

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

In the Matter of the Accusation Against:

**HP BADESHA CO., dba GLENDORA
MEDICAL PHARMACY,
PARAMJIT KAUR RANDHAWA**
President and Pharmacist-in-Charge
Original Permit No. PHY 47517

and

PARAMJIT KAUR RANDHAWA
Pharmacist License No. RPH 45898

and

HEATHER MAUREEN EVARDOME
Pharmacy Technician Registration No.
TCH 13938

Respondents.

Case No. 5239

OAH No. 2015090629

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER AS TO HP
BADESHA CO., dba GLENDORA
MEDICAL PHARMACY 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 September 7, 2016.

It is so ORDERED on August 8, 2016.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

1 KAMALA D. HARRIS
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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 Accusation Against:

Case No. 5239

11
12 **H P BADESHA CO., dba GLENDORA**
MEDICAL PHARMACY,
13 **PARAMJIT KAUR RANDHAWA**
President and Pharmacist-In-Charge
14 130 W. Alostá Ave., Rte. 66
Glendora, CA 91740

OAH No. 2015090629

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER AS TO HP
BADESHA CO., dba GLENDORA
MEDICAL PHARMACY ONLY

15 Original Permit Number PHY 47517

16 and

17 **PARAMJIT KAUR RANDHAWA**
18 1302 Covina Hills Road
Covina, CA 91722

19 Pharmacist License No. RPH 45898

20 and

21 **HEATHER MAUREEN EVARDOME**
22 201 E. Arrow, Hwy. #32
Glendora, CA 91740

23 Pharmacy Technician Registration No. TCH 13938

24 Respondents
25
26
27
28

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

3 **PARTIES**

4 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
5 She brought this action solely in her official capacity and is represented in this matter by Kamala
6 D. Harris, Attorney General of the State of California, by Heather Vo, Deputy Attorney General.

7 2. Respondent H P Badesha Co., dba Glendora Medical Pharmacy; Paramjit Kaur
8 Randhawa, President and Pharmacist-In-Charge ("Respondent") is represented in this proceeding
9 by attorney Herbert L. Weinberg, whose address is: 1990 S. Bundy Drive Suite 777, Los
10 Angeles, California 90025.

11 3. On or about April 11, 2006, the Board of Pharmacy issued Pharmacy Permit Number
12 PHY 47517 to H P Badesha Co., dba Glendora Medical Pharmacy; Paramjit Kaur Randhawa,
13 President (Respondent Glendora Medical Pharmacy). Paramjit Kaur Randhawa is and has been
14 the President and Pharmacist-In-Charge since April 11, 2006. The Pharmacy Permit was in full
15 force and effect at all times relevant to the charges brought herein and will expire on April 1,
16 2016, unless renewed.

17 4. On or about November 2, 1992, the Board issued Pharmacist License No. RPH 45898
18 to Paramjit Kaur Randhawa (Respondent Randhawa). The Pharmacist License was in full force
19 and effect at all times relevant to the charges brought herein and will expire on September 30,
20 2016, unless renewed.

21 5. On or about September 6, 1994, the Board issued Pharmacy Technician Registration
22 Number TCH 13938 to Heather Maureen Evardome (Respondent Evardome). The Pharmacy
23 Technician Registration was in full force and effect at all times relevant to the charges brought
24 herein and expired on May 31, 2014, and has been cancelled.

25 **JURISDICTION**

26 6. First Amended Accusation No. 5239 was filed before the Board of Pharmacy (Board),
27 Department of Consumer Affairs, and is currently pending against Respondent. The First
28 Amended Accusation and all other statutorily required documents were properly served on

1 Respondent on March 3, 2016. Respondent timely filed its Notice of Defense contesting the First
2 Amended Accusation.

3 7. A copy of First Amended Accusation No. 5239 is attached as exhibit A and
4 incorporated herein by reference.

5 **ADVISEMENT AND WAIVERS**

6 8. Respondent has carefully read, fully discussed with counsel, and understands the
7 charges and allegations in Accusation No. 5239. Respondent has also carefully read, fully
8 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
9 Order.

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

17 10. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
18 every right set forth above.

19 **CULPABILITY**

20 11. Respondent admits the truth of each and every charge and allegation in First
21 Amended Accusation No. 5239.

22 12. Respondent agrees that its Pharmacy Permit Number PHY 47517 is subject to
23 discipline and they agree to be bound by the Board's probationary terms as set forth in the
24 Disciplinary Order below.

25 **CONTINGENCY**

26 13. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent
27 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may
28 communicate directly with the Board regarding this stipulation and settlement, without notice to

1 or participation by Respondent or its counsel. By signing the stipulation, Respondent understands
2 and agrees that they may not withdraw its agreement or seek to rescind the stipulation prior to the
3 time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its
4 Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or
5 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,
6 and the Board shall not be disqualified from further action by having considered this matter.

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

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

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

19 **DISCIPLINARY ORDER**

20 IT IS HEREBY ORDERED that Pharmacy Permit No. PHY 47517 issued to Respondent
21 HP Badesha Co., dba Glendora Medical Pharmacy; Paramjit Kaur Randhawa, President and
22 Pharmacist-In-Charge is revoked. However, the revocation is stayed and Respondent is placed on
23 probation for five (5) years on the following terms and conditions.

24 1. **Obey All Laws**

25 Respondent owner shall obey all state and federal laws and regulations.

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

- 28 an arrest or issuance of a criminal complaint for violation of any provision of the

1 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
2 substances laws

- 3 a plea of guilty or nolo contendere in any state or federal criminal proceeding to any
4 criminal complaint, information or indictment
- 5 a conviction of any crime
- 6 discipline, citation, or other administrative action filed by any state or federal agency
7 which involves respondent's pharmacy permit license or which is related to the
8 practice of pharmacy or the manufacturing, obtaining, handling or distributing,
9 billing, or charging for any drug, device or controlled substance.

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

11 **2. Report to the Board**

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

20 **3. Interview with the Board**

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

26 **4. Cooperate with Board Staff**

27 Respondent owner shall cooperate with the board's inspection program and with the board's
28 monitoring and investigation of respondent's compliance with the terms and conditions of their

1 probation. Failure to cooperate shall be considered a violation of probation.

