

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

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

COMPLETE INFUSION CARE, CIC, INC.,  
Pharmacy Permit No. PHY 53829,  
Sterile Compounding License No. LSC  
100883,

Petitioner.

Case No. 4907

OAH No. 2018120123

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

ALI POURMOLA,  
Pharmacist License No. RPH 48035,

Petitioner.

Case No. 4907

OAH No. 2018120124

**DECISION**

A quorum of the Board of Pharmacy (Board) heard these matters on December 14, 2018, in Irvine, California. Administrative Law Judge Howard W. Cohen of the Office of Administrative Hearings presided.

Desiree Tulleners, Deputy Attorney General, represented the Attorney General under Business and Professions Code section 4309 and Government Code section 11522.

Michael Houske, Attorney at Law, General Counsel and Executive Vice President of Complete Infusion Care, CIC, Inc., (CIC) represented petitioners CIC and Ali Pourmola, who was present. The parties stipulated that both petitions should be heard together and a single decision should issue.

Evidence was received, the record was closed, and the matters were submitted for decision on December 14, 2018, following which the Board met in executive session and decided the matters on the day of hearing.

## FACTUAL FINDINGS

### *Parties and Jurisdiction*

1. The Board issued Pharmacy Permit number PHY 46839 to petitioner CIC on September 22, 2004. The permit expired on March 4, 2016. The Board issued Sterile Compounding License number LSC 99250 to petitioner CIC on November 15, 2004. The license expired on March 7, 2016. The Board issued petitioner CIC its current Pharmacy Permit, number PHY 53829, on March 4, 2016; the permit is scheduled to expire on March 1, 2019. The Board issued petitioner CIC its current Sterile Compounding License, number LSC 100883, on March 7, 2016; the license is scheduled to expire on March 1, 2019. The original pharmacy permit and sterile compounding license were subject to discipline in Case No. 4907; in exchange for issuing CIC a new permit and license for a new pharmacy location, petitioner agreed that Pharmacy Permit number PHY 53829 and Sterile Compounding License number LSC 100883 would be subject to the disciplinary order issued with respect to the original permit and license in Case No. 4907. (See Factual Finding 4.)

2. The Board issued Pharmacist License number RPH 48035 to petitioner Pourmola on August 8, 1995. The license is scheduled to expire on October 31, 2020.

3. On July 5, 2018, CIC filed a Petition for Early Termination of Probation with the Board. On October 12, 2018, petitioner Pourmola filed a Petition for Early Termination with the Board.

### *Disciplinary History*

4. On May 18, 2016, the Board issued a Decision and Order in Case No. 4907, effective June 17, 2016, adopting a Stipulated Settlement and Disciplinary Order as to Complete Infusion Care and Ali Pourmola. The Decision and Order revoked petitioner CIC's retail pharmacy permit and sterile compounding license, stayed the revocation, and placed petitioner CIC on four years' probation on certain terms and conditions, including that petitioner CIC pay the Board \$10,333 for costs of investigation and prosecution and \$10,000 as an administrative penalty, stipulate to the Board's continuing jurisdiction over a new permit and license to be issued at petitioner CIC's request as a result of a change in location, comply with all laws governing the practice of pharmacy, pay monitoring costs, and cooperate with Board-requested inspections.

5. On September 23, 2016, the Board issued a Decision and Order in Case No. 4907, effective October 24, 2016, adopting a Stipulated Settlement and Disciplinary Order as to Ali Pourmola. The Decision and Order revoked petitioner Pourmola's pharmacist license, stayed the revocation, and placed petitioner Pourmola on four years' probation on certain terms and conditions, including that petitioner Pourmola pay the Board \$10,333 for costs of investigation and prosecution and \$10,000 as an administrative penalty, stipulate to the Board's continuing jurisdiction, comply with all laws governing the practice of pharmacy, cooperate with Board-requested inspections, complete at least 10 hours of remedial education relating to

compounding and enroll in an ethics program, and engage in the supervised practice of pharmacy for 50 percent of the work week.

6. Both the CIC and the Pourmola Decision and Orders recited that the petitioner in each matter admitted that the charges and allegations in the Fourth Amended Accusation (Accusation) filed in the case, if proven at a hearing, would constitute cause for license discipline, that the complainant could establish a factual basis for the charges, that petitioner waived its right to contest those charges, and that its permit and license was subject to discipline.

7. The Accusation was based on an October 2012 inspection that revealed various violations. The Accusation stated, against petitioner CIC, three causes for discipline for unprofessional conduct (staff training in injectable compounding, compounding limitations and requirements, and recordkeeping of compounded drug products), and five additional causes for discipline, for sale of drugs lacking quality of strength, erroneous or uncertain prescription, labeling requirements, sterile injectable labeling requirements, and records of compounding products. Only the fifth cause for discipline, for erroneous or uncertain prescription, was also stated against petitioner Pourmola.

#### *Petition for Reinstatement*

8. Both petitioners are in full compliance with their terms of probation. Petitioners CIC and Pourmola have paid the Board's costs in full. Petitioner CIC has been paying monitoring costs as required. Petitioner Pourmola has completed the ethics course and the continuing education courses required by the terms of his probation.

