

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

In the Matter of the Accusation Against:

**INNOVATIVE COMPOUNDING, INC.,  
dba INNOVATIVE COMPOUNDING PHARMACY  
MASOUD RASHIDI, President/Pharmacist-in-  
Charge/Owner  
ANNA RASHIDI, Vice President/Owner  
820 Wales Drive, Suite 3  
Folsom, CA 95630**

**Pharmacy Permit No. PHY 48417  
Sterile Compounding License No. LSC 99600**

**MASOUD RASHIDI  
P.O. Box 1773  
Folsom, CA 95763**

**Pharmacist License No. RPH 56324,**

**and**

**ANNA RASHIDI  
P.O. Box 1773  
Folsom, CA 95763**

**Pharmacist License No. RPH 56323**

Respondents.

Case No. 5663

OAH No. 2017020577

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER AS TO  
RESPONDENT MASOUD RASHIDI  
ONLY**

**DECISION AND ORDER**

The attached Stipulated Settlement of License and 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 August 10, 2017.

It is so ORDERED on July 11, 2017.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By \_\_\_\_\_

Amy Gutierrez, Pharm.D.  
Board President

1 XAVIER BECERRA  
Attorney General of California  
2 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
3 MALISSA N. SIEMANTEL  
Deputy Attorney General  
4 State Bar No. 240157  
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7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:  
12 **INNOVATIVE COMPOUNDING, INC.,**  
13 **dba INNOVATIVE COMPOUNDING**  
14 **PHARMACY**  
15 **MASOUD RASHIDI, President/Pharmacist-**  
16 **in-Charge/Owner**  
17 **ANNA RASHIDI, Vice President/Owner**  
18 **820 Wales Drive, Suite 3**  
19 **Folsom, CA 95630**  
20 **Pharmacy Permit No. PHY 48417**  
21 **Sterile Compounding License No. LSC**  
22 **99600,**  
23 **MASOUD RASHIDI**  
24 **P.O. Box 1773**  
25 **Folsom, CA 95763**  
26 **Pharmacist License No. RPH 56324,**  
27 **and**  
28 **ANNA RASHIDI**  
29 **P.O. Box 1773**  
30 **Folsom, CA 95763**  
31 **Pharmacist License No. RPH 56323**  
32  
33 Respondents.

Case No. 5663

OAH No. 2017020577

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER AS TO  
RESPONDENT MASOUD RASHIDI  
ONLY**

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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 ("Board"). She brought this action solely in her official capacity and is represented in this matter  
6 by Xavier Becerra, Attorney General of the State of California, by Malissa N. Siemantel, Deputy  
7 Attorney General.

8 2. Respondent Masoud Rashidi ("Respondent Masoud Rashidi") is represented in this  
9 proceeding by attorney Ivan Petrzelka, whose address is: 2855 Michelle Drive, Suite 180, Irvine,  
10 CA 92606-1027.

11 3. On or about February 7, 2007, the Board issued Pharmacy Permit Number PHY  
12 48417 to Respondent Innovative Compounding, Inc., doing business as Innovative Compounding  
13 Pharmacy, ("Respondent Innovative Compounding") with Masoud Rashidi ("Respondent Masoud  
14 Rashidi") as president and pharmacist-in-charge ("PIC") and Anna Rashidi ("Respondent Anna  
15 Rashidi") as vice president. The pharmacy permit was in full force and effect at all times relevant  
16 to the charges brought herein and will expire on February 1, 2018, unless renewed.

17 4. On or about April 30, 2010, the Board issued Sterile Compounding License Number  
18 LSC 99600 to Respondent Innovative Compounding. The sterile compounding license was in  
19 full force and effect at all times relevant to the charges brought herein and will expire on February  
20 1, 2018, unless renewed.

21 5. On or about September 24, 2004, the Board issued Pharmacist License Number  
22 RPH 56324 to Respondent Masoud Rashidi. The pharmacist license was in full force and effect  
23 at all times relevant to the charges brought herein and will expire on September 30, 2018, unless  
24 renewed.

25 6. On or about September 24, 2004, the Board issued Pharmacist License Number  
26 RPH 56323 to Respondent Anna Rashidi. The pharmacist license was in full force and effect at  
27 all times relevant to the charges brought herein and will expire on April 30, 2018, unless renewed.

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1 **JURISDICTION**

2 7. Accusation No. 5663 was filed before the Board, and is currently pending against  
3 Respondents. The Accusation and all other statutorily required documents were properly served  
4 on Respondents on August 30, 2016. Respondents timely filed their Notice of Defense contesting  
5 the Accusation.

6 8. A copy of Accusation No. 5663 is attached as exhibit A and incorporated herein by  
7 reference.

8 **ADVISEMENT AND WAIVERS**

9 9. Respondent Masoud Rashidi has carefully read, fully discussed with counsel, and  
10 understands the charges and allegations in Accusation No. 5663. Respondent Masoud Rashidi  
11 has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated  
12 Settlement and Disciplinary Order.

13 10. Respondent Masoud Rashidi is fully aware of his legal rights in this matter, including  
14 the right to a hearing on the charges and allegations in the Accusation; the right to confront and  
15 cross-examine the witnesses against him; the right to present evidence and to testify on his own  
16 behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the  
17 production of documents; the right to reconsideration and court review of an adverse decision;  
18 and all other rights accorded by the California Administrative Procedure Act and other applicable  
19 laws.

20 11. Respondent Masoud Rashidi voluntarily, knowingly, and intelligently waives and  
21 gives up each and every right set forth above.

22 **CULPABILITY**

23 12. Respondent Masoud Rashidi understands and agrees that the charges and allegations  
24 in Accusation No. 5663, if proven at hearing, constitute cause for imposing discipline upon his  
25 Pharmacist License.

26 13. For the purpose of resolving Accusation No. 5663 without the expense and  
27 uncertainty of further proceedings, Respondent Masoud Rashidi agrees that, at hearing,

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1 Complainant could establish a factual basis for the charges against him in Accusation No. 5663,  
2 and that Respondent Masoud Rashidi hereby gives up his right to contest those charges.

3 14. Respondent Masoud Rashidi agrees that in any future disciplinary proceeding before  
4 the Board the allegations set forth in Accusation No. 5663 shall be deemed admitted.

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

8 **CONTINGENCY**

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

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

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

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

4 **DISCIPLINARY ORDER**

5 IT IS HEREBY ORDERED that Pharmacist License No. RPH 56324 issued to Respondent  
6 Masoud Rashidi is revoked. However, the revocation is stayed and Respondent Masoud Rashidi  
7 is placed on probation for five (5) years on the following terms and conditions.

8 **1. Obey All Laws**

9 Respondent Masoud Rashidi shall obey all state and federal laws and regulations.

10 Respondent Masoud Rashidi shall report any of the following occurrences to the Board, in  
11 writing, within seventy-two (72) hours of such occurrence:

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

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

23 **2. Report to the Board**

24 Respondent Masoud Rashidi shall report to the Board quarterly, on a schedule as directed  
25 by the Board or its designee. The report shall be made either in person or in writing, as directed.  
26 Among other requirements, Respondent Masoud Rashidi shall state in each report under penalty  
27 of perjury whether there has been compliance with all the terms and conditions of probation.

28 Failure to submit timely reports in a form as directed shall be considered a violation of probation.

1 Any period(s) of delinquency in submission of reports as directed may be added to the total  
2 period of probation. Moreover, if the final probation report is not made as directed, probation  
3 shall be automatically extended until such time as the final report is made and accepted by the  
4 Board.

5 **3. Interview with the Board**

6 Upon receipt of reasonable prior notice, Respondent Masoud Rashidi shall appear in person  
7 for interviews with the Board or its designee, at such intervals and locations as are determined by  
8 the Board or its designee. Failure to appear for any scheduled interview without prior notification  
9 to Board staff, or failure to appear for two (2) or more scheduled interviews with the Board or its  
10 designee during the period of probation, shall be considered a violation of probation.