2 **5. Reimbursement of Board Costs**

3 As a condition precedent to successful completion of probation, Respondent HP Badesha
4 Co., dba Glendora Medical Supply and Respondent Paramjit Randhawa shall be jointly and
5 severally liable for payment to the Board its costs of investigation and prosecution in the amount
6 of thirteen thousand four hundred eighty-nine dollars (\$13,489.00). Respondent shall make said
7 payments according to the Board's payment plan. Failure to pay costs by the deadline(s) as
8 directed shall be considered a violation of probation.

9 The filing of bankruptcy by respondent owner shall not relieve respondent of their
10 responsibility to reimburse the board its costs of investigation and prosecution.

11 **6. Probation Monitoring Costs**

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

16 **7. Status of License**

17 Respondent owner shall, at all times while on probation, maintain current licensure with the
18 board. If respondent owner submits an application to the board, and the application is approved,
19 for a change of location, change of permit or change of ownership, the board shall retain
20 continuing jurisdiction over the license, and the respondent shall remain on probation as
21 determined by the board. Failure to maintain current licensure shall be considered a violation of
22 probation.

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

27 **8. License Surrender While on Probation**

28 Following the effective date of this decision, should respondent owner discontinue

1 business, respondent owner may tender the premises license to the board for surrender. The
2 board or its designee shall have the discretion whether to grant the request for surrender or take
3 any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of
4 the license, respondent will no longer be subject to the terms and conditions of probation.

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

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

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

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

24 **9. Notice to Employees**

25 Respondent owner shall, upon or before the effective date of this decision, ensure that all
26 employees involved in permit operations are made aware of all the terms and conditions of
27 probation, either by posting a notice of the terms and conditions, circulating such notice, or both.
28 If the notice required by this provision is posted, it shall be posted in a prominent place and shall

1 remain posted throughout the probation period. Respondent owner shall ensure that any
2 employees hired or used after the effective date of this decision are made aware of the terms and
3 conditions of probation by posting a notice, circulating a notice, or both. Additionally,
4 respondent owner shall submit written notification to the board, within fifteen (15) days of the
5 effective date of this decision, that this term has been satisfied. Failure to submit such
6 notification to the board shall be considered a violation of probation.

7 "Employees" as used in this provision includes all full-time, part-time,
8 volunteer, temporary and relief employees and independent contractors employed or
9 hired at any time during probation.

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

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

17 **11. Posted Notice of Probation**

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

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

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

26 **12. Violation of Probation**

27 If a respondent owner has not complied with any term or condition of probation, the board
28 shall have continuing jurisdiction over respondent license, and probation shall be automatically

1 extended until all terms and conditions have been satisfied or the board has taken other action as
2 deemed appropriate to treat the failure to comply as a violation of probation, to terminate
3 probation, and to impose the penalty that was stayed.

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

11 13. **Completion of Probation**

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

14 14. **Community Services Program**

15 Within sixty (60) days of the effective date of this decision, respondent owner shall submit
16 to the board or its designee, for prior approval, a community service program in which respondent
17 shall provide ten thousand dollars (\$10,000) worth of free health-care related services to a
18 community or charitable facility or agency related to immunization, recycling boxes of Sharps
19 needles, or drugs take back.

20 Within thirty (30) days of board approval thereof, respondent owner shall submit
21 documentation to the board demonstrating commencement of the community service program.
22 Respondent owner shall report on progress with the community service program in the quarterly
23 reports.

24 Failure to timely submit, commence, or comply with the program shall be considered a
25 violation of probation.

26 15. **Separate File of Records**

27 Respondent owner shall maintain and make available for inspection a separate file of all
28 records pertaining to the acquisition or disposition of all controlled substances. Failure to

1 maintain such file or make it available for inspection shall be considered a violation of probation.

2 ACCEPTANCE

3 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
4 discussed it with my attorney, Herbert L. Weinberg. I understand the stipulation and the effect it
5 will have on my Pharmacy Permit Number PHY 47517. I enter into this Stipulated Settlement and
6 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
7 Decision and Order of the Board of Pharmacy.

8
9 DATED: _____ *Signature page attached*
10 **PARAMJIT KAUR RANDHAWA,**
11 **President and Pharmacist-In-Charge**
12 **H P BADESHA CO., dba GLENDORA MEDICAL**
13 **PHARMACY;**
14 Pharmacy Permit Number PHY 47517
15 Respondent

16 I have read and fully discussed with Respondent H P Badesha Co., dba Glendora Medical
17 Pharmacy; Paramjit Kaur Randhawa, President and Pharmacist-In-Charge the terms and
18 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
19 I approve its form and content.

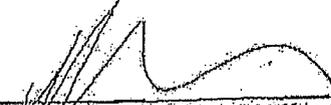
20 DATED: _____ **HERBERT L. WEINBERG**
21 Attorney for Respondent
22
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1 maintain such file or make it available for inspection shall be considered a violation of probation.

2 ACCEPTANCE

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4 discussed it with my attorney, Herbert L. Weinberg. I understand the stipulation and the effect it
5 will have on my Pharmacy Permit Number PHY 47517. I enter into this Stipulated Settlement and
6 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
7 Decision and Order of the Board of Pharmacy.

8
9 DATED: 3/25/2016


10 PARAMJIT KAUR RANDHAWA,
11 President and Pharmacist-In-Charge
12 H P BADESHA CO., dba GLENDORA MEDICAL
13 PHARMACY;
14 Pharmacy Permit Number PHY 47517
15 Respondent

16 I have read and fully discussed with Respondent H P Badesha Co., dba Glendora Medical
17 Pharmacy; Paramjit Kaur Randhawa, President and Pharmacist-In-Charge the terms and
18 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
19 I approve its form and content.

