORT OF DECEMBER 19, 2015**

122. Additional investigation was conducted by a Board inspector, subsequent to the June 15, 2015 inspection, relating to collecting information and documents pertaining to Century Discount Pharmacy’s failure to maintain records of acquisition, disposition and transfer of drugs from Century Pharmacy to Century Discount Pharmacy. The subsequent investigation was described in an investigation report dated December 19, 2015.

123. On or about September 4, 2015, Amin’s attorney mailed the Board’s inspector additional documents in response to the written notice of noncompliance issued to Century Discount Pharmacy and Century pharmacy for not having proper records of drug acquisition and disposition, respectively. In light of the new documents, the Board’s inspector issued a written notice of noncompliance to Century Discount Pharmacy and Nourani for the delay in dispensing EP’s medications.

124. On October 13, 2015, a Board inspector returned to Century Discount Pharmacy to collect evidence of the presence of filled and verified prescriptions from Century Pharmacy and to determine whether or not the two pharmacies shared a common electronic file. A pharmacist-in-charge candidate who was on duty informed the Board’s inspector that the pharmacies could not electronically access each other’s prescription files. The prescription transfers between the pharmacies were conducted by phone and this information was transferred on a “Prescription Transfer Information” report, which was then faxed to the pharmacy requesting the transfer.

125. On October 13, 2015, a Board inspector also attempted to determine if Century Discount Pharmacy’s computer system could generate a report of transferred-out prescriptions

1 between April 1, 2015 and July 31, 2015. A report was generated, but it lacked the identity of the  
2 receiving pharmacists. The inspector asked the pharmacist-in-charge candidate to continue  
3 working with his software vendor to generate a report with the *receiving pharmacy field* and send  
4 it to him by October 16, 2015. Furthermore, the inspector also collected records/list of  
5 transferred prescriptions filled by Century Pharmacy then brought to Century Discount Pharmacy  
6 for dispensing; documentation of patient pick-up at Century Discount Pharmacy of prescriptions  
7 filled by Century Pharmacy; a sample of a “Prescription Transfer Information” report; and the  
8 pharmacist-in-charge candidate’s written statement regarding Century Discount Pharmacy’s lack  
9 of access to Century Pharmacy’s computer system. The earliest date on the delivery receipts for  
10 prescriptions received from Century Pharmacy by Century Discount Pharmacy was July 24, 2015,  
11 which was the start date of the recordkeeping system at Century Discount Pharmacy.

12 126. On November 24, 2015, a Board inspector updated the written notice of  
13 noncompliance to Century Discount Pharmacy to indicate failure to maintain proper records of  
14 drug acquisition of *bulk dangerous drugs*, instead of finished prescriptions, received from  
15 Century Pharmacy. The inspector did not receive any additional information from Century  
16 Discount Pharmacy in response to this updated written notice.

### 17 **SIXTH CAUSE FOR DISCIPLINE**

#### 18 **(Records of Acquisition and Disposition)**

19 127. Respondents Century Discount Pharmacy and Urasova are subject to disciplinary  
20 action under Code section 4301, subdivision (o), in conjunction with Code sections 4081,  
21 subdivision (a) and 4105, subdivisions (a) and (c) and California Code of Regulations, title 16,  
22 section 1718, in that between March 14, 2014 and March 10, 2015, Respondents could not  
23 account for inventory overages (physical count which exceeded total accountable inventory) of  
24 158 oxycodone 30 mg tablets and 28,811 alprazolam 2 mg tablets and inventory shortages of 239  
25 carisoprodol 350 mg tablets and 379 hydrocodone/acetaminophen 10/325 mg tablets. Urasova  
26 was the pharmacist-in-charge of Century Discount Pharmacy from March 27, 2014 to March 19,  
27 2015, encompassing 349 days of the 362-day audit period. Complainant incorporates by  
28 reference paragraphs 36-37, and 59-121 above as though fully set forth herein.