11 **4. Cooperate with Board Staff**

12 Respondent Masoud Rashidi shall cooperate with the Board's inspection program and with  
13 the Board's monitoring and investigation of Respondent Masoud Rashidi's compliance with the  
14 terms and conditions of his probation. Failure to cooperate shall be considered a violation of  
15 probation.

16 **5. Continuing Education**

17 Respondent Masoud Rashidi shall provide evidence of efforts to maintain skill and  
18 knowledge as a pharmacist as directed by the Board or its designee.

19 **6. Notice to Employers**

20 During the period of probation, Respondent Masoud Rashidi shall notify all present and  
21 prospective employers of the decision in case number 5663 and the terms, conditions and  
22 restrictions imposed on Respondent Masoud Rashidi by the decision, as follows:

23 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
24 Respondent Masoud Rashidi undertaking any new employment, Respondent Masoud Rashidi  
25 shall cause his direct supervisor, pharmacist-in-charge (including each new pharmacist-in-charge  
26 employed during Respondent Masoud Rashidi's tenure of employment) and owner to report to the  
27 Board in writing acknowledging that the listed individual(s) has/have read the decision in case  
28 number 5663, and terms and conditions imposed thereby. It shall be Respondent Masoud

1 Rashidi's responsibility to ensure that his employer(s) and/or supervisor(s) submit timely  
2 acknowledgment(s) to the Board.

3 If Respondent Masoud Rashidi works for or is employed by or through a pharmacy  
4 employment service, Respondent Masoud Rashidi must notify his direct supervisor, pharmacist-  
5 in-charge, and owner at every entity licensed by the Board of the terms and conditions of the  
6 decision in case number 5663 in advance of Respondent Masoud Rashidi commencing work at  
7 each licensed entity. A record of this notification must be provided to the Board upon request.

8 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
9 (15) days of Respondent Masoud Rashidi undertaking any new employment by or through a  
10 pharmacy employment service, Respondent Masoud Rashidi shall cause his direct supervisor with  
11 the pharmacy employment service to report to the Board in writing acknowledging that they have  
12 read the decision in case number 5663 and the terms and conditions imposed thereby. It shall be  
13 Respondent Masoud Rashidi's responsibility to ensure that his employer(s) and/or supervisor(s)  
14 submit timely acknowledgment(s) to the Board.

15 Failure to timely notify present or prospective employer(s) or to cause that/those  
16 employer(s) to submit timely acknowledgments to the Board shall be considered a violation of  
17 probation.

18 "Employment" within the meaning of this provision shall include any full-time,  
19 part-time, temporary, relief or pharmacy management service as a pharmacist or any  
20 position for which a pharmacist license is a requirement or criterion for employment,  
21 whether the Respondent Masoud Rashidi is an employee, independent contractor or  
22 volunteer.

23 **7. No Supervision of Interns, Serving as Pharmacist-in-Charge (PIC), Serving as**  
24 **Designated Representative-in-Charge, or Serving as a Consultant**

25 During the period of probation, Respondent Masoud Rashidi shall not supervise any intern  
26 pharmacist, be the pharmacist-in-charge or designated representative-in-charge of any entity  
27 licensed by the Board, other than Innovative Compounding, Inc., doing business as Innovative  
28 Compounding Pharmacy, nor serve as a consultant unless otherwise specified in this order. The



1 Board may, in case of an employment change by Respondent Masoud Rashidi or for other  
2 reasons as deemed appropriate by the Board or its designee, preclude the Respondent Masoud  
3 Rashidi from acting as a pharmacist-in-charge. Assumption of any such unauthorized supervision  
4 responsibilities shall be considered a violation of probation.

5 **8. Reimbursement of Board Costs**

6 As a condition precedent to successful completion of probation, Respondent Masoud  
7 Rashidi shall pay to the Board its costs of investigation and prosecution in the amount of \$12,000.  
8 Respondent Masoud Rashidi shall be jointly and severally liable with Respondent Innovative  
9 Compounding and Respondent Anna Rashidi for payment of those costs. Respondent Masoud  
10 Rashidi shall be permitted to make payments on a plan approved by the Board or its designee,  
11 with payments to be completed no later than six (6) months prior to the end of the probation term.  
12 There shall be no deviation from this schedule absent prior written approval by the Board or its  
13 designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of  
14 probation.

15 The filing of bankruptcy by Respondent Masoud Rashidi shall not relieve Respondent  
16 Masoud Rashidi of his responsibility to reimburse the Board its costs of investigation and  
17 prosecution.

18 **9. Probation Monitoring Costs**

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

23 **10. Status of License**

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

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

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

3 **11. License Surrender While on Probation**

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

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

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

20 Respondent Masoud Rashidi shall notify the Board in writing within ten (10) days of any  
21 change of employment. Said notification shall include the reasons for leaving, the address of the  
22 new employer, the name of the supervisor and owner, and the work schedule if known.

23 Respondent Masoud Rashidi shall further notify the Board in writing within ten (10) days of a  
24 change in name, residence address, mailing address, or phone number.

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

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1           **13. Tolling of Probation**

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

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

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

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

23           **14. Violation of Probation**

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

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

9 **15. Completion of Probation**

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

12 **16. Restricted Practice**

13 Respondent Masoud Rashidi's practice of pharmacy shall be restricted to prohibit  
14 compounding until six (6) hours of remedial education in compounding has been completed. The  
15 remedial education in compounding may be completed between March 24, 2017, and the  
16 effective date of this decision. Respondent Masoud Rashidi shall submit proof satisfactory to the  
17 Board of compliance with this term of probation.

18 Failure to abide by this restriction or to timely submit proof to the Board of compliance  
19 therewith shall be considered a violation of probation.

20 **17. Remedial Education**

21 Within sixty (60) days of the effective date of this decision, Respondent Masoud Rashidi  
22 shall submit to the Board or its designee, for prior approval, an appropriate program of remedial  
23 education related to compounding. The program of remedial education shall consist of at least six  
24 (6) hours, which shall be completed each year at Respondent Masoud Rashidi's own expense. At  
25 least fifty percent of remedial education shall be "in-person" training. All remedial education  
26 shall be in addition to, and shall not be credited toward, continuing education (CE) courses used  
27 for license renewal purposes. The six (6) hours of remedial education in compounding required  
28 under condition number 16 "Restricted Practice", above, shall satisfy the remedial education

1 requirement for the first year of probation. The remedial education in compounding may be  
2 completed between March 24, 2017, and the effective date of this decision.

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

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

#### 13 18. No New Ownership of Licensed Premises

14 Respondent Masoud Rashidi shall not acquire any new ownership, legal or beneficial  
15 interest nor serve as a manager, administrator, member, officer, director, trustee, associate, or  
16 partner of any additional business, firm, partnership, or corporation licensed by the Board. If  
17 Respondent Masoud Rashidi currently owns or has any legal or beneficial interest in, or serves as  
18 a manager, administrator, member, officer, director, trustee, associate, or partner of any business,  
19 firm, partnership, or corporation currently or hereinafter licensed by the Board, Respondent  
20 Masoud Rashidi may continue to serve in such capacity or hold that interest, but only to the  
21 extent of that position or interest as of the effective date of this decision. Violation of this  
22 restriction shall be considered a violation of probation.

#### 23 19. Ethics Course

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

28 Respondent Masoud Rashidi shall submit a certificate of completion to the Board or its

1 designee within five days after completing the course.

2 **ACCEPTANCE**

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

8  
9 DATED: 5/24/17   
10 MASOUD RASHIDI  
*Respondent*

11 I have read and fully discussed with Respondent Masoud Rashidi the terms and conditions  
12 and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve  
13 its form and content.

14 DATED: May 25, 2017   
15 IVAN PETRZELKA  
*Attorney for Respondent Masoud Rashidi*

16  
17 **ENDORSEMENT**

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

20 Dated: Respectfully submitted,  
21 XAVIER BECERRA  
22 Attorney General of California  
23 JANICE K. LACHMAN  
Supervising Deputy Attorney General

24  
25 MALISSA N. SIEMANTEL  
26 Deputy Attorney General  
*Attorneys for Complainant*

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1 designee within five days after completing the course.