20 DATED: 3/25/2016


21 HERBERT L. WEINBERG
22 Attorney for Respondent

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ENDORSEMENT

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

Dated: *March 25, 2016*

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
THOMAS L. RINALDI
Supervising Deputy Attorney General



HEATHER VO
Deputy Attorney General
Attorneys for Complainant

LA2014512403
52030720.doc

Exhibit A

First Amended Accusation No. 5239

1 KAMALA D. HARRIS
Attorney General of California
2 THOMAS RINALDI
Supervising Deputy Attorney General
3 HEATHER VO
Deputy Attorney General
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15 130 W. Alostia Ave., Rte. 66
Glendora, CA 91740

FIRST AMENDED
ACCUSATION

16 Original Permit Number PHY 47517

17 and

18 **PARAMJIT KAUR RANDHAWA**
1302 Covina Hills Road
19 Covina, CA 91722

20 Pharmacist License No. RPH 45898

21 and

22 **HEATHER MAUREEN EVARDOME**
201 E. Arrow, Hwy. #32
23 Glendora, CA 91740

24 Pharmacy Technician License No. TCH 13938

25 Respondents.

26

27

28

1 Complainant alleges:

2 **PARTIES**

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

6 2. On or about April 11, 2006, the Board of Pharmacy issued Pharmacy Permit Number
7 PHY 47517 to H P Badesha Co., dba Glendora Medical Pharmacy; Paramjit Kaur Randhawa,
8 President (Respondent Glendora Medical Pharmacy). Paramjit Kaur Randhawa is and has been
9 the President and Pharmacist-In-Charge since April 11, 2006. The Pharmacy Permit was in full
10 force and effect at all times relevant to the charges brought herein and will expire on April 1,
11 2016, unless renewed.

12 3. On or about November 2, 1992, the Board issued Pharmacist License No. RPH 45898
13 to Paramjit Kaur Randhawa (Respondent Randhawa). The Pharmacist License was in full force
14 and effect at all times relevant to the charges brought herein and will expire on September 30,
15 2016, unless renewed.

16 4. On or about September 6, 1994, the Board issued Pharmacy Technician Registration
17 Number TCH 13938 to Heather Maureen Evardome (Respondent Evardome). The Pharmacy
18 Technician Registration was in full force and effect at all times relevant to the charges brought
19 herein and expired on May 31, 2014, and has been cancelled.

20 **JURISDICTION**

21 5. This First Amended Accusation is brought before the Board of Pharmacy (Board),
22 Department of Consumer Affairs, under the authority of the following laws. All section
23 references are to the Business and Professions Code unless otherwise indicated.

24 6. Section 4011 of the Code provides that the Board shall administer and enforce both
25 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances
26 Act [Health & Safety Code, § 11000 et seq.].

27 7. Section 4300(a) of the Code provides that every license issued by the Board may be
28 suspended or revoked.

1 podiatrist, veterinarian, laboratory, clinic, hospital, institution, or establishment holding a
2 currently valid and unrevoked certificate, license, permit, registration, or exemption under
3 Division 2 (commencing with Section 1200) of the Health and Safety Code or under Part 4
4 (commencing with Section 16000) of Division 9 of the Welfare and Institutions Code who
5 maintains a stock of dangerous drugs or dangerous devices.”

6 13. Section 4115, subdivision (h) of the Code states:

7 “The pharmacist on duty shall be directly responsible for the conduct of a pharmacy
8 technician supervised by that pharmacist.”

9 14. Section 4301 of the Code provides, in pertinent part, that the Board shall take action
10 against any holder of a license who is guilty of “unprofessional conduct,” defined to include, but
11 not be limited to, any of the following:

12

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

16

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

19

20 (l) The conviction of a crime substantially related to the qualifications, functions, and duties
21 of a licensee under this chapter. The record of conviction of a violation of Chapter 13
22 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
23 substances or of a violation of the statutes of this state regulating controlled substances or
24 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
25 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
26 The board may inquire into the circumstances surrounding the commission of the crime, in order
27 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
28 or dangerous drugs, to determine if the conviction is of an offense substantially related to the

1 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
2 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
3 of this provision. The board may take action when the time for appeal has elapsed, or the
4 judgment of conviction has been affirmed on appeal or when an order granting probation is made
5 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
6 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
7 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
8 indictment.

9

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

14 15. California Code of Regulations, title 16, section 1714, subdivision (b) provides that
15 each pharmacy licensed by the board shall maintain its facilities, space, fixtures, and equipment
16 so that drugs are safely and properly prepared, maintained, secured and distributed.

17 16. California Code of Regulations, title 16, section 1714, subdivision (d) provides that
18 each pharmacist licensed by the board shall be responsible for the security of the prescription
19 department, including provisions for effective control against theft or diversion of dangerous
20 drugs and devices, and records for such drugs and devices, and that possession of a key to the
21 pharmacy where dangerous drugs and controlled substances are stored shall be restricted to a
22 pharmacist.

23 17. California Code of Regulations, title 16, section 1718, states:

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

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

1 18. Health and Safety Code section 11209, subdivision (a) states:

2 “No person shall deliver Schedule II, III, or IV controlled substances to a pharmacy or
3 pharmacy receiving area, nor shall any person receive controlled substances on behalf of a
4 pharmacy unless, at the time of delivery, a pharmacist or authorized receiving personnel signs a
5 receipt showing the type and quantity of the controlled substances received. Any discrepancy
6 between the receipt and the type or quantity of controlled substances actually received shall be
7 reported to the delivering wholesaler or manufacturer by the next business day after delivery to
8 the pharmacy.”

9 19. Health and Safety Code section 11350, subdivision (a) states:

10 “Except as otherwise provided in this division, every person who possesses (1) any
11 controlled substance specified in subdivision (b), (c), (e), or paragraph (1) of subdivision (f) of
12 Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or
13 specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section
14 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic
15 drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian
16 licensed to practice in this state, shall be punished by imprisonment in a county jail for not more
17 than one year, except that such person shall instead be punished pursuant to subdivision (h) of
18 Section 1170 of the Penal Code if that person has one or more prior convictions for an offense
19 specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 of
20 the Penal Code or for an offense requiring registration pursuant to subdivision (c) of Section 290
21 of the Penal Code.”

22 20. Health and Safety Code section 11351, states:

23 “Except as otherwise provided in this division, every person who possesses for sale or
24 purchases for purposes of sale (1) any controlled substance specified in subdivision (b), (c), or (e)
25 of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054,
26 or specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section
27 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic
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1 drug, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal
2 Code for two, three, or four years.”