9. Collective rehabilitative efforts since the 2012 violations demonstrate significant changes in the pharmacy's operations, including such areas as training, sterile compounding procedures, oversight, labeling, and recordkeeping. Since Dr. Avedis Kojayan became Pharmacist-in-Charge (PIC) in January 2, 2013, petitioner CIC has not been cited for any violations.

10. Petitioner Pourmola testified that, with respect to the Fourth Amended Accusation, he was entirely responsible for failing to document his correction of an incorrect prescription dose, and that he recognizes the importance of accurate documentation. Changes have been made to pharmacy policies and procedures to ensure accurate documentation.

11. The Board has considered all evidence petitioners CIC and Pourmola presented in support of the Petitions. Petitioners established, by clear and convincing evidence, rehabilitation sufficient to warrant early termination of probation. They have implemented safety measures and redundant systems and have passed nine inspections. The current PIC at CIC understands the issues leading to the Accusation and has taken all necessary remedial actions. Petitioner Pourmola has accepted full responsibility for his actions and is in full compliance with the terms of his probation. Neither petitioner poses a clear risk to public safety.

LEGAL CONCLUSIONS

1. A petitioner must prove rehabilitation and that probation should be terminated early by clear and convincing evidence. (See, e.g., *Flanzer v. Board of Dental Examiners* (1990) 220 Cal.App.3d 1392, 1398; *Hippard v. State Bar* (1989) 49 Cal.3d 1084, 1091-1092.) The showing of rehabilitation must be sufficient to overcome the Board’s former adverse determination. (See, e.g., *Housman v. Board of Medical Examiners* (1948) 84 Cal.App.2d 308, 315-316.) In deciding whether to grant a petition for early termination of probation, the Board may consider, among other factors, petitioner’s activities since discipline was imposed, petitioner’s offense, and petitioner’s documented rehabilitative efforts. (Bus. & Prof. Code, § 4309, subd. (d).)

2. Based on its factual findings, the Board concludes that cause exists to grant the Petitions for Early Termination of Probation under Government Code section 11522 and Business and Professions Code section 4309.

ORDER

The Petition for Early Termination of Probation of Pharmacy Permit number 53829 (originally imposed on permit number 46839) and Sterile Compounding License number 100883 (originally imposed on license number 99250), issued to petitioner Complete Infusion Care, CIC, Inc., is granted.

The Petition for Early Termination of Probation of Pharmacist License number RPH 48035, issued to petitioner Ali Pourmola, is granted.

This Decision shall be effective March 7, 2019.

DATED: February 28, 2019



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Victor Law, R.Ph., President  
Board of Pharmacy  
State of California

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

Case No. 4907

8 In the Matter of the Fourth Amended  
9 Accusation Against:

**STIPULATION FOR  
CONTINUING JURISDICTION**

10 **COMPLETE INFUSION CARE; ALI**  
11 **POURMOLA**  
12 8588 Venice Blvd.  
13 Los Angeles, CA 90034  
14 Pharmacy Permit No. PHY 46839  
15 Sterile Compounding License No. LSC 99250,  
16 Respondent.

17 **IT IS HEREBY STIPULATED AND AGREED** by and between the undersigned parties  
18 that the following is true:

19 1. The parties to this agreement are **Virginia Herold**, acting in her official capacity as  
20 the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs, and  
21 **Ali Pournola**, President authorized representative of Complete Infusion Care, 8588 Venice Blvd.,  
22 Los Angeles, California 90034.

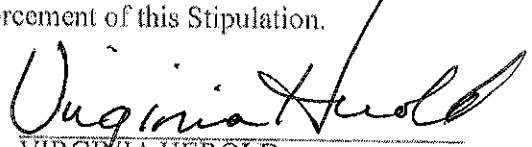
23 2. On or about August 18, 2015, Complete Infusion Care CIC, Inc., 2310 S. Sepulveda  
24 Blvd, Los Angeles, California 90064 (hereinafter "applicant") submitted an application to the  
25 Board for change of location of Complete Infusion Care, 8588 Venice Blvd., Los Angeles,  
26 California 90034 (Original Permit No. PHY 46839 and Sterile Compounding Permit No. LSC  
27 99250). The granting of the application would require the cancellation of Original Permit No.  
28 PHY 46839 and LSC 99250 issued to Complete Infusion Care, 8588 Venice Blvd., Los Angeles,  
California 90034, and the issuance of a new original permit number to applicant pursuant to  
Business and Professions Code section 4201(f).

1           3.     The existing permit (Original Permit No. PHY 46839 and Sterile Compounding  
2 Permit No. LSC 99250) is currently the subject of a disciplinary order issued effective June 17,  
3 2016, by the Board in the disciplinary matter entitled *In The Matter of Accusation Against*  
4 *Complete Infusion Care, et al.*, Board of Pharmacy Case No. 4907. A true and correct copy of the  
5 decision and order in this matter is attached hereto as **Exhibit A** and incorporated by this  
6 reference.