1 **SEVENTH CAUSE FOR DISCIPLINE**

2 **(Violation of Corresponding Responsibility to Verify Prescriptions)**

3 128. Respondents Century Discount Pharmacy and Urasova are subject to disciplinary  
4 action under Code section 4301, subdivisions (d) and (j), in conjunction with Health and Safety  
5 Code section 11153, subdivision (a) and California Code of Regulations, title 16, section 1761,  
6 subdivisions (a) and (b), in that they violated their corresponding responsibility by excessively  
7 furnishing controlled substances. Respondent Urasova, as pharmacist-in-charge, misused her  
8 education and experience as a pharmacist and failed to implement her best professional judgment  
9 by excessively dispensing controlled substances with a high potential for abuse, despite multiple  
10 clues of irregularity and uncertainty related to patient and prescriber factors, and by failing to  
11 confer with the prescribers, and/or by failing to ensure that the staff of Century Discount  
12 Pharmacy who were filling prescriptions for controlled substances were verifying that they were  
13 issued for a legitimate medical reason. The facts and circumstances are as follows:

14 (a) The prescriptions for controlled substances written by Drs. S.K., R.G., and  
15 W.S., and PA, D.R. were paid for in cash.

16 (b) Dispensing profiles consisted almost entirely of controlled substances for the  
17 prescribers listed in (a) above.

18 (c) There were highly irregular prescribing patterns for the prescribers listed in (a)  
19 above. For each prescriber, two to four frequently abused controlled substances accounted for the  
20 majority of dispensing at Century Discount Pharmacy.

21 (d) There were highly irregular prescribing patterns for the prescribers listed in (a)  
22 above, in that the majority of patients received the same combination of hydrocodone/  
23 acetaminophen 10/325 mg tablets and alprazolam 2 mg tablets with the same quantity and  
24 directions.

25 (e) Large quantities of prescriptions for hydrocodone/acetaminophen 10/325 mg  
26 tablets and alprazolam 2 mg tablets with the same quantity and directions were filled on the same  
27 day, often consecutively.

28

1 (f) Some patients travelled a driving distance of 92 miles (one way) between Dr.  
2 W.S.'s office and Century Discount Pharmacy to fill their prescriptions for controlled substances.

3 (g) Dr. S.K. denied writing the prescriptions.

4 Complainant incorporates by reference paragraphs 59-60, 64, 67-75, 80-90, 100-102, 110-  
5 113, and 119 above as though fully set forth herein.

6 **EIGHTH CAUSE FOR DISCIPLINE**

7 **(Dispensing Controlled Substances Pursuant to Noncompliant Prescriptions)**

8 129. Respondent Century Discount Pharmacy is subject to disciplinary action under Code  
9 section 4301, subdivision (j) and/or (o) for violating California Health and Safety Code section  
10 11164, in that on or about between March 19, 2015 and April 27, 2015, the pharmacy filled 30  
11 prescriptions written by Dr. R.G. on prescriptions forms which did not conform to the  
12 requirements of Health and Safety Code sections 11162.1, in that they did not have a watermark  
13 on the back with the words "California Security Prescription"; did not have a feature printed in  
14 thermochromic ink; did not include a description of the features on each prescription form; did  
15 not have the lot number printed on the form; and each form within a batch was not numbered  
16 sequentially beginning with the numeral one, as more fully set forth in paragraphs 100-104 above  
17 and incorporated herein.

18 **NINTH CAUSE FOR DISCIPLINE**

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

20 130. Respondent Urasova is subject to disciplinary action under sections 4301, subdivision  
21 (f) (a), in that on February 4, 2015, she sent an email to picstatus@dca.ca.gov stating she had  
22 been pharmacist-in-charge of Century Discount Pharmacy from August 22, 2014 to February 4,  
23 2015, but subsequently sent an email on March 16, 2015, stating she was not actually acting as  
24 pharmacist-in-charge and was not responsible for the daily operation of the pharmacy during this  
25 period of time, as more fully set forth in paragraphs 60, 69, and 72-73 above, and incorporated  
26 herein.

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28 ///



1 **TENTH CAUSE FOR DISCIPLINE**

2 **(Failure to Timely Notify the Board of a Designated Pharmacist-in-Charge)**

3 131. Respondent Century Discount Pharmacy is subject to disciplinary action under  
4 section 4113, subdivision (a), in that Respondent failed to timely notify the Board in writing  
5 within 30 days of designation, of the identity and license number of the designated pharmacist-in-  
6 charge and the date of designation. Respondent operated from approximately March 20, 2015 to  
7 at least July 20, 2015 without the supervision of a pharmacist-in-charge. In addition, Respondent  
8 submitted two incomplete forms to propose a new pharmacist-in-charge and failed to respond  
9 within 30 days to a letter from the Board notifying the pharmacy of deficiencies in one of the  
10 forms. Complainant incorporates by reference paragraphs 107-108 above as though fully set  
11 forth herein.