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

6 CONTROLLED SUBSTANCES / DANGEROUS DRUGS

7 22. Section 4021 of the Code states:

8 “‘Controlled substance’ means any substance listed in Chapter 2 (commencing with Section
9 11053) of Division 10 of the Health and Safety Code.”

10 23. Section 4022 of the Code states, in pertinent part:

11 “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for self use,
12 except veterinary drugs that are labeled as such, and includes the following:

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

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

17 24. **Norco, Vicodin, Vicodin ES**, are among the brand names for compounds of varying
18 dosages of acetaminophen (aka APAP) and **hydrocodone**, a Schedule III controlled substance as
19 designated by Health and Safety Code section 11056(e)(4) and dangerous drug as designated by
20 Business and Professions Code section 4022. The varying compounds are also known
21 generically as **Hydrocodone with APAP**. These are all narcotic drugs.

22 25. **Alprazolam** (brand name **Xanax**) is a Schedule IV controlled substance as
23 designated by Health and Safety Code section 11057(d)(1) and a dangerous drug as designated by
24 Business and Professions Code section 4022. It is an anti-anxiety agent.

25 SUMMARY OF FACTS

26 26. The following facts are common to all charges in the Accusation:

27 a. On or about April 9, 2013, Respondents filed a “Report of Theft or Loss of
28 Controlled Substances” (“Report”) with the Board, in which they reported significant losses of

1 drug stock which were attributed to theft by a former employee, pharmacy technician Heather
 2 Evardome, who was criminally prosecuted and convicted on January 10, 2014 of violating Penal
 3 Code section 487(a)(Grand theft by embezzlement) a felony, for said theft in the criminal case
 4 entitled *The People of the State of California v. Heather Maureen Evardome* (Super. Ct. Los
 5 Angeles County, 2014, Case No.: KA103461).

6 b. In that Report, Respondents indicated that on or about April 3, 2013, Respondent
 7 Glendora Medical Pharmacy discovered a discrepancy of hydrocodone/acetaminophen tablets in
 8 that there was an unusually high order placed for this drug. On or about that date, Respondent
 9 Randhawa confronted Respondent Evardome regarding the discrepancy. Later, Respondent
 10 Evardome admitted taking drugs from the pharmacy, which resulted in her termination.
 11 Respondent Evardome admitted that she made and received delivery of unauthorized orders of
 12 Norco tablets.

13 c. Ensuing investigation by the Board of Pharmacy showed that between October
 14 2011 through April 2013, Respondent Glendora Medical Pharmacy had numerous deliveries
 15 made for dangerous drugs not signed for and "received" by a pharmacist. Rather, Respondent
 16 Glendora Medical Pharmacy allowed pharmacy technicians Heather Evardome and Norma Lopez
 17 to sign for the deliveries as shown on the following dates:

Date-Signed By	Date-Signed By
7/25/2012- Lopez	7/27/2012- Lopez
8/7/2012- Lopez	8/17/2012- Lopez
8/24/2012- Lopez	8/30/2012- Lopez
9/7/2012- Lopez	9/14/2012- Evardome
9/28/2012-Evardome	10/11/2012- Lopez
10/23/2012- Evardome	10/26/2012- Lopez
11/16/2012- Lopez	11/28/2012- Lopez
12/4/2012- Lopez	12/14/2012- Lopez
1/2/2013- Lopez	1/7/2013- Lopez
1/11/2013- Lopez	1/28/2013- Lopez
2/19/2013- Evardome	2/25/2013- Evardome
2/26/2013- Lopez	2/28/2013- Evardome
3/6/2013- Evardome	3/7/2013- Lopez
3/13/2013- Evardome	3/27/2013- Lopez
3/29/2013- Lopez	

27 d. Respondent Evardome was interviewed by Board Inspector S. Desai and by
 28 officers from the Glendora Police Department and admitted that she had been taking Norco

1 tablets from the pharmacy for over two (2) years. Initially, she was giving them to friends who
 2 needed the medication, but could not afford it. Later, she started to sell the Norco tablets to make
 3 money.

4 e. Prior to April 3, 2013, Respondent Glendora Medical Pharmacy paid for some
 5 of Respondent Evardome's unauthorized orders, having failed to notice unauthorized entries on
 6 pharmacy invoices. Respondent Evardome destroyed the purchase invoices showing Norco
 7 tablets to conceal diversion and theft.

8 f. ~~Commencing on or around September 2013, a drug audit for~~
 9 hydrocodone/acetaminophen, Alprazolam, and Lorazepam was performed by Board Inspector S.
 10 Desai for the period from April 25, 2011 through April 4, 2013, which revealed a theft of
 11 approximately 93,000 tablets of hydrocodone/acetaminophen.

<u>Drug</u>	<u>Inventory Count (4/25/2011)</u>	<u>Total Purchases (4/25/2011- 4/4/2013)</u>	<u>Total Sales (4/25/2011- 4/4/2013)</u>	<u>Expected On Hand Inventory</u>	<u>Actual Inventory Count 4/4/2013)</u>	<u>Variance</u>
HC/AP 10/325	300	128,300 (Cardinal- 56,300; API-66,000; Valley-6,000)	36,778	91,822	1,151	(-)90,671
HC/AP 7.5/750	400	42,900 (Cardinal- 37,900; Valley- 5,000)	40,138	3,162	860	(-) 2,302
HC/AP 5/325mg	110	2,400 (API)	2,643	-133	587	(+) 720
lorazepam 1mg	900	9,100 (Cardinal- 1,100; API-8,000)	10,654	-654	800	(+) 1,454
alprazolam 0.25mg	900	8,000 (Cardinal 2,000; API-6,000)	7,608	1,292	511	(-) 781
alprazolam 2mg	450	3,000 (Cardinal 1,100; API-1,900)	2,960	490	120	(-)370

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Failure to Maintain Complete Acquisition/Disposition Records)**

3 27. Respondents GLENDORA MEDICAL PHARMACY and PARAMJIT
4 RANDHAWA are subject to disciplinary action under section 4300 for unprofessional conduct as
5 defined in section 4301, subdivisions (j) and (o), in conjunction with section 4081, subdivision
6 (a), and California Code of Regulations, title 16, section 1718 for failure to maintain all records
7 of acquisition and disposition for three (3) years from date of making and to keep a current
8 inventory of dangerous drugs. While Respondents' employee may have destroyed purchase
9 invoices to conceal diversion and theft, neither the destroyed invoices, nor the large volume of
10 controlled substances ordered and delivered to the pharmacy but missing from the stock – were
11 discovered for almost 2 years. A Board audit during the period from April 25, 2011 and April 4,
12 2013 showed that Glendora Medical Pharmacy could not account for an inventory overage
13 (disposition greater than acquisition) of (i) 720 tablets of hydrocodone/acetaminophen 5/325 mg;
14 and (ii) 1,454 tablets of lorazepam 1mg. Complainant refers to, and by this reference
15 incorporates, the allegations set forth above in paragraph 26 as though set forth fully.