7           4.     In exchange for processing and issuance of the new permit pursuant to the change in  
8 location, applicant understands and agrees that the Board shall have continuing jurisdiction over  
9 the new permit issued to applicant such that the disciplinary order issued by the Board in Case  
10 No. 4907, including any terms and conditions and remaining tenure of probation, shall carry  
11 forward and be applicable to the new permit issued to applicant. The Board hereby waives any  
12 right it may have had to deny issuance of the new permit.

13           5.     A portable document format (PDF) or facsimile signature on this document shall be  
14 binding as an original signature. Parties agree to use of PDF or facsimile signatures in lieu of  
15 original signatures for all purposes relevant to enforcement of this Stipulation.

16  
17 Dated: 5/17/17

  
VIRGINIA HEROLD  
Executive Officer  
California Board of Pharmacy

18  
19  
20  
21 Dated: 12/12/16

  
ALI POURMOLA  
President  
Complete Infusion Care CIC Inc.

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# Exhibit A

Final Decision and Order  
Pharmacy Board Disciplinary Case No. 5907

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

In the Matter of the Fourth Amended Accusation  
Against:

**COMPLETE INFUSION CARE; ALI  
POURMOLA  
8588 Venice Blvd.  
Los Angeles, CA 90034  
Pharmacy Permit No. PHY 46839  
Sterile Compounding License No. LSC  
99250,**

And

**ALI POURMOLA  
P.O. Box 49251  
Los Angeles, CA 90049  
Pharmacist License No. RPH 48035,**

Respondents.

Case No. 4907

OAH No. 2015020271

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER AS TO  
COMPLETE INFUSION CARE; ALI  
POURMOLA 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 June 17, 2016.

It is so ORDERED on May 18, 2016.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
Amy Gutierrez, Pharm.D.  
Board President



1 KAMALA D. HARRIS  
Attorney General of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
3 LESLIE A. WALDEN  
Deputy Attorney General  
4 State Bar No. 196882  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-3465  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*

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

10  
11 In the Matter of the Fourth Amended  
Accusation Against:  
12 **COMPLETE INFUSION CARE; ALI**  
**POURMOLA**  
13 **8588 Venice Blvd.**  
**Los Angeles, CA 90034**  
14 **Pharmacy Permit No. PHY 46839**  
**Sterile Compounding License No. LSC**  
15 **99250,**  
16  
17 **And**  
18 **ALI POURMOLA**  
**P.O. Box 49251**  
19 **Los Angeles, CA 90049**  
**Pharmacist License No. RPH 48035,**  
20  
21  
22 Respondents.

Case No. 4907  
OAH No. 2015020271  
**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER AS TO**  
**COMPLETE INFUSION CARE; ALI**  
**POURMOLA**

23  
24 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
25 entitled proceedings that the following matters are true:

26 **PARTIES**

27 1. Virginia Herold ("Complainant") is the Executive Officer of the Board of Pharmacy.  
28 She brought this action solely in her official capacity and is represented in this matter by Kamala

1 D. Harris, Attorney General of the State of California, by Leslie A. Walden, Deputy Attorney  
2 General.

3 2. Respondent Complete Infusion Care; Ali Pourmola ("Respondent") is represented in  
4 this proceeding by attorney Michael Houske, whose address is: Complete Infusion Care 8588  
5 Venice, California 90034.

6 3. On or about September 22, 2004, the Board of Pharmacy issued Pharmacy Permit No.  
7 PHY 46839 to Respondent. The Pharmacy Permit expires on September 1, 2016.

8 4. On or about November 15, 2004, the Board of Pharmacy issued Sterile Compounding  
9 License No. LSC 99250 to Respondent. The Sterile Compounding License expires on  
10 September 1, 2016.

11 **JURISDICTION**

12 5. Accusation No. 4907 was filed before the Board of Pharmacy (Board), Department of  
13 Consumer Affairs, and is currently pending against Respondent. The original Accusation and all  
14 other statutorily required documents were properly served on Respondent on September 5, 2014.  
15 Respondent timely filed his Notice of Defense contesting the Accusation. The Accusation was  
16 subsequently amended and the operative Accusation in the matter is the Fourth Amended  
17 Accusation, which was served on February 2, 2016.

18 6. A copy of the Fourth Amended Accusation No. 4907 is attached as exhibit A and  
19 incorporated herein by reference.

20 **ADVISEMENT AND WAIVERS**

21 7. Respondent has carefully read, fully discussed with counsel, and understands the  
22 charges and allegations in Accusation No. 4907. Respondent has also carefully read, fully  
23 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary  
24 Order.

25 8. Respondent is fully aware of his legal rights in this matter, including the right to a  
26 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at  
27 his own expense; the right to confront and cross-examine the witnesses against him; the right to  
28 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel

1 the attendance of witnesses and the production of documents; the right to reconsideration and  
2 court review of an adverse decision; and all other rights accorded by the California  
3 Administrative Procedure Act and other applicable laws.

4 9. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
5 every right set forth above.