12 **ELEVENTH CAUSE FOR DISCIPLINE**

13 **(Failure to Complete a Pharmacy Self-Assessment)**

14 132. Respondent Urasova is subject to disciplinary action under sections 4301, subdivision  
15 (o) and 4113, subdivision (c) of the Code, and California Code of Regulations, title 16, section  
16 1715, subdivisions (a), (b)(2), (c) and (d) in that the required self-assessment of the pharmacy's  
17 compliance with federal and state pharmacy law completed by Respondent Urasova was not  
18 available during an inspection by the Board on March 10, 2015, and the self-assessment which  
19 was provided by Respondent Urasova on March 17, 2015 was more than 30 days after she  
20 became the pharmacist-in-charge of Century Discount Pharmacy. The circumstances of this  
21 conduct are more fully set forth above in paragraphs 59-61, 69, 106-106, and 115-116 as though  
22 fully set forth herein.

23 **TWELFTH CAUSE FOR DISCIPLINE**

24 **(Unprofessional Conduct – Obstructing Patient in**  
25 **Obtaining Prescription Drug or Device)**

26 133. Respondent Century Discount Pharmacy is subject to disciplinary action under Code  
27 section 733, subdivisions (a) and (b), in that pursuant to the Board's investigation conducted on  
28 June 15, 2015, Respondent Century Discount Pharmacy failed to dispense E.P.'s prescription for

1 an Advair 500/50 diskus inhaler in a timely manner. During the time the Respondent Century  
2 Discount Pharmacy did not have such medication in stock, it failed to immediately inform the  
3 patient about the situation and had the patient wait for eight (8) days before delivering the  
4 medication, without ever providing the patient or the consumer-complainant (the patient's  
5 daughter) the reason for the delay. Complainant incorporates by reference paragraphs 91-95  
6 above as though fully set forth herein.

7 **THIRTEENTH CAUSE FOR DISCIPLINE**

8 **(Failure to Maintain and Retain Records of Dangerous Drugs on Licensed Premises)**

9 134. Respondent Century Discount Pharmacy is subject to disciplinary action under Code  
10 sections 4081, subdivision (a), 4105, subdivision (a), and 4105, subdivision (e)(1), in that  
11 pursuant to the Board's investigation conducted on June 15, 2015, the owner of Respondent  
12 Century Discount Pharmacy failed to retain and have available for inspection at all times during  
13 business hours, records of acquisition of (bulk) dangerous drugs, without an approved waiver  
14 from the Board of its obligation to maintain such records of acquisition on the its licensed  
15 premises. Complainant incorporates by reference paragraphs 96, 98-99, and 122-126 above as  
16 though fully set forth herein.

17 **FOURTEENTH CAUSE FOR DISCIPLINE**

18 **(Failure to Maintain Pharmacy and Fixtures in a Clean and Orderly Condition)**

19 135. Respondent Century Discount Pharmacy is subject to disciplinary action under  
20 California Code of Regulations, title 16, section 1714, subdivisions (b) and (c), in that pursuant to  
21 the Board's investigation and inspection conducted on June 15, 2015, the owner of Respondent  
22 Century Discount Pharmacy failed to maintain a clean and orderly work area. Complainant  
23 incorporates by reference paragraph 97 above as though fully set forth herein.

24 **INVESTIGATION REPORT OF NOVEMBER 1, 2016 - HUMANA COMPLAINT**

25 136. On June 28, 2016, the Board received a complaint from E.W., an employee of  
26 Humana Health Insurance (Humana). E.W. alleged that Respondent Century Discount Pharmacy  
27 billed Humana for "services notrendered" and that a desktop audit had revealed 16 discrepancies  
28 in prescriptions, of which 14 were unauthorized refills. E.W. also identified a negative variance

1 indicating Respondent Century Discount Pharmacy sold more than they purchased from Humana  
 2 between May 4, 2014 and June 24, 2015 in regard to the 5 drugs listed below.