16 **SECOND CAUSE FOR DISCIPLINE**

17 **(Deliveries Of Dangerous Drugs Signed For And Received By Non-Pharmacists)**

18 28. Respondents GLENDORA MEDICAL PHARMACY and PARAMJIT
19 RANDHAWA are subject to disciplinary action under sections 4059.5(a) and 4301(j) and/or (o),
20 and/or Health and Safety Code section 11209(a), in that from October 2011 through April 2013,
21 deliveries of dangerous drugs and/or Schedule II-IV controlled substances, from Associated
22 Pharmacies Inc. (API) to Glendora Medical Pharmacy were signed for and received by non-
23 pharmacists. Complainant refers to, and by this reference incorporates, the allegations set forth
24 above in paragraph 26 as though set forth fully.

25 **THIRD CAUSE FOR DISCIPLINE**

26 **(Failure to Maintain Security of Pharmacy)**

27 29. Respondent GLENDORA MEDICAL PHARMACY is subject to disciplinary action
28 under section 4300 for unprofessional conduct as defined in section 4301, subdivision (o), in

1 conjunction with California Code of Regulations, title 16, section 1714, subdivision (b), for
2 failing to maintain its facilities, space, fixtures, and/or equipment so that drugs are safely and
3 properly prepared, and secured to maintain effective controls to prevent theft or diversion.
4 Complainant refers to, and by this reference incorporates, the allegations set forth above in
5 paragraph 26 as though set forth fully.

6 **FOURTH CAUSE FOR DISCIPLINE**

7 **(Failure to Maintain Security of Controlled Substances)**

8 30. Respondent PARAMJIT RANDHAWA is subject to disciplinary action under section
9 4300 for unprofessional conduct as defined in section 4301, subdivision (o), in conjunction with
10 section 4115, subdivision (h) and California Code of Regulations, title 16, section 1714,
11 subdivision (d), for failing to secure the prescription department and provide effective controls to
12 prevent theft or diversion. Complainant refers to, and by this reference incorporates, the
13 allegations set forth above in paragraph 26 as though set forth fully.

14 **FIFTH CAUSE FOR DISCIPLINE**

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

16 31. Respondent HEATHER EVARDOME is subject to disciplinary action under sections
17 4301, subdivision (l) and 490, in conjunction with California Code of Regulations, title 16,
18 section 1770, in that she was convicted of a crime substantially related to the qualifications,
19 functions or duties of a pharmacy technician. Complainant refers to, and by this reference
20 incorporates, the allegations set forth above in paragraph 26 as though set forth fully.

21 **SIXTH CAUSE FOR DISCIPLINE**

22 **(Furnishing Dangerous Drugs Without a Prescription)**

23 32. Respondent HEATHER EVARDOME is subject to disciplinary action under section
24 4059, subdivisions (a), and 4301, subdivisions (j) and (o), in that she furnished dangerous drugs
25 to herself without a valid prescription. Specifically, on April 18, 2013, a home search at her
26 residence by Glendora Police Department revealed that Respondent had in her possession the
27 following dangerous drugs: (i) 96 tablets of benzonatate 100mg, (ii) 11 tablets of benzonatate
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1 200mg, and (iii) 34 tablets of Librax. Complainant refers to, and by this reference incorporates,
2 the allegations set forth above in paragraph 26 as though set forth fully.

3 **SEVENTH CAUSE FOR DISCIPLINE**

4 **(Unlawful Possession and Sale of Controlled Substances)**

5 33. Respondent HEATHER EVARDOME is subject to disciplinary action under section
6 4301, subdivisions (f) and (j), on the grounds of unprofessional conduct for violating section
7 4060 in conjunction with Health and Safety Code sections 11350(a) and 11351, in that she
8 committed acts involving moral turpitude, dishonesty, fraud, deceit or corruption. Complainant
9 refers to, and by this reference incorporates, the allegations set forth above in paragraph 26 as
10 though set forth fully.

11 **EIGHTH CAUSE FOR DISCIPLINE**

12 **(Unprofessional Conduct-Dishonesty and Fraud)**

13 34. Respondent HEATHER EVARDOME is subject to disciplinary action under
14 Business and Professions Code section 4301 subdivision (f) for obtaining controlled substances
15 through theft and dishonesty. Complainant refers to, and by this reference incorporates, the
16 allegations set forth above in paragraph 26 as though set forth fully.

17 **PRAYER**

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

- 20 1. Revoking or suspending Pharmacy Permit Number PHY 47517, issued to H P
21 Badesha Co., dba Glendora Medical Pharmacy;
- 22 2. Revoking or suspending Pharmacist License No. RPH 45898, issued to Paramjit Kaur
23 Randhawa;
- 24 3. Revoking or suspending Pharmacist Technician Registration No. TCH 13938, issued
25 to Heather Maureen Evardome;
- 26 4. Ordering H P Badesha Co., dba Glendora Medical Pharmacy, Paramjit Kaur
27 Randhawa, and Heather Maureen Evardome to pay the Board of Pharmacy the reasonable costs
28

1 of the investigation and enforcement of this case, pursuant to Business and Professions Code
2 section 125.3;

3 5. Taking such other and further action as deemed necessary and proper.
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6
7 DATED: 3/1/16 Virginia Herold
8

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

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Attorneys for Complainant
7

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

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In the Matter of the Accusation Against:

**H P BADESHA CO. , dba GLENDORA
MEDICAL PHARMACY**
130 W. Alostia Ave., Rte. 66
Glendora, CA 91740

Original Permit Number PHY 47517

and

PARAMJIT KAUR RANDHAWA
President and Pharmacist-In-Charge
1302 Covina Hills Road
Covina, CA 91722

Pharmacy Permit No. PHY 45898

and

HEATHER MAUREEN EVARDOME
201 E. Arrow, Hwy. #32
Glendora, CA 91740

Pharmacy Technician License No. TCH 13938

Respondents.