#### 6 CULPABILITY

7 10. Respondent understands and agrees that the charges and allegations in Accusation  
8 No. 4907, if proven at a hearing, constitute cause for imposing discipline upon its Pharmacy  
9 Permit No. PHY 46839 and Sterile Compounding License No. LCS 99250.

10 11. For the purpose of resolving the Accusation without the expense and uncertainty of  
11 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual  
12 basis for the charges in the Accusation, and that Respondent hereby gives up its right to contest  
13 those charges.

14 12. Respondent agrees that its Pharmacy Permit is subject to discipline and agrees to be  
15 bound by the Board's probationary terms as set forth in the Disciplinary Order below.

#### 16 CONTINGENCY

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

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



1 handling, distributing, billing, or charging for any drug, device or controlled  
2 substance.

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

4 **2. Report to the Board**

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

13 **3. Interview with the Board**

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

19 **4. Cooperate with Board Staff**

20 Respondent owner shall cooperate with the board's inspection program and with the board's  
21 monitoring and investigation of respondent's compliance with the terms and conditions of his  
22 probation. Failure to cooperate shall be considered a violation of probation.

23 **5. Reimbursement of Board Costs**

24 As a condition precedent to successful completion of probation, respondent owner shall pay  
25 to the board its costs of investigation and prosecution in the amount of \$10,339.00. Failure to pay  
26 costs by the deadline(s) as directed shall be considered a violation of probation.

27 The filing of bankruptcy by respondent owner shall not relieve Respondent of its  
28 responsibility to reimburse the board its costs of investigation and prosecution.

1           **6. Probation Monitoring Costs**

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

6           **7. Status of License<sup>1</sup>**

7           Respondent owner shall, at all times while on probation, maintain current licensure with the  
8 board. If Respondent owner submits an application to the board, and the application is approved,  
9 for a change of location, change of permit or change of ownership, the board shall retain  
10 continuing jurisdiction over the license, and the respondent shall remain on probation as  
11 determined by the board. Failure to maintain current licensure shall be considered a violation of  
12 probation.

13           If respondent owner's license expires or is cancelled by operation of law or otherwise at any  
14 time during the period of probation, including any extensions thereof or otherwise, upon renewal  
15 or reapplication respondent owner's license shall be subject to all terms and conditions of this  
16 probation not previously satisfied.

17           **8. License Surrender While on Probation/Suspension**

18           Following the effective date of this decision, should respondent owner discontinue  
19 business, respondent owner may tender the premises license to the board for surrender. The  
20 board or its designee shall have the discretion whether to grant the request for surrender or take  
21 any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of  
22 the license, respondent will no longer be subject to the terms and conditions of probation.

23           Upon acceptance of the surrender, respondent owner shall relinquish the premises wall and  
24 renewal license to the board within ten (10) days of notification by the board that the surrender is  
25 accepted. Respondent owner shall further submit a completed Discontinuance of Business form  
26 according to board guidelines and shall notify the board of the records inventory transfer.

27 \_\_\_\_\_  
28           <sup>1</sup> License means license and/or pharmacy permit.

1           Respondent owner shall also, by the effective date of this decision, arrange for the  
2 continuation of care for ongoing patients of the pharmacy by, at minimum, providing a written  
3 notice to ongoing patients that specifies the anticipated closing date of the pharmacy and that  
4 identifies one or more area pharmacies capable of taking up the patients' care, and by cooperating  
5 as may be necessary in the transfer of records or prescriptions for ongoing patients. Within five  
6 days of its provision to the pharmacy's ongoing patients, respondent owner shall provide a copy  
7 of the written notice to the board. For the purposes of this provision, "ongoing patients" means  
8 those patients for whom the pharmacy has on file a prescription with one or more refills  
9 outstanding, or for whom the pharmacy has filled a prescription within the preceding sixty (60)  
10 days.

11           Respondent owner may not apply for any new licensure from the board for three (3) years  
12 from the effective date of the surrender. Respondent owner shall meet all requirements applicable  
13 to the license sought as of the date the application for that license is submitted to the board.

14           Respondent owner further stipulates that he or she shall reimburse the board for its costs of  
15 investigation and prosecution prior to the acceptance of the surrender.

16           **9. Notice to Employees**

17           Respondent owner shall, upon or before the effective date of this decision, ensure that all  
18 employees involved in permit operations are made aware of all the terms and conditions of  
19 probation, either by posting a notice of the terms and conditions, circulating such notice, or both.  
20 If the notice required by this provision is posted, it shall be posted in a prominent place and shall  
21 remain posted throughout the probation period. Respondent owner shall ensure that any  
22 employees hired or used after the effective date of this decision are made aware of the terms and  
23 conditions of probation by posting a notice, circulating a notice, or both. Additionally,  
24 respondent owner shall submit written notification to the board, within fifteen (15) days of the  
25 effective date of this decision, that this term has been satisfied. Failure to submit such  
26 notification to the board shall be considered a violation of probation.

27           "Employees" as used in this provision includes all full-time, part-time,  
28 volunteer, temporary and relief employees and independent contractors employed or

1 hired at any time during probation.