2 ACCEPTANCE

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

8  
9 DATED: \_\_\_\_\_  
10 MASOUD RASHIDI  
11 Respondent

12 I have read and fully discussed with Respondent Masoud Rashidi the terms and conditions  
13 and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve  
14 its form and content.

15 DATED: \_\_\_\_\_  
16 IVAN PETRZELKA  
17 Attorney for Respondent Masoud Rashidi

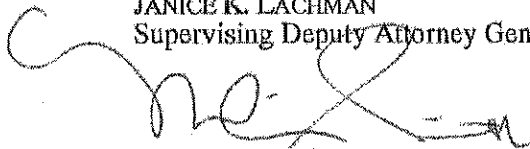
18 ENDORSEMENT

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

21 Dated: 5/26/17

Respectfully submitted,

22 XAVIER BECERRA  
23 Attorney General of California  
24 JANICE K. LACHMAN  
25 Supervising Deputy Attorney General



26 MALISSA N. SIEMANTEL  
27 Deputy Attorney General  
28 Attorneys for Complainant

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**Exhibit A**

**Accusation No. 5663**



1 KAMALA D. HARRIS  
Attorney General of California  
2 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
3 MALISSA N. SIEMANTEL  
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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 5663

13 **INNOVATIVE COMPOUNDING, INC.,**  
14 **dba INNOVATIVE COMPOUNDING PHARMACY**  
15 **MASOUD RASHIDI, President/Pharmacist-in-**  
16 **Charge/Owner**  
17 **ANNA RASHIDI, Vice President/Owner**  
18 **820 Wales Drive, Suite 3**  
19 **Folsom, CA 95630**

**ACCUSATION**

20 **Pharmacy Permit No. PHY 48417**  
21 **Sterile Compounding License No. LSC 99600,**

22 **MASOUD RASHIDI**  
23 **P.O. Box 1773**  
24 **Folsom, CA 95763**

25 **Pharmacist License No. RPH 56324,**

26 **and**

27 **ANNA RASHIDI**  
28 **P.O. Box 1773**  
**Folsom, CA 95763**

**Pharmacist License No. RPH 56323**

Respondents.

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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 ("Board"), Department of Consumer Affairs.

5 2. On or about February 7, 2007, the Board issued Pharmacy Permit Number PHY  
6 48417 to Innovative Compounding, Inc. ("Respondent Innovative Compounding"), doing  
7 business as Innovative Compounding Pharmacy, with Masoud Rashidi ("Respondent Masoud  
8 Rashidi") as president and pharmacist-in-charge ("PIC") and Anna Rashidi ("Respondent Anna  
9 Rashidi") as vice president. The pharmacy permit was in full force and effect at all times relevant  
10 to the charges brought herein and will expire on February 1, 2017, unless renewed.

11 3. On or about April 30, 2010, the Board issued Sterile Compounding License Number  
12 LSC 99600 to Respondent Innovative Compounding. The sterile compounding license was in  
13 full force and effect at all times relevant to the charges brought herein and will expire on February  
14 1, 2017, unless renewed.

15 4. On or about September 24, 2004, the Board issued Pharmacist License Number RPH  
16 56324 to Respondent Masoud Rashidi. The pharmacist license was in full force and effect at all  
17 times relevant to the charges brought herein and will expire on September 30, 2016, unless  
18 renewed.

19 5. On or about September 24, 2004, the Board issued Pharmacist License Number RPH  
20 56323 to Respondent Anna Rashidi. The pharmacist license was in full force and effect at all  
21 times relevant to the charges brought herein and will expire on April 30, 2016, unless renewed.

22 JURISDICTION/STATUTORY AND REGULATORY PROVISIONS

23 6. This Accusation is brought before the Board under the authority of the following  
24 laws. All section references are to the Business and Professions Code ("Code") unless otherwise  
25 indicated.

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7. Code section 4300 states, in pertinent part:

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

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

(1) Suspending judgment.

(2) Placing him or her upon probation.

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

(4) Revoking his or her license.

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

8. Code section 4300.1 states:

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

9. Code section 4301 states, in pertinent part:

The board shall take action against any holder of a license who is guilty of unprofessional conduct . . . Unprofessional conduct shall include, but is not limited to, any of the following:

....

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

10. Code section 4306.5 states, in pertinent part:

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

(a) Acts or omissions that involve, in whole or in part, the inappropriate exercise of his or her education, training, or experience as a pharmacist, whether or not the act or omission arises in the course of the practice of pharmacy or the ownership, management, administration, or operation of a pharmacy or other entity licensed by the board . . .

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11. Section 4307(a) of the Code states

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.

12. Code section 4113, subdivision (c), states that "[t]he pharmacist-in-charge shall be responsible for a pharmacy's compliance with all state and federal laws and regulations pertaining to the practice of pharmacy."

13. Code section 4022 states, in pertinent part:

"Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use in humans or animals, and includes the following:

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

....

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

14. Code section 4025 states:

"Drug" means any of the following:

(a) Articles recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement of any of them.

(b) Articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in human beings or other animals.

(c) Articles (other than food) intended to affect the structure or any function of the body of human beings or other animals.

1 (d) Articles intended for use as a component of any article specified in  
subdivision (a), (b), or (c).

2 15. Code section 4342, subdivision (a), states:

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

7 16. Health and Safety Code section 110290 states:

8 In determining whether the labeling or advertisement of a food, drug,  
9 device, or cosmetic is misleading, all representations made or suggested by statement,  
10 word, design, device, sound, or any combination of these, shall be taken into account.  
The extent that the labeling or advertising fails to reveal facts concerning the food,  
drug, device, or cosmetic or consequences of customary use of the food, drug, device,  
or cosmetic shall also be considered.

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12 17. Health and Safety Code section 111330 states that "[a]ny drug or device is  
13 misbranded if its labeling is false or misleading in any particular".

14 18. Health and Safety Code section 111400 states:

15 Any drug or device is misbranded if it is dangerous to health when used in the  
16 dosage, or with the frequency or duration prescribed, recommended, or suggested in  
its labeling.

17 19. Health and Safety Code section 111440 states:

18 It is unlawful for any person to manufacture, sell, deliver, hold, or offer for sale any  
19 drug or device that is misbranded.

20 20. Health and Safety Code section 111450 states:

21 It is unlawful for any person to receive in commerce any drug or device that is  
22 misbranded or to deliver or proffer for delivery any drug or device.

23 21. Health and Safety Code section 111550 provides, in pertinent part:

24 No person shall sell, deliver, or give away any new drug or new device  
25 unless it satisfies either of the following:

26 (a) It is one of the following:

27 (1) A new drug, and a new drug application has been approved for it and  
28 that approval has not been withdrawn, terminated, or suspended under Section 505 of  
the federal act (21 U.S.C. Sec. 355).

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(b) The department has approved a new drug or device application for that new drug or new device and that approval has not been withdrawn, terminated, or suspended . . .

22. Section 201, subdivision (p), of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. section 321, subdivision (p)), states, in pertinent part:

The term "new drug" means--

(1) Any drug . . . the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the condition prescribed, recommended, or suggested in the labeling thereof . . .

(2) Any drug . . . the composition of which is such that such drug, as a result of investigations to determine its safety and effectiveness for use under such conditions, has become so recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions.

23. Title 21, United States Code, Section 352 states, in pertinent part:

A drug or device shall be deemed to be misbranded--

(f) Directions for use and warnings on label. Unless its labeling bears (1) adequate directions for use; and (2) such adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods or duration of administration or application, in such manner and form, as are necessary for the protection of users, except that where any requirement of clause (1) of this paragraph, as applied to any drug or device, is not necessary for the protection of the public health, the Secretary shall promulgate regulations exempting such drug or device from such requirement. Required labeling for prescription devices intended for use in health care facilities or by a health care professional and required labeling for in vitro diagnostic devices intended for use by health care professionals or in blood establishments may be made available solely by electronic means, provided that the labeling complies with all applicable requirements of law, and that the manufacturer affords such users the opportunity to request the labeling in paper form, and after such request, promptly provides the requested information without additional cost.