Case No. 5239

ACCUSATION

1 Complainant alleges:

2 PARTIES

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

5 2. On or about April 11, 2006, the Board of Pharmacy issued Pharmacy Permit Number
6 PHY 47517 to H P Badesha Co., dba Glendora Medical Pharmacy and Paramjit Kaur Randhawa
7 (Respondent Pharmacy). Paramjit Kaur Randhawa is and has been the President and Pharmacist-
8 In-Charge since April 11, 2006. The Pharmacy Permit was in full force and effect at all times
9 relevant to the charges brought herein and will expire on April 1, 2015, unless renewed.

10 3. On or about November 2, 1992, the Board issued Pharmacist License No. RPH 45898
11 to Paramjit Kaur Randhawa (Respondent Randhawa). The Pharmacist License was in full force
12 and effect at all times relevant to the charges brought herein and will expire on September 30,
13 2016, unless renewed.

14 4. On or about September 6, 1994, the Board issued Pharmacy Technician Registration
15 Number TCH 13938 to Heather Maureen Evardome (Respondent Evardome). The Pharmacy
16 License was in full force and effect at all times relevant to the charges brought herein and expired
17 on May 31, 2014, and has not been renewed.

18 JURISDICTION

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

22 6. Section 4011 of the Code provides that the Board shall administer and enforce both
23 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances
24 Act [Health & Safety Code, § 11000 et seq.].

25 7. Section 4300(a) of the Code provides that every license issued by the Board may be
26 suspended or revoked.

27 8. Section 118(b) of the Code provides, in pertinent part, that the suspension, expiration,
28 surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a

1 disciplinary action during the period within which the license may be renewed, restored, reissued
2 or reinstated. Section 4402(a) of the Code provides that any pharmacist license that is not
3 renewed within three years following its expiration may not be renewed, restored, or reinstated
4 and shall be canceled by operation of law at the end of the three-year period. Section 4402(e) of
5 the Code provides that any other license issued by the Board may be canceled by the Board if not
6 renewed within 60 days after its expiration, and any license canceled in this fashion may not be
7 reissued but will instead require a new application to seek reissuance.

8 **STATUTORY AND REGULATORY PROVISIONS**

9 9. Section 4005 of the Code states:

10 "The board may adopt rules and regulations, not inconsistent with the laws of this state, as
11 may be necessary for the protection of the public. Included therein shall be the right to adopt rules
12 and regulations as follows: for the proper and more effective enforcement and administration of
13 this chapter; pertaining to the practice of pharmacy; relating to the sanitation of persons and
14 establishments licensed under this chapter; pertaining to establishments wherein any drug or
15 device is compounded, prepared, furnished, or dispensed; providing for standards of minimum
16 equipment for establishments licensed under this chapter; pertaining to the sale of drugs by or
17 through any mechanical device; and relating to pharmacy practice experience necessary for
18 licensure as a pharmacist."

19 10. Section 4059, subdivision (a) of the Code states:

20 "A person may not furnish any dangerous drug, except upon the prescription of a physician,
21 dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7. A
22 person may not furnish any dangerous device, except upon the prescription of a physician,
23 dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7."

24 11. Section 4059.5, subdivision (a) of the Code states:

25 "Except as otherwise provided in this chapter, dangerous drugs or dangerous devices may
26 only be ordered by an entity licensed by the board and shall be delivered to the licensed premises
27 and signed for and received by a pharmacist. Where a licensee is permitted to operate through a
28 designated representative, the designated representative shall sign for and receive the delivery."

1 12. Code section 4060 provides, in pertinent part, that no person shall possess any
2 controlled substance, except that furnished upon a valid prescription/drug order.

3 13. Section 4081, subdivision (a) of the Code states:

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

14 14. Section 4115, subdivision (h) of the Code states:

15 "The pharmacist on duty shall be directly responsible for the conduct of a pharmacy
16 technician supervised by that pharmacist."

17 15. Section 4301 of the Code provides, in pertinent part, that the Board shall take action
18 against any holder of a license who is guilty of "unprofessional conduct," defined to include, but
19 not be limited to; any of the following:

20

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

24

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

27

28

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

18

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

23 16. California Code of Regulations, title 16, section 1714, subdivision (b) provides that
24 each pharmacy licensed by the board shall maintain its facilities, space, fixtures, and equipment
25 so that drugs are safely and properly prepared, maintained, secured and distributed.

26 17. California Code of Regulations, title 16, section 1714, subdivision (d) provides that
27 each pharmacist licensed by the board shall be responsible for the security of the prescription
28 department, including provisions for effective control against theft or diversion of dangerous

1 drugs and devices, and records for such drugs and devices, and that possession of a key to the
2 pharmacy where dangerous drugs and controlled substances are stored shall be restricted to a
3 pharmacist.

4 18. California Code of Regulations, title 16, section 1718, states:

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

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

10 19. Health and Safety Code section 11209, subdivision (a) states:

11 "No person shall deliver Schedule II, III, or IV controlled substances to a pharmacy or
12 pharmacy receiving area, nor shall any person receive controlled substances on behalf of a
13 pharmacy unless, at the time of delivery, a pharmacist or authorized receiving personnel signs a
14 receipt showing the type and quantity of the controlled substances received. Any discrepancy
15 between the receipt and the type or quantity of controlled substances actually received shall be
16 reported to the delivering wholesaler or manufacturer by the next business day after delivery to
17 the pharmacy."

18 20. Health and Safety Code section 11350, subdivision (a) states:

19 "Except as otherwise provided in this division, every person who possesses (1) any
20 controlled substance specified in subdivision (b), (c), (e), or paragraph (1) of subdivision (f) of
21 Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or
22 specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section
23 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic
24 drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian
25 licensed to practice in this state, shall be punished by imprisonment in a county jail for not more
26 than one year, except that such person shall instead be punished pursuant to subdivision (h) of
27 Section 1170 of the Penal Code if that person has one or more prior convictions for an offense
28 specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 of

1 the Penal Code or for an offense requiring registration pursuant to subdivision (c) of Section 290
2 of the Penal Code.”