2 **10. Owners and Officers: Knowledge of the Law**

3 Respondent shall provide, within thirty (30) days after the effective date of this decision,  
4 signed and dated statements from its owners, including any owner or holder of ten percent (10%)  
5 or more of the interest in respondent or respondent's stock, and any officer, stating under penalty  
6 of perjury that said individuals have read and are familiar with state and federal laws and  
7 regulations governing the practice of pharmacy. The failure to timely provide said statements  
8 under penalty of perjury shall be considered a violation of probation.

9 **11. Posted Notice of Probation**

10 Respondent owner shall prominently post a probation notice provided by the board in a  
11 place conspicuous and readable to the public. The probation notice shall remain posted during  
12 the entire period of probation.

13 Respondent owner shall not, directly or indirectly, engage in any conduct or make any  
14 statement which is intended to mislead or is likely to have the effect of misleading any patient,  
15 customer, member of the public, or other person(s) as to the nature of and reason for the probation  
16 of the licensed entity.

17 Failure to post such notice shall be considered a violation of probation.

18 **12. Violation of Probation**

19 If a respondent owner has not complied with any term or condition of probation, the board  
20 shall have continuing jurisdiction over respondent license, and probation shall be automatically  
21 extended until all terms and conditions have been satisfied or the board has taken other action as  
22 deemed appropriate to treat the failure to comply as a violation of probation, to terminate  
23 probation, and to impose the penalty that was stayed.

24 If respondent owner violates probation in any respect, the board, after giving respondent  
25 owner notice and an opportunity to be heard, may revoke probation and carry out the disciplinary  
26 order that was stayed. Notice and opportunity to be heard are not required for those provisions  
27 stating that a violation thereof may lead to automatic termination of the stay and/or revocation of  
28 the license. If a petition to revoke probation or an accusation is filed against respondent during



1 probation, the board shall have continuing jurisdiction and the period of probation shall be  
2 automatically extended until the petition to revoke probation or accusation is heard and decided,  
3 and the charges and allegations in the Fourth Amended Accusation shall be deemed true and  
4 correct.

5 **13. Completion of Probation**

6 Upon written notice by the board or its designee indicating successful completion of  
7 probation, respondent license will be fully restored.

8 **14. Separate File of Records**

9 Respondent owner shall maintain and make available for inspection a separate file of all  
10 records pertaining to the acquisition or disposition of all controlled substances. Failure to  
11 maintain such file or make it available for inspection shall be considered a violation of probation.

12 **15. Administrative Penalty**

13 As a condition precedent to successful completion of probation, Respondent Pharmacy shall  
14 pay to the Board an administrative penalty in the amount of \$10,000.00. Respondent shall make  
15 said payments on a payment plan approved by the Board. Respondent Pourmola and Respondent  
16 Pharmacy shall be jointly and severally liable for the administrative penalty. There shall be no  
17 deviation from this schedule absent prior written approval by the board or its designee. Failure to  
18 pay the administrative penalty by the deadline(s) as directed shall be considered a violation of  
19 probation.

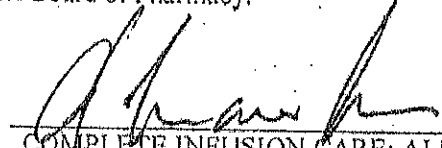
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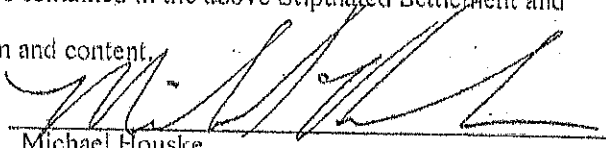
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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Michael Houske. I understand the stipulation and the effect it will have on my Pharmacy Permit, and Sterile Compounding License. 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: 2/4/2016   
COMPLETE INFUSION CARE; ALI POURMOLA  
Respondent

I have read and fully discussed with Respondent Complete Infusion Care; Ali Pourmola the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

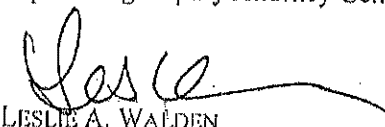
DATED: 2-04-2016   
Michael Houske  
Attorney for Respondent

ENDORSEMENT

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

Dated: 2/8/16

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

  
LESLIE A. WALDEN  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Fourth Amended Accusation No. 4907**

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7

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

10 In the Matter of the Fourth Amended  
11 Accusation Against:

Case No. 4907

**FOURTH AMENDED ACCUSATION**

12 **COMPLETE INFUSION CARE; ALI**  
13 **POURMOLA**  
14 **8588 Venice Blvd.**  
15 **Los Angeles, CA 90034**  
16 **Pharmacy Permit No. PHY 46839**  
17 **Sterile Compounding License No. LCS**  
18 **99250,**

19 **and**

20 **ALI POURMOLA**  
21 **P.O. Box 49251**  
22 **Los Angeles, CA 90049**  
23 **Pharmacist License No. RPH 48035,**

24 Respondents.

25 Complainant alleges:

26 **PARTIES**

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



1 may issue the license subject to any terms or conditions not contrary to public policy, including,  
2 but not limited to, the following:

3 "(1) Medical or psychiatric evaluation.