<b>Medication from Humana desk audit showing negative variance</b>			
<b>Drug Name</b>	<b>Qty. Purchased</b>	<b>Qty. Billed</b>	<b>Difference</b>
Janumet 50-1,000mg tablet	1140	1560	-420
Lovaza 1 GM capsule	3240	4080	-840
Nasonex 50 mcg nasal spray	391	442	-51
Restasis 0.05% eye drops	2520	3510	-990
Zenpep DR 20,000 unit capsule	900	990	-90

9 137. Drug utilization reports from January 1, 2014 to December 31, 2015 for the five drugs  
 10 were identified by the Board's inspector for purposes of establishing dispensing trends prior to,  
 11 during and after the Humana audit, referenced in paragraph 133 above. The date range for this  
 12 audit was expanded to include the periods six months before and after the period covered by  
 13 Humana's audit in order to obtain an accurate assessment. The data clearly shows during the  
 14 expanded date range, there did not appear to be a change in the dispensing trends for these drugs.  
 15 This date range was utilized for the Board's audit, and the purchase records from wholesalers  
 16 were reviewed for these specific National Drug Code's dispensed by Respondent Century  
 17 Discount Pharmacy, as reflected in the chart below.

<b>Drug utilization reports from 01/01/2014 to 12/31/15</b>		
<b>Drug Description/NDC code</b>	<b>Total RXs.</b>	<b>Total Dispense Qty.</b>
Janumet 50-1,000mg tablet/00006-0577-61	40	2,400 tablets
Lovaza 1 GM capsule/00173-0783-02	134	12,780 capsules
Nasonex 50 mcg nasal spray (17gm/box)/00085-1288-01	113	1,921 (113 boxes)
Restasis 0.05% eye drops (30/box)/ 00023-9163-30	239	10,830
Zenpep DR 20,000 unit capsule/ 42865-0103-02	14	1,260

24 138. The audit performed by E.W. at Humana did not have complete dispensing history or  
 25 wholesaler invoices reflecting a fixed time frame. Therefore, the Board's audit was used to  
 26 determine any violations of pharmacy laws based on following parameters:

27 ///

- In addition to the dispensing history, the purchase records provided by Respondent Century Discount Pharmacy from the 5 wholesalers from whom the purchase summaries were obtained were included in the Board’s audit. Sterling Pharmaceutical Wholesale Corporation (SP) was excluded because the invoices provided to Humana were not for Respondent Century Discount Pharmacy. This wholesaler (SP) was no longer in business, and Respondent PIC Pezhmannia was unable to provide purchase records from SP.
- The Board’s audit only included the NDCs of the five specific drugs whose dispensing reports were gathered from Respondent Century Discount Pharmacy on October 10, 2016.
- The Board’s audit specifically covered the date range of January 1, 2014 to December 31, 2015 for purposes of capturing the drug utilization activity before and after the Humana audit range of May 4, 2014 to June 24, 2015.
- A zero based audit for the beginning and end inventories was conducted, since no on hand quantity were available. The purchase and dispensing records did not show a huge movement for these drugs before, during and after the Humana audit range.

139. According to Respondent Century Discount Pharmacy, the following table represents the alleged sources of the subject drugs.

<b>Purchases Summary for the wholesalers CDP from 1/1/14 to 12/31/15 for the specific NDC identified on the dispensing reports obtained from CDP.</b>								
	<b>Top RX</b>	<b>IPC</b>	<b>Anda</b>	<b>Amerisource</b>	<b>McKesson</b>	<b>PSP</b>	<b>SP</b>	<b>Total</b>
Janumet 50-1,000mg tablet (#60/bottle) tablets NDC: 00006-0577-61	0	0	0	660	900	480	120	2,160
Lovaza 1 GM capsule (#120/bottle) capsules NDC: 00173-0783-02	0	0	0	240	1,800	1,320	120	3,480
Nasonex 50 mcg nasal spray (17 gm/box) NDC: 00085-1288-01	0	0	0	136	272	51	51	510
Restasis 0.05% eye drops (30 vials/box) NDC: 00023-9163-30	0	0	0	1,350	1,560	150	60	3,120
Zenpep DR 20,000 U capsules (#100/bottle) NDC: 42865-0103-02	0	100	0	100	600	0	0	800