24. Section 505, subdivision (a), of the Act (21 U.S.C. section 355, subdivision (a)), states, in pertinent part, that ". . . [n]o person shall introduce or deliver for introduction into interstate commerce any new drug, unless an approval of an application filed pursuant to subsection (b) or (j) is effective with respect to such drug."

25. California Code of Regulations, title 16, section ("Regulation") 1735.2 states, in pertinent part:

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(h) Every compounded drug product shall be given an expiration date representing the date beyond which, in the professional judgment of the pharmacist performing or supervising the compounding, it should not be used. This "beyond use date" of the compounded drug product shall not exceed 180 days from preparation or the shortest expiration date of any component in the compounded drug product, unless a longer date is supported by stability studies of finished drugs or compounded drug products using the same components and packaging. Shorter dating than set forth in this subsection may be used if it is deemed appropriate in the professional judgment of the responsible pharmacist . . .

26. Regulation 1735.3 states, in pertinent part:

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

....

(6) The manufacturer, expiration date and lot number of each component. If the manufacturer name is demonstrably unavailable, the name of the supplier may be substituted . . .

27. Regulation 1751.7 states, in pertinent part:

....

(c) Batch-produced sterile injectable drug products compounded from one or more non-sterile ingredients shall be subject to documented end product testing for sterility and pyrogens and shall be quarantined until the end product testing confirms sterility and acceptable levels of pyrogens . . .

**COST RECOVERY**

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

**DRUG CLASSIFICATIONS**

29. "Domperidone" is an anti-dopaminergic drug that acts as an antiemetic and a prokinetic agent. Domperidone is not currently a legally marketed human drug and is not approved for sale in the United States.

30. "Depo-testosterone", a brand of testosterone cypionate, is a Schedule III controlled substance as designated by Health and Safety Code section 11056, subdivision (f)(30). Depo-

1 testosterone is indicated for the treatment of low testosterone. Depo-testosterone is a dangerous  
2 drug within the meaning of Code section 4022 in that it requires a prescription under federal law.

3 31. "Caverject", a brand of alprostadil, is a dangerous drug within the meaning of Code  
4 section 4022 in that it requires a prescription under federal law. Caverject is indicated for the  
5 treatment of erectile dysfunction.

6 32. "Papaverine" is a dangerous drug within the meaning of Code section 4022 in that it  
7 requires a prescription under federal law. Papaverine is indicated for the treatment of erectile  
8 dysfunction.

9 33. "Phentolamine" is a dangerous drug within the meaning of Code section 4022 in that  
10 it requires a prescription under federal law. Papaverine is indicated for the treatment of erectile  
11 dysfunction.

### 12 FACTUAL ALLEGATIONS

#### 13 **(Compounding and Dispensing of Unapproved Drug Domperidone)**

14 34. On or about June 7, 2004, the U.S. Food and Drug Administration ("FDA") issued a  
15 Talk Paper titled, "FDA Warns Against Women Using Unapproved Drug, Domperidone, to  
16 Increase Milk Production", warning breastfeeding women not to use the product because of safety  
17 concerns. The FDA stated that although domperidone was approved in several countries outside  
18 the U.S. to treat certain gastric disorders, it is not approved in any country, including the U.S., for  
19 enhancing breast milk production in lactating women and is also not approved in the U.S. for any  
20 indication. The FDA stated that there had been several published reports and case studies of  
21 cardiac arrhythmias, cardiac arrest, and sudden death in patients receiving an IV form of  
22 domperidone that had been withdrawn from marketing in a number of countries. Further, in  
23 several countries where the oral form of domperidone continued to be marketed, labels for the  
24 product contained specific warnings against use of domperidone by breastfeeding women. The  
25 Talk Paper indicated that the FDA had issued six letters to pharmacies that compound products  
26 containing domperidone and firms that supply domperidone for use in compounding, stating that  
27 all drug products containing domperidone (whether compounded or not) violated the Federal

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1 Food, Drug and Cosmetic Act ("the Act") because they are unapproved new drugs and  
2 misbranded.

3 35. On or about June 7, 2004, the FDA issued a warning letter to Spectrum Chemicals &  
4 Laboratory Products. The FDA stated that their inspection of the firm revealed they were  
5 repacking and distributing bulk API (active pharmaceutical ingredients) domperidone for use in  
6 pharmacy compounding in violation of the Act. The FDA also stated that the drug's labeling did  
7 not contain adequate directions for use and that domperidone was not an active ingredient  
8 contained in any FDA-approved drug product.

9 36. On or about April 9, 2010, the FDA issued a warning letter to Alexandria Medical  
10 Arts Pharmacy & Compounding Laboratory. The FDA found during their inspection of the firm  
11 that they had compounded domperidone products for human patients on numerous occasions.  
12 The FDA stated that the domperidone products compounded by the firm were new drugs as  
13 defined by section 201(p) [21 U.S.C. section 321(p)] of the Act and may not be introduced or  
14 delivered into interstate commerce under section 505(a) of the Act [21 U.S.C. section 355(a)]  
15 because no approval of an application filed pursuant to section 505 of the Act [21 U.S.C. section  
16 335] is in effect for the products.

17 37. On or about March 12, 2012, the FDA issued Import Alert 61-07, stating that  
18 domperidone was being imported as a bulk API for pharmacy compounding and that importation  
19 of the drug presented a public health risk and violated the Act.

20 38. On or about April 13, 2015, Board Inspectors M. and I. assisted FDA Consumer  
21 Safety Officers with an investigation of Innovative Compounding Pharmacy. An investigator of  
22 the California Department of Public Health was also present during the inspection. Respondent  
23 Masoud Rashidi, the pharmacist-in-charge ("PIC Rashidi"), assisted the investigation team.

24 39. During the tour of the compounding lab, Inspector M. inspected the finished  
25 compounded products and found two expired compounded topical hormone replacement therapy  
26 products, Bi-Est 50/50 E3/E2 0.75 mg/0.5 ml and Bi-Est 80/20 0.5 mg/ml, on the inventory  
27 shelves. Later, the FDA officers found various expired injectable compounds, including MIC +

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1 B12 Methylcobalamin injectable solution, Methylcobalamin 20 mg/ml injectable solution, and  
2 Cyanocobalamin 1000 mcg/ml, near the pharmacy autoclave.

3 40. PIC Rashidi was asked if the pharmacy had any domperidone powder in stock. PIC  
4 Rashidi checked the pharmacy cabinets and found a 500 gram stock bottle of domperidone bulk  
5 powder. Inspector I. told PIC Rashidi that she wanted to review the stock compounded capsules.  
6 PIC Rashidi opened the cabinets underneath the autoclave counter. Inspector I. inspected the  
7 cabinets and found domperidone capsules in varying strengths. Inspectors M. and I. obtained  
8 copies of the pharmacy's compounding log and prescriptions filled report and found that  
9 domperidone capsules were compounded multiple times within the previous year.

10 41. On or about April 28, 2015, Inspector M. conducted a follow-up inspection at the  
11 pharmacy and obtain copies of additional documents, including original domperidone  
12 prescriptions, compounding logs, dispensing records, and logged formula worksheets.

13 42. Inspector M. determined, based on the above documents, that on and between  
14 September 13, 2014 and April 13, 2015, the pharmacy had compounded 22 batches and 12,418  
15 capsules of various strengths of domperidone. 20 batches and 10,618 capsules had been  
16 compounded by PIC Rashidi; 2 batches and 1,800 capsules had been compounded by Respondent  
17 Anna Rashidi. The pharmacy had also dispensed approximately 146 prescriptions and 14,141  
18 capsules to patients which were compounded from domperidone. PIC Rashidi had dispensed  
19 approximately 143 of the prescriptions and approximately 13,711 of the capsules; Respondent  
20 Anna Rashidi had dispensed approximately 3 of the prescriptions and approximately 430 of the  
21 capsules.