4 "(2) Continuing medical or psychiatric treatment.

5 "(3) Restriction of type or circumstances of practice.

6 "(4) Continuing participation in a board-approved rehabilitation program.

7 "(5) Abstention from the use of alcohol or drugs.

8 "(6) Random fluid testing for alcohol or drugs.

9 "(7) Compliance with laws and regulations governing the practice of pharmacy.

10 "(d) The board may initiate disciplinary proceedings to revoke or suspend any probationary  
11 certificate of licensure for any violation of the terms and conditions of probation. Upon  
12 satisfactory completion of probation, the board shall convert the probationary certificate to a  
13 regular certificate, free of conditions.

14 "(e) The proceedings under this article shall be conducted in accordance with Chapter 5  
15 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board  
16 shall have all the powers granted therein. The action shall be final, except that the propriety of  
17 the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of  
18 Civil Procedure."

19 7. Section 4301 of the Code states:

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

23 "...

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

28 "(p) Actions or conduct that would have warranted denial of a license."

1           8.       Section 4300.1 of the Code states:

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

7           9.       Section 4076 of the Code states:

8           "(a) A pharmacist shall not dispense any prescription except in a container that meets the  
9 requirements of state and federal law and is correctly labeled with all of the following:

10          "..."

11          (9) The expiration date of the effectiveness of the drug dispensed.

12          "...."

13          10.       Section 4342 of the Code states:

14          "(a) The board may institute any action or actions as may be provided by law and that, in its  
15 discretion, are necessary, to prevent the sale of pharmaceutical preparations and drugs that do not  
16 conform to the standard and tests as to quality and strength, provided in the latest edition of the  
17 United States Pharmacopoeia or the National Formulary, or that violate any provision of the  
18 Sherman Food, Drug and Cosmetic Law (Part 5 (commencing with Section 109875) of Division  
19 104 of the Health and Safety Code)."

20          "(b) Any knowing or willful violation of any regulation adopted pursuant to Section 4006  
21 shall be subject to punishment in the same manner as is provided in Sections 4336 and 4321."

22          11.       Section 4169 of the Code states:

23          "(a) A person or entity may not do any of the following:

24          "..."

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

28          "...."

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12. Section 4307 of the Code states:

“Individuals with Denied, Revoked, Suspended, etc. Licenses Prohibited From Pharmacy Ownership or Association with Board Licensed Entities”

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

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

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

“(b) “Manager, administrator, owner, member, officer, director, associate, or partner,” as used in this section and Section 4308, may refer to a pharmacist or to any other person who serves in that capacity in or for a licensee.

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



1 REGULATIONS

2 13. California Code of Regulations, title 16, section 1770, states:

3 "For the purpose of denial, suspension, or revocation of a personal or facility license  
4 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a  
5 crime or act shall be considered substantially related to the qualifications, functions or duties of a  
6 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a  
7 licensee or registrant to perform the functions authorized by his license or registration in a manner  
8 consistent with the public health, safety, or welfare."

9 14. California Code of Regulations, title 16, section 1751.6, subdivisions (a) (b) and (c)  
10 states:

11 "(a) Consultation shall be available to the patient and/or primary caregiver concerning  
12 proper use of sterile injectable products and related supplies furnished by the pharmacy."

13 "(b) The pharmacist-in-charge shall be responsible to ensure all pharmacy personnel  
14 engaging in compounding sterile injectable drug products shall have training and demonstrated  
15 competence in the safe handling and compounding of sterile injectable products, including  
16 cytotoxic agents if the pharmacy compounds products with cytotoxic agents."

17 "(c) Records of training and demonstrated competence shall be available for each individual  
18 and shall be retained for three years beyond the period of employment."

19 15. California Code of Regulations, title 16, section 1735.2 subdivision (d)(5), states:

20 "..."

21 "(d) A drug product shall not be compounded until the pharmacy has first prepared a  
22 written master formula record that includes at least the following elements:"

23 "..."

24 "(5) Process and/or procedure used to prepare the drug."

25 16. California Code of Regulations, title 16, section 1735.3 subdivision (a)(7), states:

26 "(a) For each compounded drug product, the pharmacy records shall include:

27 "..."

1                   “(7) A pharmacy assigned reference or lot number for the compounded drug  
2 product.”

3           17. California Code of Regulations, title 16, section 1761 subdivision (a) states:

4           “(a) No pharmacist shall compound or dispense any prescription which contains any  
5 significant error, omission, irregularity, uncertainty, ambiguity or alteration. Upon receipt of any  
6 such prescription, the pharmacist shall contact the prescriber to obtain the information needed to  
7 validate the prescription.”

8           18. California Code of Regulations, title 16, section 1751.2 subdivision (c) states:

9           “In addition to the labeling information required under Business and Professions Code  
10 section 4076 and section 1735.4, a pharmacy which compounds sterile injectable products shall  
11 include the following information on the labels for those products:

12           “...”

13           “(c) Instructions for storage and handling.”

14           “...”