140. The table below shows the acquisition and disposition summary for the date range of January 1, 2014 to December 31, 2015. The acquisition totals, less disposition totals, equal the variance. A positive variance indicates a shortage (purchases/acquisitions greater than sales/disposition). A negative variance indicates an overage (sold more than purchased). The Board's audit still showed significant variances where Respondent Discount Pharmacy dispensed more than they purchased from all their wholesalers. The invoices subsequently provided from PSP and SP made little impact to the audit results. In the initial Board audit, the variances totaled 21,473 for all five drugs. The variance total in the table below is 19,121 with the updated invoices - a difference of 2,352 doses, indicating the invoices which were subsequently provided did not significantly impact the Board's audit results (-11%). Accordingly, Respondent Century Discount Pharmacy still showed a significant variance in what they sold of these products compared to what was purchased during the investigation timeframe.

<b>The Board's audit results for five specific NDCs dispensed by CDP from 1/1/14 to 12/31/15 from all wholesalers disclosed by Respondent Century Discount Pharmacy</b>							
<b>Drug</b>	<b>Begin Inv.</b>	<b>Five WLS (ACQ)</b>	<b>ACQ TOTAL</b>	<b>Disposition</b>	<b>End Inv.</b>	<b>DISPO TOTAL</b>	<b>Variance</b>
Janumet 50-1,000mg tablet (#60/bottle) tablets; NDC: 00006-0577-61	0	2,160	2,160	2,400	0	2,400	-240
Lovaza 1 GM capsule (#120/bottle) capsules; NDC: 00173-0783-02	0	3,480	3,480	12,780	0	12,780	-9,300
Nasonex 50 mcg nasal spray (17 gm/box) ; NDC:00085-1288-01	0	510	510	1,921	0	1,921	-1,411
Restasis 0.05% eye drops (30 units/box) ; NDC: 00023-9163-30	0	3,120	3,120	10,830	0	10,830	-7,710
Zenpep DR 20,000 unit capsule (#100/bottle) 42865-0103-02 NDC: 42865-0103-02	0	800	800	1,260	0	1,260	-460

141. In addition to the above, the Board inspector determined that from on or about March 19, 2015 to on or about June 4, 2015, Respondent Century Discount Pharmacy was operating without a pharmacist-in-charge (PIC) for more than 30 days. Respondent Urasova disassociated as PIC on March 19, 2015, and the new PIC, Respondent Pezhmannia was not identified until June 5, 2015.



1 Board, between on or about January 1, 2014 and on or about December 31, 2015, these  
2 Respondents showed an overage for five drugs audited totaling 19,121 doses, and failed to have  
3 complete records of acquisition to account for the inventory dispensed. Complainant incorporates  
4 by reference paragraphs 136-142 above as though fully set forth herein.

5 **EIGHTEENTH CAUSE FOR DISCIPLINE**

6 **(Record Retention)**

7 146. Respondents Century Discount Pharmacy, Pezhmannia, Urasova, and Sharim are  
8 subject to disciplinary action under Code section 4301, subdivision (o), in conjunction with  
9 section 4105, subdivisions (a), and (c), in that between on or about July 15, 2014 to about  
10 September/October 2015, Respondent Century Discount Pharmacy used SP to purchase  
11 dangerous drugs and failed to retain the records of acquisition on the licensed premises for a  
12 period of 3 years. Complainant incorporates by reference paragraphs 136-142 above as though  
13 fully set forth herein.

14 **NINETEENTH CAUSE FOR DISCIPLINE**

15 **(Operation of Pharmacy Without Supervision)**

16 147. Respondents Century Discount Pharmacy and Sharim are subject to disciplinary  
17 action under Code sections 4301, subdivision (o), and 4305, subdivision (b), in that from on or  
18 about March 19, 2015 to on or about June 4, 2015, Respondent Century Discount Pharmacy was  
19 operating without a pharmacist-in-charge (PIC) for more than 30 days. Respondent Urasova  
20 disassociated as PIC on March 19, 2015, and the new PIC, Respondent Pezhmannia was not  
21 identified until June 5, 2015. Complainant incorporates by reference paragraph 141 above as  
22 though fully set forth herein.