22 **FIRST CAUSE FOR DISCIPLINE**

23 **(Violations of the Pharmacy Law and Federal and State**

24 **Laws and Regulations Governing Pharmacy)**

25 43. Respondent Innovative Compounding's pharmacy permit is subject to disciplinary  
26 action for unprofessional conduct pursuant to Code section 4301, subdivision (o), in that  
27 Respondent violated or attempted to violate, directly or indirectly, assisted in or abetted the  
28 violation of, or conspired to violate provisions or terms of the Pharmacy Law (Bus. & Prof. Code

1 § 4300, et seq.), and federal and state laws and regulations governing pharmacy, as follows:

2 a. On and between September 13, 2014 and April 13, 2015, Respondent introduced or  
3 delivered for introduction into interstate commerce the new drug, domperidone, by compounding  
4 and dispensing the drug to patients, as set forth in paragraph 42 above, when, in fact, there was no  
5 IND for domperidone approved by the FDA, in violation of 21 U.S.C. section 355, subdivision  
6 (a).

7 b. On and between September 13, 2014 and April 13, 2015, Respondent sold, delivered,  
8 or gave away the new drug dromperidone by dispensing the drug to patients, as set forth in  
9 paragraph 42 above, when, in fact, there was no IND for domperidone approved by the FDA, in  
10 violation of Health and Safety Code section 111550.

11 c. On or about April 13, 2015, Respondent had its active dispensing inventory  
12 compounded drug products that were expired, as set forth in paragraph 39 above, in violation of  
13 Code section 4342.

14 d. Respondent failed to list on the logged formula worksheets for Lot Nos.  
15 04082015@31 (domperidone 20 mg capsules), 03132015@26 (domperidone 10 mg capsules),  
16 03192015@5 (domperidone 10 mg/ml suspension), 03262015@17 (domperidone 40 mg  
17 capsules), and 12222014@20 (domperidone 20 mg capsules) the manufacturer of each drug  
18 component, in violation of Regulation 1735.3, subdivision (a)(6).

19 **SECOND CAUSE FOR DISCIPLINE**

20 **(Sold Misbranded Drugs)**

21 44. Respondent Innovative Compounding's pharmacy permit is subject to disciplinary  
22 action for unprofessional conduct pursuant to Code section 4301, subdivision (j), for violating  
23 statutes regulating controlled substances and dangerous drugs, in that Respondent sold  
24 misbranded drugs, as defined by Health and Safety Code section 111400 and United States Code,  
25 title 21, section 352(f), in violation of Health and Safety Code section 111440, as set forth in  
26 paragraphs 34 through 38 and 40 through 42, above.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Delivered or Proffered for Delivery Misbranded Drugs)**

3 45. Respondent Innovative Compounding's pharmacy permit is subject to disciplinary  
4 action pursuant to section 4301, subdivision (j), for unprofessional conduct, for violating statutes  
5 regulating controlled substances and dangerous drugs, in that Respondent delivered or proffered  
6 for delivery misbranded drugs, as defined by Health and Safety Code section 111400, in violation  
7 of Health and safety Code section 111450, as set forth in paragraphs 34 through 38 and 40  
8 through 42, above.

9 **FOURTH CAUSE FOR DISCIPLINE**

10 **(Violations of the Pharmacy Law and Federal and State**

11 **Laws and Regulations Governing Pharmacy)**

12 46. Respondent Innovative Compounding's sterile compounding license is subject to  
13 disciplinary action for unprofessional conduct pursuant to Code section 4301, subdivision (o), in  
14 that Respondent violated or attempted to violate, directly or indirectly, assisted in or abetted the  
15 violation of, or conspired to violate provisions or terms of the Pharmacy Law (Bus. & Prof. Code  
16 § 4300, et seq.), and federal and state laws and regulations governing pharmacy, as follows: On  
17 or about April 13, 2015, Respondent had in its active dispensing inventory compounded drug  
18 products that were expired, as set forth in paragraph 39 above, in violation of Code section 4342.

19 **FIFTH CAUSE FOR DISCIPLINE**

20 **(Violations of the Pharmacy Law and Federal and State**

21 **Laws and Regulations Governing Pharmacy)**

22 47. Respondent Masoud Rashidi's pharmacist license is subject to disciplinary action for  
23 unprofessional conduct pursuant to Code section 4301, subdivision (o), in that Respondent  
24 violated or attempted to violate, directly or indirectly, assisted in or abetted the violation of, or  
25 conspired to violate provisions or terms of the Pharmacy Law (Bus. & Prof. Code § 4300, et  
26 seq.), and federal and state laws and regulations governing pharmacy, as follows:

27 a. On and between September 13, 2014 and April 13, 2015, Respondent introduced or  
28 delivered for introduction into interstate commerce the new drug, domperidone, by compounding

1 and dispensing the drug to patients, as set forth in paragraph 42 above, when, in fact, there was no  
2 IND for domperidone approved by the FDA, in violation of 21 U.S.C. section 355, subdivision  
3 (a).

4 b. On and between September 13, 2014 and April 13, 2015, Respondent sold, delivered,  
5 or gave away the new drug dromperidone by dispensing the drug to patients, as set forth in  
6 paragraph 42 above, when, in fact, there was no IND for domperidone approved by the FDA, in  
7 violation of Health and Safety Code section 111550.

8 c. On or about April 13, 2015, Respondent, as pharmacist-in-charge of Innovative  
9 Compounding Pharmacy, had in the pharmacy's active dispensing inventory compounded drug  
10 products that were expired, as set forth in paragraph 39 above, in violation of Code section 4342.

11 d. Respondent, as pharmacist-in-charge of Innovative Compounding Pharmacy, failed to  
12 list on the logged formula worksheets for Lot Nos. 04082015@31 (domperidone 20 mg capsules),  
13 03132015@26 (domperidone 10 mg capsules), 03192015@5 (domperidone 10 mg/ml  
14 suspension), 03262015@17 (domperidone 40 mg capsules), and 12222014@20 (domperidone 20  
15 mg capsules) the manufacturer of each drug component, in violation of Regulation 1735.3,  
16 subdivision (a)(6).

17 **SIXTH CAUSE FOR DISCIPLINE**

18 **(Sold Misbranded Drugs)**

19 48. Respondent Masoud Rashidi's pharmacist license is subject to disciplinary action  
20 for unprofessional conduct pursuant to Code section 4301, subdivision (j), for violating statutes  
21 regulating controlled substances and dangerous drugs, in that Respondent, as pharmacist-in-  
22 charge of Innovative Compounding Pharmacy, sold misbranded drugs, as defined by Health and  
23 Safety Code section 111400 and United States Code, title 21, section 352(f), in violation of  
24 Health and Safety Code section 111440, as set forth in paragraphs 34 through 38 and 40 through  
25 42, above.

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1 **SEVENTH CAUSE FOR DISCIPLINE**

2 **(Delivered or Proffered for Delivery Misbranded Drugs)**

3 49. Respondent Masoud Rashidi's pharmacist license is subject to disciplinary action  
4 pursuant to section 4301, subdivision (j), for unprofessional conduct, for violating statutes  
5 regulating controlled substances and dangerous drugs, in that Respondent, as pharmacist-in-  
6 charge of Innovative Compounding Pharmacy, delivered or proffered for delivery misbranded  
7 drugs, as defined by Health and Safety Code section 111400, in violation of Health and safety  
8 Code section 111450, as set forth in paragraphs 34 through 38 and 40 through 42, above.

9 **EIGHTH CAUSE FOR DISCIPLINE**

10 **(Violations of the Pharmacy Law and**  
11 **Federal and State Laws Governing Pharmacy)**

12 50. Respondent Anna Rashidi's pharmacist license is subject to disciplinary action for  
13 unprofessional conduct pursuant to Code section 4301, subdivision (o), in that Respondent  
14 violated or attempted to violate, directly or indirectly, assisted in or abetted the violation of, or  
15 conspired to violate provisions or terms of the Pharmacy Law (Bus. & Prof. Code § 4300, et  
16 seq.), and federal and state laws governing pharmacy, as follows:

17 a. On and between September 13, 2014 and April 13, 2015, Respondent introduced or  
18 delivered for introduction into interstate commerce the new drug domperidone by compounding  
19 and dispensing the drug to patients, as set forth in paragraph 42 above, when, in fact, there was no  
20 IND for domperidone approved by the FDA, in violation of 21 U.S.C. section 355, subdivision  
21 (a).