15           19. California Code of Regulations, title 16, section 1735.4 states:

16           “(a) In addition to the labeling information required under Business and Professions Code  
17 section 4076, the label of a compounded drug product shall contain the generic name(s) of the  
18 principal active ingredient(s).”

19           “(b) A statement that the drug has been compounded by the pharmacy shall be included on  
20 the container or on the receipt provided to the patient.”

21           “(c) Drug products compounded into unit-dose containers that are too small or otherwise  
22 impractical for full compliance with subdivisions (a) and (b) shall be labeled with at least the  
23 name(s) of the active ingredient(s), concentration or strength, volume or weight, pharmacy  
24 reference or lot number, and expiration date.”

25           20. California Code of Regulations, title 16, section 1735.3 subdivision (a)(2) states:

26           “(a) For each compounded drug product, the pharmacy records shall include:

27           “...”

28           “(2) The date the drug product was compounded.”





1 prepare and compound the preservative free non-sterile to sterile morphine 50 mg/ml +  
2 bupivacaine 30 mg/ml compound on the Compound Sheet under "Mix Instructions".

3 **THIRD CAUSE FOR DISCIPLINE**

4 [Unprofessional Conduct (Record Keeping of Compounded Drug Products) - Complete Infusion  
5 Care]

6 31. Respondent Complete Infusion Care is subject to disciplinary action under Business  
7 and Professions Code section 4301, subdivision (o) in conjunction with California Code of  
8 Regulations, title 16, section 1735.3 subdivision (a), which states (a) for each compounded drug  
9 product, the pharmacy records failed to include: (7) the equipment used in compounding the drug  
10 product. The circumstances are as follows:

11 32. On or about October 16, 2012, an onsite inspection by the Board of Pharmacy  
12 revealed that at Complete Infusion Care, the compounding records dated January 23, 2012 for RX  
13 6850 and June 7, 2012 for RX 8437 for patient C.B.<sup>1</sup> did not document the equipment used in the  
14 compounding of the preservative free non-sterile to sterile morphine 50 mg/ml + bupivacaine 30  
15 mg/ml compound on the Compound Sheet.

16 **FOURTH CAUSE FOR DISCIPLINE**

17 [Sale of Drugs Lacking Quality of Strength - Complete Infusion Care]

18 33. Respondents Complete Infusion Care is subject to disciplinary action under Business  
19 and Professions Code section 4342 and 4169 subdivision (a)(3) in that Respondent sold and/or  
20 transferred dangerous drugs that a reasonable person would know or reasonably should have  
21 known were misbranded. The circumstances are as follows:

22 34. On or about March 8, 2012, April 9, 2012, and May 25, 2012, Respondent dispensed  
23 sterile injectable compound Carimune 20gm RX Nos. 7267, 7673, and 8258 with labeled  
24 expiration dates of six (6) days, six (6) days and three (3) days, respectively, after preparation.  
25 The manufacturers beyond the use date for Carimune was within twenty-four hours of  
26 reconstitution of the drug. Complete Infusion Care conducted and obtained extended stability and

27 <sup>1</sup> The patient's initials are used throughout this pleading in lieu of the patient name in  
28 order to protect patient privacy rights.

1 potency testing results for Carimune on April 25, 2014, but did not have extended stability and  
2 potency data at the time the Carimune was dispensed on March 8, 2012, April 9, 2012, and May  
3 25, 2012.

4 **FIFTH CAUSE FOR DISCIPLINE**

5 [Erroneous or Uncertain Prescription - Complete Infusion Care and Ali Pourmola]

6 35. Respondents Complete Infusion Care and Ali Pourmola are subject to disciplinary  
7 action under Business and Professions Code section 4300 in conjunction with California Code of  
8 Regulations, title 16, section 1761 subdivision (a) in that Respondents dispensed a prescription  
9 which contained significant errors, omissions, irregularities, uncertainties, ambiguities, or  
10 alterations without contacting the prescriber for clarification. The circumstances are as follows:

11 36. On or about March 8, 2012, April 9, 2012, and May 22, 2012, Respondents dispensed  
12 uncertain and ambiguous prescriptions for Carimune 20gm RX, Nos. 7267, 7673, and 8258 to  
13 patient E.L.<sup>2</sup> without first clarifying the dose of the prescriptions with the prescriber.  
14 Specifically, E.L.'s Carimune prescriptions were written incorrectly for a daily dose of "0.4  
15 mg/kg" for a calculated dose of 20mg per day and not the correct dose of "0.4gm/kg" for a  
16 calculated dose of 20gm per day. The prescriptions were dispensed by Respondents without first  
17 obtaining clarification of the correct ordered dose from the prescriber.

18 **SIXTH CAUSE FOR DISCIPLINE**

19 [Labeling Requirements - Complete Infusion Care]

20 37. Respondent Complete Infusion Care is subject to disciplinary action under Business  
21 and Professions Code section 4076 subdivision (a)(9) which precludes a pharmacist from  
22 dispensing any prescription unless in a container that is correctly labeled with the expiration dates  
23 of the effectiveness of the drug dispensed. The circumstances are as follows:

24 38. On or about May 25, 2012, Respondent dispensed five bags of Carimune RX# 8258  
25 to patient E.L. labeled with the incorrect expiration date of May 28, 2012. Specifically, on or  
26 about May 25, 2012, Respondent dispensed a five (5) day course of Carimune 20gm RX # 8258

27 <sup>2</sup> Patient initials are used in lieu of real names in order to protect the privacy rights of the  
28 individuals.