23 **TWENTIETH CAUSE FOR DISCIPLINE**

24 **(Variation in Prescriptions)**

25 148. Respondent Century Discount Pharmacy is subject to disciplinary action pursuant to  
26 Code section 4301, subdivision (o), in conjunction with Code section 4052.5, subdivision (f) and  
27 California Code of Regulations, title 16, section 1716, in that between on or about January 1,  
28 2014 and on or about December 31, 2015, Respondent Century Discount Pharmacy's pharmacist,

1 Nouri Nourani deviated from a prescription order and completed 36 fills of various prescriptions  
2 without authorization from the prescriber. Complainant incorporates by reference paragraphs  
3 136-142 above as though fully set forth herein.

4 **TWENTY FIRST CAUSE FOR DISCIPLINE**

5 **(Operational Standards and Security)**

6 149. Respondents Pezhmannia, Urasova, and Sharim are subject to disciplinary action  
7 under Code section 4301, subdivision (o), in conjunction with California Code of Regulations,  
8 title 16, section 1714, subdivision (d), in that according to an audit conducted by the Board, they  
9 failed to secure records of acquisition, and otherwise were unable to account for an overage of  
10 five drugs on the dates below:

11 (a) Respondent Pezhmannia, as pharmacist in charge, for dates 6/5/15 – 12/21/15.

12 (b) Respondent Urasova, as pharmacist in charge, for dates 3/27/14 – 3/19/15.

13 (c) Respondent Sharim, as pharmacist owner, for dates 1/1/14 – 3/27/14.

14 Complainant incorporates by reference paragraphs 136-142 above as though fully set forth  
15 herein.

16 **BOARD INVESTIGATION REPORT DATED NOVEMBER 1, 2016 RE DRUG AUDIT**

17 150. In or around June of 2016, a Board inspector conducted audits of controlled  
18 substances at Respondent Century Discount Pharmacy and determined that from on or about June  
19 5, 2015 to June 10, 2016, Respondents Century Discount Pharmacy and Pezhmannia could not  
20 account for an inventory shortage of 291 amphetamine 30 mg tablets. Additionally, the Board  
21 inspector determined that from on or about December 7, 2015 to on or about May 17, 2016,  
22 Respondents Century Discount Pharmacy and Pezhmannia could not account for an inventory  
23 shortage of 6,691 mL of promethazine/codeine syrup. These shortages are further detailed in the  
24 tables below.

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Drug Name and Strength	Initial Amount	Amount Ordered WLS (A)	Total Amount (I+A)=T	Amount Dispensed or sold (D)	Amount to be Accounted for (T-D)	Stock on Hand (S)	Amount Over $S \geq T-D$	Amount Short $S \leq T-D$
Amphetamine 30 mg	81	300	381	90	291	0		291

Drug Name and Strength	Initial Amount	Amount Ordered WLS (A)	Total Amount (I+A)=T	Amount Dispensed or sold (D)	Amount to be Accounted for (T-D)	Final Amount (S)	Amount Over $S \geq T-D$	Amount Short $S \leq T-D$
Promethazine/codeine syrup	0 mL	35,002 mL	35,002 mL	28,311 mL	6, 691mL	0 mL		6, 691 mL

**TWENTY SECOND CAUSE FOR DISCIPLINE**

**(Operational Standards and Security)**

151. Respondents Century Discount Pharmacy and Pezhmannia are subject to disciplinary action under Code section 4301, subdivision (o), in conjunction with title 16, California Code of Regulations, section 1714, subdivisions (b) and (d), in that they failed to maintain security of the prescription department at Respondent Century Discount Pharmacy, or make provisions for effective control against theft or diversion of dangerous drugs and devices, and records for such drugs and devices fro, on or about June 5, 2015 to on or about June 10, 2016. Complainant incorporates by reference paragraph 150 above as though fully set forth herein.

**TWENTY THIRD CAUSE FOR DISCIPLINE**

**(Failure to Maintain a Current Inventory)**

152. Respondents Century Discount Pharmacy and Pezhmannia are subject to disciplinary action under Code section 4301, subdivision (o), in conjunction with California Code of Regulations, title 16, section 1718, requiring complete accountability for all inventory, and that all records of manufacture and of sale, acquisition, receipt, shipment, 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, in that an audit of controlled substances conducted by the Board determined that from on or about June 5, 2015 to June 10, 2016, Respondents Century Discount Pharmacy and

1 Pezhmannia could not account for an inventory shortage of 291 amphetamine 30 mg tablets.  
2 Additionally, an audit by the Board of promethazine/codeine syrup determined that from on or  
3 about February 7, 2015 to on or about May 17, 2016, Respondent Century Discount Pharmacy  
4 could not account for an inventory shortage of 6,691 mL of promethazine/codeine syrup.  
5 Complainant incorporates by reference paragraph 150 above as though fully set forth herein.