22 b. On and between September 13, 2014 and April 13, 2015, Respondent sold, delivered,  
23 or gave away the new drug dromperidone by dispensing the drug to patients, as set forth in  
24 paragraph 42 above, when, in fact, there was no IND for domperidone approved by the FDA, in  
25 violation of Health and Safety Code section 111550.

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1 **NINTH CAUSE FOR DISCIPLINE**

2 **(Sold Misbranded Drugs)**

3 51. Respondent Anna Rashidi's pharmacist license is subject to disciplinary action for  
4 unprofessional conduct pursuant to Code section 4301, subdivision (j), for violating statutes  
5 regulating controlled substances and dangerous drugs, in that Respondent sold misbranded drugs,  
6 as defined by Health and Safety Code section 111400 and United States Code, title 21, section  
7 352(f), in violation of Health and Safety Code section 111440, as set forth in paragraphs 34  
8 through 38 and 40 through 42, above.

9 **TENTH CAUSE FOR DISCIPLINE**

10 **(Delivered or Proffered for Delivery Misbranded Drugs)**

11 52. Respondent Anna Rashidi's pharmacist license is subject to disciplinary action  
12 pursuant to section 4301, subdivision (j), for unprofessional conduct, for violating statutes  
13 regulating controlled substances and dangerous drugs, in that Respondent delivered or proffered  
14 for delivery misbranded drugs, as defined by Health and Safety Code section 111400, in violation  
15 of Health and safety Code section 111450, as set forth in paragraphs 34 through 38 and 40  
16 through 42, above.

17 **FACTUAL ALLEGATIONS**

18 **(Violations of the Pharmacy Law Pertaining to Sterile Injectable Compounding)**

19 53. On and between April 13, 2015 and April 17, 2015, the Food and Drug  
20 Administration ("FDA") inspected Innovative Compounding Pharmacy. On or about April 17,  
21 2015, the FDA issued a Form 483 Inspection Report to the pharmacy listing a number of  
22 observations made by FDA representatives during the inspection. The FDA found that "[e]ach  
23 batch of drug product purporting to be sterile is not laboratory tested to determine conformance to  
24 such requirements", and that sterility and endotoxin testing is not consistently performed on  
25 compounded sterile products, including testosterone cypionate 200 mg/ml injectable solution and  
26 bi-mix papaverine/phentolamine 30 mg/2 mg/ml injectable solution.

27 54. On or about June 11, 2015, a Board Inspector contacted the pharmacy and spoke with  
28 Respondent Masoud Rashidi ("PIC Rashidi"). The inspector requested the pharmacy's

1 compounding logs along with testing information from December 1, 2014 to June 11, 2015. On  
2 or about July 3, 2015, the Board received compounding logs together with testing results from  
3 PIC Rashidi.

4 55. The inspector found based on the above records that the pharmacy dispensed batch-  
5 produced compounds without completing the appropriate sterility and endotoxin tests and that  
6 compounds made without the appropriate tests were used to compound individual patient-specific  
7 compounds. The inspector also found that the pharmacy used components in multiple  
8 formulations which were past the indicated beyond use date (expiration date), and would label the  
9 compounds with a beyond use date greater than the shortest beyond use date of some of the  
10 components used.

11 **ELEVENTH CAUSE FOR DISCIPLINE**

12 **(Violations of the Pharmacy Law and State**

13 **Laws and Regulations Governing Pharmacy)**

14 56. Respondent Innovative Compounding's pharmacy permit and sterile compounding  
15 license are subject to disciplinary action for unprofessional conduct pursuant to Code section  
16 4301, subdivision (o), in that Respondent violated or attempted to violate, directly or indirectly,  
17 assisted in or abetted the violation of, or conspired to violate provisions or terms of the Pharmacy  
18 Law (Bus. & Prof. Code § 4300, et seq.) and state laws and regulations governing pharmacy, as  
19 follows:

20 a. On and between December 1, 2014 and June 1, 2015, Respondent Innovative  
21 Compounding's pharmacist-in-charge, Respondent Masoud Rashidi, failed to test batch-produced  
22 sterile injectable drug products for sterility and pyrogens, specifically, papaverine/phentolamine  
23 (bi-mix) injectable solution 30 mg/5 mg/ml (on three occasions between December 2, 2014 and  
24 June 1, 2015), papaverine/phentolamine (bi-mix) injectable solution 30 mg/2 mg/ml (on six  
25 occasions between December 10, 2014 and May 14, 2015), papaverine/phentolamine (bi-mix)  
26 injectable solution 30 mg/1 mg/ml (on three occasions between December 30, 2014 and May 21,  
27 2015), papaverine/phentolamine/alprostadil (tri-mix) injectable solution 30 mg/1 mg/30 mcg/ml  
28 (on December 1, 2014), and testosterone cypionate injectable solution 200 mg/ml (on seven



1 occasions between March 30, 2015 and June 1, 2015), in violation of Regulation 1751.7,  
2 subdivision (c).

3 b. On and between December 5, 2014 and June 8, 2015, Respondent Innovative  
4 Compounding's pharmacist-in-charge, Respondent Masoud Rashidi, used compounds which were  
5 made without appropriate sterility and endotoxin tests to compound individual patient-specific  
6 compounds, in violation of Regulation 1751.7, subdivision (c), specifically:

7 1. Papaverine/phentolamine/alprostadil (tri-mix) injectable solution 30 mg/1  
8 mg/10 mcg/ml, using the untested compound bi-mix 30 mg/1 mg/ml, Lot #12302014@23, on 11  
9 occasions between January 2, 2015 and February 9, 2015; the untested compound bi-mix 30 mg/1  
10 mg/ml, Lot #05212015@4, on seven occasions between May 18, 2015 and June 5, 2015, and the  
11 untested compound bi-mix 30 mg/1 mg/ml, Lot #05072015@9, on three occasions between May  
12 5, 2015 and May 11, 2015;

13 2. Papaverine/phentolamine/alprostadil (tri-mix) injectable solution 30 mg/5  
14 mg/10 mcg/ml, using the untested compound bi-mix 30 mg/5 mg/ml, Lot #12022014@8, on  
15 December 5, 2014 and December 12, 2014; the untested compound bi-mix 30 mg/5 mg/ml, Lot  
16 #05182015@4, on May 15, 18, and 19, 2015; and the untested compound bi-mix 30 mg/5 mg/ml,  
17 Lot #06012015@26, on June 5 and 8, 2015; and

18 3. Papaverine/phentolamine/alprostadil (tri-mix) injectable solution 30 mg/5  
19 mg/20 mcg/ml, using the untested compound bi-mix 30 mg/5 mg/ml, Lot #12022014@8, on  
20 December 5 and 12, 2014.

21 c. On and between December 1, 2014 and June 11, 2015, Respondent Innovative  
22 Compounding's pharmacist-in-charge, Respondent Masoud Rashidi, and pharmacist Anna  
23 Rashidi, documented beyond use dates on finished compounds that exceeded the shortest beyond  
24 use date of the components in the compounded drug product; i.e., wrongfully extended beyond  
25 use dates that were recorded for the following compounds, in violation of Regulation 1735.2,  
26 subdivision (h):

27 1. Respondent Masoud Rashidi recorded beyond use dates for  
28 papaverine/phentolamine (bi-mix) injectable solution 30 mg/5 mg/ml, compounded on December

1 2, 2014, January 12, 2015, and February 12, 2015, that exceeded the shortest beyond use date of  
2 the components used in the compounded drug product, specifically, the ingredient edetate  
3 disodium aliquot 1 mg/ml.