3 21. Health and Safety Code section 11351, states:

4 “Except as otherwise provided in this division, every person who possesses for sale or
5 purchases for purposes of sale (1) any controlled substance specified in subdivision (b), (c), or (e)
6 of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054,
7 or specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section
8 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic
9 drug, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal
10 Code for two, three, or four years.”

11 22. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
12 administrative law judge to direct a licentiate found to have committed a violation of the licensing
13 act to pay a sum not to exceed its reasonable costs of investigation and enforcement.

14 **CONTROLLED SUBSTANCES / DANGEROUS DRUGS**

15 23. Section 4021 of the Code states:

16 “‘Controlled substance’ means any substance listed in Chapter 2 (commencing with Section
17 11053) of Division 10 of the Health and Safety Code.”

18 24. Section 4022 of the Code states, in pertinent part:

19 “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for self use,
20 except veterinary drugs that are labeled as such, and includes the following:

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

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

25 25. **Norco, Vicodin, Vicodin ES**, are among the brand names for compounds of varying
26 dosages of acetaminophen (aka APAP) and **hydrocodone**, a Schedule III controlled substance as
27 designated by Health and Safety Code section 11056(e)(4) and dangerous drug as designated by
28

1 Business and Professions Code section 4022. The varying compounds are also known
2 generically as **Hydrocodone with APAP**. These are all narcotic drugs.

3 26. **Alprazolam** (brand name **Xanax**) is a Schedule IV controlled substance as
4 designated by Health and Safety Code section 11057(d)(1) and a dangerous drug as designated by
5 Business and Professions Code section 4022. It is an anti-anxiety agent.

6 **SUMMARY OF FACTS**

7 27. The following facts are common to all charges in the Accusation:

8 a. On or about April 9, 2013, Respondents filed a "Report of Theft or Loss of
9 Controlled Substances" ("Report") with the Board, in which they reported significant losses of
10 drug stock which were attributed to theft by a former employee, pharmacy technician Heather
11 Evardome, who was criminally prosecuted and convicted on January 10, 2014 of violating Penal
12 Code section 487(a)(Grand theft by embezzlement) a felony, for said theft in the criminal case
13 entitled *The People of the State of California v. Heather Maureen Evardome* (Super. Ct. Los
14 Angeles County, 2014, Case No.: KA103461).

15 b. In that Report, Respondents indicated that on or about April 3, 2013, Respondent
16 GLENDORA MEDICAL PHARMACY discovered a discrepancy of
17 hydrocodone/acetaminophen tablets in that there was an unusually high order of this drug. On or
18 about that date, Respondent Paramjit confronted Respondent Evardome regarding the
19 discrepancy. Later, Respondent Evardome admitted taking drugs from the pharmacy, which
20 resulted in her termination from the pharmacy. Respondent Evardome admitted that she made
21 and received delivery of unauthorized orders of Norco tablets.

22 c. Respondent Evardome was interviewed by Board Inspector S. Desai and by
23 officers from the Glendora Police Department and admitted that she had been taking Norco
24 tablets from the pharmacy for over 2 years. Initially, she was giving them to friends who needed
25 the medication, but could not afford it. Later, she started to sell the Norco drug to make money.

26 d. Prior to April 3, 2013, Respondent Glendora Medical Pharmacy paid for some
27 of Respondent Evardome's unauthorized orders, having failed to notice unauthorized entries on
28

1 pharmacy invoices. Respondent Evardome destroyed the purchase invoices showing Norco
2 tablets to conceal diversion and theft.

3 e. Commencing on or around September 2013, a drug audit was performed by
4 Board Inspector S. Desai. The drugs that were audited were hydrocodone/acetaminophen,
5 Alprazolam, and Lorazepam. The audit period was from April 25, 2011 through April 4, 2013.
6 The audit revealed a theft of over 93,000 tablets of hydrocodone/acetaminophen.

7 Drug	8 Inventory Count (4/25/2011)	9 Total Purchases (4/25/2011- 4/4/2013)	10 Total Sales (4/25/2011 - 4/4/2013)	11 Expected on Hand Inventory	12 Actual Inventory Count (4/4/2013)	13 Variance
14 HC/AP 10/325	15 300	16 128,300	17 36,778	18 91,822	19 1,151	20 (-) 90,671
21 HC/AP 7.5/750	22 400	23 42,900	24 40,138	25 3,162	26 860	27 (-) 2,302
28 HC/AP 5/325mg	110	2,400	2,643	-133	587	(+) 720
lorazepam 1mg	900	9,100	10,654	-654	800	(+) 1,454
alprazolam 0.25mg	900	8,000	7,608	1,292	511	(-) 781
alprazolam 2mg	450	3,000	2,960	490	120	(-) 370

FIRST CAUSE FOR DISCIPLINE

(Failure to Maintain Complete and Accurate Records)

28. Respondents GLENDORA MEDICAL PHARMACY and PARAMJIT
RANDHAWA are subject to disciplinary action under section 4300 for unprofessional conduct as
defined in section 4301, subdivisions (j) and (o), in conjunction with section 4081 and California
Code of Regulations, title 16, section 1718 for failure to maintain a complete and accurate record

1 for all controlled substances/dangerous drugs received, sold, or otherwise disposed. As described
2 in paragraph 27 above, Respondents were unable to account for all controlled substances and
3 dangerous drugs, per an audit performed by Board Inspector S. Desai. The audit period was
4 between April 25, 2011 through April 4, 2013; and revealed that (i) 90,671 tablets of
5 hydrocodone/acetaminophen 10/325mg; (ii) 2,302 tablets of hydrocodone/acetaminophen
6 7.5/750mg; (iii) 781 tablets of alprazolam 0.25mg; and (iv) 370 tablets of alprazolam 2mg had
7 been ordered and received but were not in stock and unaccounted for.