6 **TWENTY FOURTH CAUSE FOR DISCIPLINE**

7 **(Conviction of a Substantially Related Crime)**

8 153. Respondent Sharim is subject to disciplinary action under Code sections 490 and  
9 4301, subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770,  
10 in that Respondent Sharim was convicted of a crime substantially related to the qualifications,  
11 functions, or duties of a pharmacist.

12 a. On or about May 1, 2017, Respondent Sharim was convicted of one felony count of  
13 violating 18 U.S.C. section 371, in conjunction with 18 U.S.C. section 1347 [Conspiracy to  
14 Commit Health Care Fraud] in in the criminal proceeding entitled *United States of America v.*  
15 *Farhad N. Dany Sharim* (Central Dist. Ct., Western Div. 2013, No. CR 13-7450-ODW). The  
16 court sentenced Respondent Sharim to serve thirty (30) months in federal prison, and pay  
17 restitution collectively totaling \$1,901,779.79 to the victims in connection with that criminal case.

18 b. The circumstances surrounding the conviction, according to the single count in the  
19 Information filed against Respondent on or about October 16, 2013 in that case, are as follows:  
20 Beginning in or about January 2004, and continuing until in or about June 2009, Respondent  
21 Sharim, who was a co-owner of Century Discount Pharmacy throughout that time period, and  
22 others knowingly combined, conspired, and agreed to commit the following offense against the  
23 United States: Health Care Fraud, in violation of Title 18, United States Code, section 1347.  
24 Respondent Sharim and other persons obtained prescriptions for drugs in the names of patients  
25 whom Respondent Sharim knew had not been seen by a physician or other medical professional  
26 with the authority to write prescriptions for drugs. Respondent Sharim would then submit and  
27 cause to be submitted to health care benefit providers false and fraudulent claims for prescription  
28 drugs for the patients whose names had been provided by another, even though Respondent

1 Sharim knew that Century Discount Pharmacy had not filled these prescriptions and had not  
2 dispensed the drugs to these patients. The health care benefit program would then reimburse  
3 Century Discount Pharmacy for the claim by making an electronic payment or by mailing a check  
4 for deposit into their account.

5 **TWENTY FIFTH CAUSE FOR DISCIPLINE**

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

7 154. Respondent Sharim is subject to disciplinary action under Code section 4301,  
8 subdivisions (a) and (f), in that Respondent committed acts of dishonesty, fraud, deceit, or  
9 corruption. Complainant refers to, and by this reference incorporates the allegations set forth in  
10 paragraph 153 above, as though set forth fully.

11 **BOARD INVESTIGATION REPORT DATED JUNE 14, 2017**

12 155. Between April 19, 2017 and June 9, 2017, a Board investigation conducted in regard  
13 to Respondent Century Discount Pharmacy determined that while employed at Respondent  
14 Century Discount Pharmacy, pharmacy technician R.R. was in possession of a key which  
15 unlocked a portion of said pharmacy. The same investigation also revealed that pharmacy  
16 technician R.R. accessed the will call area of said pharmacy and sold prescriptions there when a  
17 pharmacist was not on duty.

18 **TWENTY SIXTH CAUSE FOR DISCIPLINE**

19 **(Possession of Pharmacy Key Restricted to a Pharmacist)**

20 156. Respondent Century Discount Pharmacy is subject to disciplinary action under  
21 California Code of Regulations, title 16, section 1714, subdivisions (d) and (e), in that while  
22 employed at Respondent Century Discount Pharmacy, pharmacy technician R.R. was in  
23 possession of a key which unlocked a portion of said pharmacy. Complainant refers to, and by  
24 this reference incorporates the allegations set forth in paragraph 155 above, as though set forth  
25 fully.