4 2. Respondent Masoud Rashidi recorded beyond use dates for  
5 papaverine/phentolamine (bi-mix) injectable solution 30 mg/1 mg/ml, compounded on January  
6 20, 2015 (two different lots), April 28, 2015, and June 9, 2015, that exceeded the shortest beyond  
7 use date of the components used in the compounded drug product, specifically, the ingredients  
8 edetate disodium aliquot 1 mg/ml and benzyl alcohol NF.

9 3. Respondent Masoud Rashidi recorded a beyond use date for  
10 papaverine/phentolamine (bi-mix) injectable solution 30 mg/7 mg/ml, compounded on March 27,  
11 2105, that exceeded the shortest beyond use date of the components used in the compounded drug  
12 product, specifically, the ingredient edetate disodium aliquot 1 mg/ml.

13 4. Respondent Masoud Rashidi recorded beyond use dates for  
14 papaverine/phentolamine/alprostadil (tri-mix) injectable solution 30 mg/1 mg/10 mcg/ml,  
15 compounded on 29 occasions between December 4, 2014 and June 2, 2015, that exceeded the  
16 shortest beyond use date of the components used in the compounded drug product, specifically,  
17 the ingredient bi-mix 30 mg/1 mg/ml.

18 5. Respondent Anna Rashidi recorded beyond use dates for  
19 papaverine/phentolamine/alprostadil (tri-mix) injectable solution 30 mg/1 mg/10 mcg/ml,  
20 compounded on May 11, 2015, May 26, 2105, June 5, 2015, and June 10, 2015, that exceeded the  
21 shortest beyond use date of the components used in the compounded drug product, specifically,  
22 the ingredient bi-mix 30 mg/1 mg/ml.

23 6. Respondent Masoud Rashidi recorded beyond use dates for  
24 papaverine/phentolamine/alprostadil (tri-mix) injectable solution 30 mg/5 mg/10 mcg/ml,  
25 compounded on 24 occasions between December 5, 2014 and June 8, 2015, that exceeded the  
26 shortest beyond use date of the components used in the compounded drug product, specifically,  
27 the ingredient bi-mix 30 mg/5 mg/ml.

28 7. Respondent Masoud Rashidi recorded beyond use dates for

1 papaverine/phentolamine/alprostadil (tri-mix) injectable solution 30 mg/5 mg/20 mcg/ml,  
2 compounded on eight occasions between December 1, 2014 and May 14, 2015, that exceeded the  
3 shortest beyond use date of the components used in the compounded drug product, specifically,  
4 the ingredient bi-mix 30 mg/5 mg/ml.

5 d. On and between December 1, 2014 and June 11, 2015, Respondent Innovative  
6 Compounding's pharmacist-in-charge, Respondent Masoud Rashidi, and pharmacist Anna  
7 Rashidi, documented beyond use dates on finished compounds that exceeded the shortest beyond  
8 use dates of the components in the compounded drug product, as set forth in subparagraph (c)  
9 above. As such, the beyond use dates on the finished compounds were false or misleading and  
10 the finished compounds were misbranded.

11 **TWELFTH CAUSE FOR DISCIPLINE**

12 **(Violations of the Pharmacy Law and State**

13 **Laws and Regulations Governing Pharmacy)**

14 57. Respondent Masoud Rashidi's pharmacist license is subject to disciplinary action for  
15 unprofessional conduct pursuant to section 4301, subdivision (o), in that Respondent violated or  
16 attempted to violate, directly or indirectly, assisted in or abetted the violation of, or conspired to  
17 violate provisions or terms of the Pharmacy Law (Bus. & Prof. Code § 4300, et seq.) and state  
18 laws and regulations governing pharmacy, as follows:

19 a. On and between December 1, 2014 and June 1, 2015, Respondent failed to test batch-  
20 produced sterile injectable drug products for sterility and pyrogens, specifically,  
21 papaverine/phentolamine (bi-mix) injectable solution 30 mg/5 mg/ml (on three occasions between  
22 December 2, 2014 and June 1, 2015), papaverine/phentolamine (bi-mix) injectable solution 30  
23 mg/2 mg/ml (on six occasions between December 10, 2014 and May 14, 2015),  
24 papaverine/phentolamine (bi-mix) injectable solution 30 mg/1 mg/ml (on three occasions between  
25 December 30, 2014 and May 21, 2015), papaverine/phentolamine/alprostadil (tri-mix) injectable  
26 solution 30 mg/1 mg/30 mcg/ml (on December 1, 2014), and testosterone cypionate injectable  
27 solution 200 mg/ml (on seven occasions between March 30, 2015 and June 1, 2015), in violation  
28 of Regulation 1751.7, subdivision (c).

1           b.    On and between December 5, 2014 and June 8 , 2015, Respondent used compounds  
2 which were made without appropriate sterility and endotoxin tests to compound individual  
3 patient-specific compounds, in violation of Regulation 1751.7, subdivision (c), specifically:

4           1.    Papaverine/phentolamine/alprostadil (tri-mix) injectable solution 30 mg/1  
5 mg/10 mcg/ml, using the untested compound bi-mix 30 mg/1 mg/ml, Lot #12302014@23, on 11  
6 occasions between January 2, 2015 and February 9, 2015; the untested compound bi-mix 30 mg/1  
7 mg/ml, Lot #05212015@4, on seven occasions between May 18, 2015 and June 5, 2015, and the  
8 untested compound bi-mix 30 mg/1 mg/ml, Lot #05072015@9, on three occasions between May  
9 5, 2015 and May 11, 2015;

10           2.    Papaverine/phentolamine/alprostadil (tri-mix) injectable solution 30 mg/5  
11 mg/10 mcg/ml, using the untested compound bi-mix 30 mg/5 mg/ml, Lot #12022014@8, on  
12 December 5, 2014 and December 12, 2014; the untested compound bi-mix 30 mg/5 mg/ml, Lot  
13 #05182015@4, on May 15, 18, and 19, 2015; and the untested compound bi-mix 30 mg/5 mg/ml,  
14 Lot #06012015@26, on June 5 and 8, 2015; and

15           3.    Papaverine/phentolamine/alprostadil (tri-mix) injectable solution 30 mg/5  
16 mg/20 mcg/ml, using the untested compound bi-mix 30 mg/5 mg/ml, Lot #12022014@8, on  
17 December 5 and 12, 2014.

18           c.    On and between December 1, 2014 and June 11, 2015, Respondent documented  
19 beyond use dates on finished compounds that exceeded the shortest beyond use date of the  
20 components in the compounded drug product; i.e., wrongfully extended beyond use dates that  
21 were recorded for the following compounds, in violation of Regulation 1735.2, subdivision (h):

22           1.    Respondent recorded beyond use dates for papaverine/phentolamine (bi-mix)  
23 injectable solution 30 mg/5 mg/ml, compounded on December 2, 2014, January 12, 2015, and  
24 February 12, 2015, that exceeded the shortest beyond use date of the components used in the  
25 compounded drug product, specifically, the ingredient edetate disodium aliquot 1 mg/ml.

26           2.    Respondent recorded beyond use dates for papaverine/phentolamine (bi-mix)  
27 injectable solution 30 mg/1 mg/ml, compounded on January 20, 2015 (two different lots), April  
28 28, 2015, and June 9, 2015, that exceeded the shortest beyond use date of the components used in

1 the compounded drug product, specifically, the ingredients edetate disodium aliquot 1 mg/ml and  
2 benzyl alcohol NF.

3 3. Respondent recorded a beyond use date for papaverine/phentolamine (bi-mix)  
4 injectable solution 30 mg/7 mg/ml, compounded on March 27, 2105, that exceeded the shortest  
5 beyond use date of the components used in the compounded drug product, specifically, the  
6 ingredient edetate disodium aliquot 1 mg/ml.

7 4. Respondent recorded beyond use dates for papaverine/phentolamine/alprostadi  
8 (tri-mix) injectable solution 30 mg/1 mg/10 mcg/ml, compounded on 29 occasions between  
9 December 4, 2014 and June 2, 2015, that exceeded the shortest beyond use date of the  
10 components used in the compounded drug product, specifically, the ingredient bi-mix 30 mg/1  
11 mg/ml.