8 SECOND CAUSE FOR DISCIPLINE

9 **(Failure to Maintain Complete Acquisition/Disposition Records)**

10 29. Respondents GLENDORA MEDICAL PHARMACY and PARAMJIT
11 RANDHAWA are subject to disciplinary action under section 4300 for unprofessional conduct as
12 defined in section 4301, subdivisions (j) and (o), and in conjunction with section 4081,
13 subdivision (a), for failure to maintain all records of acquisition and disposition for three (3) years
14 from date of making and to keep a current inventory of dangerous drugs. While Respondents'
15 employee may have destroyed purchase invoices to conceal diversion and theft, neither the
16 destroyed invoices, nor the large volume of controlled substances ordered and delivered to the
17 pharmacy but missing from the stock -- were discovered for almost 2 years, as described in
18 paragraph 27 above. A Board audit during the period from April 25, 2011 and April 4, 2013
19 showed that Glendora Medical Pharmacy could not account for an inventory overage (disposition
20 greater than acquisition) of (i) 720 tablets of hydrocodone/acetaminophen 5/325mg; and (ii) 1,454
21 tablets of lorazepam 1mg.

22 THIRD CAUSE FOR DISCIPLINE

23 **(Deliveries Of Dangerous Drugs Signed For And Received By Non-Pharmacists)**

24 30. Respondents GLENDORA MEDICAL PHARMACY and PARAMJIT
25 RANDHAWA are subject to disciplinary action under sections 4059.5(a) and 4301(j) and/or (o),
26 and/or Health and Safety Code section 11209(a), in that from October 2011 through April 2013,
27 deliveries of dangerous drugs and/or Schedule II-IV controlled substances, from Associated
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1 Pharmacies Inc. (Apirx) to Glendora Medical Pharmacy were signed for and received by non-
2 pharmacists, as described in paragraph 27, above.

3 **FOURTH CAUSE FOR DISCIPLINE**

4 **(Failure to Maintain Security of Pharmacy)**

5 31. Respondents GLENDORA MEDICAL PHARMACY and PARAMJIT
6 RANDHAWA are subject to disciplinary action under section 4300 for unprofessional conduct as
7 defined in section 4301, subdivision (o), in conjunction with section 4005, section 4115,
8 subdivision (h) and California Code of Regulations, title 16, section 1714, subdivision (b), for
9 failing to maintain its facilities, space, fixtures, and equipment so that drugs are safely and
10 properly prepared, maintained, and secured. Respondents failed to secure and maintain its
11 facilities from an unauthorized employee ordering controlled substances, destroying controlled
12 substance acquisition invoices, and unlawfully distributing controlled substances, as described in
13 paragraph 27, above.

14 **FIFTH CAUSE FOR DISCIPLINE**

15 **(Failure to Maintain Security of Controlled Substances)**

16 32. Respondent PARAMJIT RANDHAWA is subject to disciplinary action under section
17 4300 for unprofessional conduct as defined in section 4301, subdivision (o), in conjunction with
18 section 4005, section 4115, subdivision (h) and California Code of Regulations, title 16, section
19 1714, subdivision (d), for failing to secure the prescription department and provide effective
20 controls to prevent theft or diversion of: (i) 90,671 tablets of hydrocodone/acetaminophen
21 7.5/750mg, (ii) 781 tablets of alprazolam 0.25mg; and (iii) 370 tablets of alprazolam 2mg,
22 controlled substances and dangerous drugs, and maintain records for such drugs, as described in
23 paragraphs 27 - 31, above.

24 **SIXTH CAUSE FOR DISCIPLINE**

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

26 33. Respondent HEATHER EVARDOME is subject to disciplinary action under sections
27 4301, subdivision (l) and 490, in conjunction with California Code of Regulations, title 16,
28 section 1770, in that Respondent has been convicted of a crime substantially related to the

1 qualifications, functions or duties of a pharmacy technician, as described in paragraph 27, above.

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SEVENTH CAUSE FOR DISCIPLINE

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(Furnishing Dangerous Drugs Without a Prescription)

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34. Respondent HEATHER EVARDOME is subject to disciplinary action under section 4059, subdivisions (a), and 4301, subdivisions (j) and (o), in that she furnished dangerous drugs to herself without a valid prescription, as described in paragraph 27, above. Specifically, on April 18, 2013, a home search at her residence by Glendora Police Department revealed that Respondent had in her possession the following dangerous drugs: (i) 96 tablets of benzonatate 100mg, (ii) 11 tablets of benzonatate 200mg, and (iii) 34 tablets of Librax.

EIGHTH CAUSE FOR DISCIPLINE

(Unlawful Possession and Sale of Controlled Substances)

35. Respondent HEATHER EVARDOME is subject to disciplinary action under section 4301, subdivisions (f) and (j), on the grounds of unprofessional conduct for violating section 4060 in conjunction with Health and Safety Code sections 11350(a) and 11351, in that she committed acts involving moral turpitude, dishonesty, fraud, deceit or corruption. Specifically, between April 25, 2011 and April 4, 2013, Respondent stole an unknown quantity of hydrocodone/acetaminophen while working as a pharmacy technician at Glendora Medical Pharmacy. Respondent admitted to the theft and resale of controlled substances (hydrocodone/acetaminophen 10/325mg) from Glendora Medical Pharmacy, as described in paragraph 27, above.

NINTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct-Dishonesty and Fraud)

36. Respondent HEATHER EVARDOME is subject to disciplinary action under section Business and Professions Code 4301 subdivision (f) for obtaining controlled substances through theft and dishonesty, as set forth in paragraph 27.

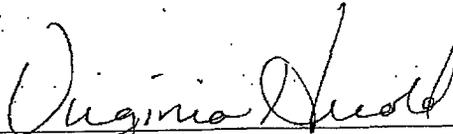
PRAYER

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

1. Revoking or suspending Pharmacy Permit Number PHY 47517, issued to H P Badesha Co., dba Glendora Medical Pharmacy;
2. Revoking or suspending Pharmacist License No. RPH 45898, issued to Paramjit Kaur Randhawa;
3. Revoking or suspending Pharmacist Technician Registration No. TCH 13938, issued to Heather Maureen Evardome;
4. Ordering H P Badesha Co., dba Glendora Medical Pharmacy, Paramjit Kaur Randhawa, and Heather Maureen Evardome to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
5. Taking such other and further action as deemed necessary and proper.

DATED: _____

5/28/15



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

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