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1 **TWENTY SEVENTH CAUSE FOR DISCIPLINE**

2 **(Staff Access to Pharmacy Under Pharmacist's Discretion)**

3 157. Respondent Century Discount Pharmacy is subject to disciplinary action under Code  
4 section 4116, subdivisions (a) and (b), in that while employed at Respondent Century Discount  
5 Pharmacy, pharmacy technician R.R. accessed the will call area of said pharmacy and sold  
6 prescriptions there when a pharmacist was not on duty. Complainant refers to, and by this  
7 reference incorporates the allegations set forth in paragraph 155 above, as though set forth fully.

8 **DISCIPLINE CONSIDERATIONS**

9 158. To determine the degree of discipline, if any, to be imposed on Respondent Century  
10 Discount Pharmacy, Complainant alleges that on or about June 27, 2014, the Board issued  
11 Citation No. CI 2013 58602 to Respondent Century Discount Pharmacy for violating California  
12 Code of Regulations, title 16, section 1714 subdivision (b) when an audit conducted for the period  
13 8-14-2013 to 9-6-2013 revealed a shortage of 312 tablets of alprazolam 2 mg. which could not be  
14 accounted for. That Citation is now final and is incorporated by reference as if fully set forth  
15 herein.

16 **OTHER MATTERS**

17 159. Pursuant to section 4307, if discipline is imposed on Pharmacy Permit Number PHY  
18 39871 issued to Century Discount Pharmacy, Inc., doing business as Century Discount Pharmacy,  
19 Century Discount Pharmacy, Inc. shall be prohibited from serving as a manager, administrator,  
20 owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy  
21 Permit Number PHY 39871 is placed on probation or until Pharmacy Permit Number PHY 39871  
22 is reinstated if the license is revoked.

23 160. Pursuant to section 4307, if discipline is imposed on Pharmacy Permit Number PHY  
24 39871 issued to Century Discount Pharmacy, Inc., doing business as Century Discount Pharmacy,  
25 while Farhad D. Sharim and/or Joseph Amin have been an officer or owner, and had knowledge  
26 of, or knowingly participated in, any conduct for which Century Discount Pharmacy, Inc. was  
27 disciplined, Farhad D. Sharim and/or Joseph Amin shall be prohibited from serving as a manager,  
28 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if

1 Pharmacy Permit Number PHY 39871 is placed on probation or until Pharmacy Permit Number  
2 PHY 39871 is reinstated if the license is revoked.

3 **PRAYER**

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

6 1. Revoking or suspending Permit Number PHY 39871, issued to Century Discount  
7 Pharmacy, Inc., Farhad D. Sharim, Joseph Amin;

8 2. Prohibiting Farhad D. Sharim and Joseph Amin from serving as a manager,  
9 administrator, owner, member, officer, director, associate, or partner of a licensee for five years  
10 if Pharmacy Permit Number PHY 39871 is placed on probation or until Pharmacy Permit  
11 Number PHY 39871 is reinstated if Pharmacy Permit Number PHY 39871 issued to Century  
12 Discount Pharmacy, Inc., doing business as Century Discount Pharmacy is revoked;

13 3. Revoking or suspending Pharmacist License Number RPH 46183, issued to Farhad  
14 D. Sharim;

15 4. Prohibiting Farhad D. Sharim from serving as a manager, administrator, owner,  
16 member, officer, director, associate, or partner of a licensee for five years if Pharmacist License  
17 Number RPH 46183 is placed on probation or until Pharmacist License Number RPH 46183 is  
18 reinstated if Pharmacist License Number RPH issued to 46183 Farhad D. Sharim is revoked;

19 5. Revoking or suspending Pharmacist License Number RPH 45267, issued to Jong Am  
20 Kim;

21 6. Revoking or suspending Pharmacist License Number RPH 57944, issued to Katerina  
22 Urasova;

23 7. Revoking or suspending Pharmacist License Number RPH 70233, issued to David  
24 Pezhmannia;

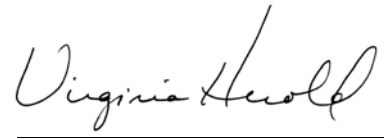
25 8. Ordering Farhad D. Sharim, Joseph Amin, Jong Am Kim, Katerina Urasova, and  
26 David Pezhmannia to pay the Board of Pharmacy the reasonable costs of the investigation and  
27 enforcement of this case, pursuant to Business and Professions Code section 125.3; and

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

DATED: December 21, 2017



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