1 with a labeled expiration dated of May 28, 2012, which resulted in the last two (2) days of the  
2 five (5) day Carimune doses being labeled as expired at the time of use.

3 **SEVENTH CAUSE FOR DISCIPLINE**

4 [Sterile Injectable Labeling Requirements - Complete Infusion Care]

5 39. Respondent Complete Infusion Care is subject to disciplinary action under Business  
6 and Professions Code section 4076 in conjunction with California Code of Regulations, title 16,  
7 section 1751.2 and 1735.4, which requires a pharmacy that compounds sterile injectable products  
8 to include on the label the instructions for storage and handling. The circumstances are as  
9 follows:

10 40. On or about March 8, 2012 and April 9, 2012, Respondent dispensed Carimune 20gm  
11 RX Nos. 7267 and 7673 labeled with instructions to store medication at room temperature instead  
12 of being stored by the required method of refrigeration.

13 **EIGHTH CAUSE FOR DISCIPLINE**

14 [Records of Compounding Products - Complete Infusion Care]

15 41. Respondent Complete Infusion Care is subject to disciplinary action under Business  
16 and Professions Code section 4300 in conjunction with California Code of Regulations, title 16,  
17 section 1735.3 subdivisions (a)(2), (3), (4), (6), and (10), which requires for each compounded  
18 product, that the pharmacy records include the date the drug was compounded, the identity of the  
19 pharmacy personnel who compounded the product, the identity of the pharmacist reviewing the  
20 final product, the manufacturer and a lot number of each component, and the quantity or amount  
21 of the drug compounded. The circumstances are as follows:

22 42. On or about March 8, 2012, April 9, 2012, and May 25, 2012, Respondent dispensed  
23 sterile injectable compound Carimune 20gm, RX nos. 7267, 7673 and 8258 without maintaining  
24 proper compounding records for each of the products dispensed.

25 **OTHER MATTERS**

26 173. Pursuant to Code section 4307, if discipline is imposed on Pharmacy  
27 Permit Number PHY 46839 or Sterile Compounding License Number LSC 99250, issued to  
28 Complete Infusion Care, and Ali Pourmola (Pourmola) while acting as the manager,

1 administrator, owner, member, officer, director, associate, or partner of Complete Infusion Care  
2 had knowledge of or knowingly participated in any conduct for which Pharmacy Permit Number  
3 PHY 46939 or Sterile Compounding License Number LSC 99250, issued to Complete Infusion  
4 Care was revoked, suspended or placed on probation, Pourmola shall be prohibited from serving  
5 as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee  
6 for five years if Pharmacy Permit Number PHY 46839 or Sterile Compounding License Number  
7 LSC 99250, issued to Complete Infusion Care is placed on probation or until Pharmacy Permit  
8 Number PHY 46839 or Sterile Compounding License Number LSC 99250, issued to Complete  
9 Infusion Care is reinstated if it is revoked.

#### 10 DISCIPLINE CONSIDERATIONS

11 43. To determine the degree of discipline, if any, to be imposed on Respondents,  
12 Complainant alleges as follows:

13 a) On or about October 15, 2009, in a prior action, the Board of Pharmacy issued  
14 Citation Number CI 2009 41466 to Respondent Ali Pourmola for violations of Business and  
15 Professions Code section 4059, subdivision (a) (furnishing dangerous drugs without prescription)  
16 and Health & Safety Code section 11200, subdivision (c) (no prescription for Schedule II  
17 substance may be refilled). Respondent was ordered to pay \$4000. On or about March 21, 2012,  
18 the Citation was modified and reduced. Respondent was ordered to pay \$1000. That Citation is  
19 now final and is incorporated by reference as if fully set forth.

20 b) On or about October 15, 2009, in a prior action, the Board of Pharmacy issued  
21 Citation Number CI 2008 38864 to Respondent Complete Infusion Care for violations of  
22 Business and Professions Code section 4059, subdivision (a) (furnishing dangerous drugs without  
23 prescription) and Health & Safety Code section 11200, subdivision (c) (no prescription for  
24 Schedule II substance may be refilled). Respondent was ordered to pay \$4000. On or about April  
25 20, 2012, the Citation was modified and reduced. Respondent was ordered to pay \$1500. That  
26 Citation is now final and is incorporated by reference as if fully set forth.

27  
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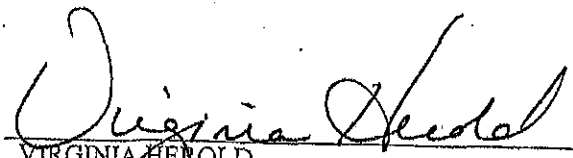




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6. Taking such other and further action as deemed necessary and proper.

DATED: 1/29/16



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

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