12 5. Respondent recorded beyond use dates for papaverine/phentolamine/alprostadi  
13 (tri-mix) injectable solution 30 mg/5 mg/10 mcg/ml, compounded on 24 occasions between  
14 December 5, 2014 and June 8, 2015, that exceeded the shortest beyond use date of the  
15 components used in the compounded drug product, specifically, the ingredient bi-mix 30 mg/5  
16 mg/ml.

17 6. Respondent Masoud Rashidi recorded beyond use dates for  
18 papaverine/phentolamine/alprostadi (tri-mix) injectable solution 30 mg/5 mg/20 mcg/ml,  
19 compounded on eight occasions between December 1, 2014 and May 14, 2015, that exceeded the  
20 shortest beyond use date of the components used in the compounded drug product, specifically,  
21 the ingredient bi-mix 30 mg/5 mg/ml.

22 d. On and between December 1, 2014 and June 11, 2015, Respondent documented  
23 beyond use dates on finished compounds that exceeded the shortest beyond use dates of the  
24 components in the compounded drug product, as set forth in subparagraph (c) above. As such,  
25 the beyond use dates on the finished compounds were false or misleading and the finished  
26 compounds were misbranded.

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1 **THIRTEENTH CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct)**

3 58. Respondent Masoud Rashidi's pharmacist license is subject to disciplinary action for  
4 unprofessional conduct pursuant to Code sections 4301 and 4306.5, subdivision (a), in that on and  
5 between December 1, 2014 and June 11, 2015, Respondent failed to appropriately exercise his  
6 education, training, or experience as a pharmacist, as set forth in paragraphs 57 (a) and (b) above.

7 **FOURTEENTH CAUSE FOR DISCIPLINE**

8 **(Violations of the Pharmacy Law and State**

9 **Laws and Regulations Governing Pharmacy)**

10 59. Respondent Anna Rashidi's pharmacist license is subject to disciplinary action for  
11 unprofessional conduct pursuant to section 4301, subdivision (o), in that Respondent, while acting  
12 as vice president of Innovative Compounding Pharmacy, violated or attempted to violate, directly  
13 or indirectly, assisted in or abetted the violation of, or conspired to violate provisions or terms of  
14 the Pharmacy Law (Bus. & Prof. Code § 4300, et seq.) and state laws and regulations governing  
15 pharmacy, as follows:

16 a. On and between December 1, 2014 and June 1, 2015, Respondent Innovative  
17 Compounding's pharmacist-in-charge, Respondent Masoud Rashidi, failed to test batch-produced  
18 sterile injectable drug products for sterility and pyrogens, specifically, papaverine/phentolamine  
19 (bi-mix) injectable solution 30 mg/5 mg/ml (on three occasions between December 2, 2014 and  
20 June 1, 2015), papaverine/phentolamine (bi-mix) injectable solution 30 mg/2 mg/ml (on six  
21 occasions between December 10, 2014 and May 14, 2015), papaverine/phentolamine (bi-mix)  
22 injectable solution 30 mg/1 mg/ml (on three occasions between December 30, 2014 and May 21,  
23 2015), papaverine/phentolamine/alprostadil (tri-mix) injectable solution 30 mg/1 mg/30 mcg/ml  
24 (on December 1, 2014), and testosterone cypionate injectable solution 200 mg/ml (on seven  
25 occasions between March 30, 2015 and June 1, 2015), in violation of Regulation 1751.7,  
26 subdivision (c).

27 b. On and between December 5, 2014 and June 8, 2015, Respondent Innovative  
28 Compounding's pharmacist-in-charge, Respondent Masoud Rashidi, used compounds which were

1 made without appropriate sterility and endotoxin tests to compound individual patient-specific  
2 compounds, in violation of Regulation 1751.7, subdivision (c), specifically:

3 1. Papaverine/phentolamine/alprostadil (tri-mix) injectable solution 30 mg/1  
4 mg/10 mcg/ml, using the untested compound bi-mix 30 mg/1 mg/ml, Lot #12302014@23, on 11  
5 occasions between January 2, 2015 and February 9, 2015; the untested compound bi-mix 30 mg/1  
6 mg/ml, Lot #05212015@4, on seven occasions between May 18, 2015 and June 5, 2015, and the  
7 untested compound bi-mix 30 mg/1 mg/ml, Lot #05072015@9, on three occasions between May  
8 5, 2015 and May 11, 2015;

9 2. Papaverine/phentolamine/alprostadil (tri-mix) injectable solution 30 mg/5  
10 mg/10 mcg/ml, using the untested compound bi-mix 30 mg/5 mg/ml, Lot #12022014@8, on  
11 December 5, 2014 and December 12, 2014; the untested compound bi-mix 30 mg/5 mg/ml, Lot  
12 #05182015@4, on May 15, 18, and 19, 2015; and the untested compound bi-mix 30 mg/5 mg/ml,  
13 Lot #06012015@26, on June 5 and 8, 2015; and

14 3. Papaverine/phentolamine/alprostadil (tri-mix) injectable solution 30 mg/5  
15 mg/20 mcg/ml, using the untested compound bi-mix 30 mg/5 mg/ml, Lot #12022014@8, on  
16 December 5 and 12, 2014.

17 c. On and between May 11, 2015 and June 10, 2015, Respondent documented beyond  
18 use dates on a finished compound that exceeded the shortest beyond use date of the components  
19 in the compounded drug product; i.e., wrongfully extended beyond use dates that were recorded  
20 for the compound, in violation of Regulation 1735.2, subdivision (h). Specifically, Respondent  
21 recorded beyond use dates for papaverine/phentolamine/alprostadil (tri-mix) injectable solution  
22 30 mg/1 mg/10 mcg/ml, compounded on May 11, 2015, May 26, 2105, June 5, 2015, and June  
23 10, 2015, that exceeded the shortest beyond use date of the components used in the compounded  
24 drug product, specifically, the ingredient bi-mix 30 mg/1 mg/ml.

25 d. On and between May 11, 2015 and June 10, 2015, Respondent documented beyond  
26 use dates on a finished compound that exceeded the shortest beyond use dates of the components  
27 in the compounded drug product, as set forth in subparagraph (c) above. As such, the beyond use

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1 dates on the finished compounds were false or misleading and the finished compounds were  
2 misbranded.

3 MATTERS IN AGGRAVATION

4 60. To determine the degree of discipline to be assessed against Respondents Innovative  
5 Compounding, Masoud Rashidi, and Anna Rashidi, if any, Complainant alleges as follows:

6 a. On or about September 23, 2015, the Board issued Citation No. CI 2013 59993  
7 against Respondent Innovative Compounding for violating Regulations 1707.3 and 1707.2,  
8 subdivision (c)(2) (duty to review drug therapy/duty to consult – precautions and relevant  
9 warnings including common severe side or adverse effects or interactions that may be  
10 encountered). On or about July 18, 2013 and August 24, 2013, while working at Innovative  
11 Compounding Pharmacy, pharmacists Anna Rashidi and Masoud Rashidi allegedly failed to  
12 properly review a patient's drug therapy and medication record, and then relay significant  
13 warning(s) of the prescribed drug to the patient and/or prescriber. The patient's profile  
14 documented a penicillin allergy and the issuance of a prescription to the patient for  
15 hydrochlorothiazide 25 mg. The drug's safety labeling addresses a risk factor for developing an  
16 idiosyncratic reaction resulting in acute angle-closure glaucoma in patients with a history of  
17 sulfonamide or penicillin allergy. Respondents Innovative Compounding and pharmacists  
18 Masoud Rashidi and Anna Rashidi also allegedly furnished the hydrochlorothiazide prescription  
19 to the patient without precautions or relevant warnings, such as the severe side or adverse effects  
20 that may be encountered.

21 b. On or about September 23, 2015, the Board issued Citation and Fine No. CI 2015  
22 67104 against Respondent Masoud Rashidi for violating Regulations 1707.3 and 1707.2,  
23 subdivision (c)(2) (duty to review drug therapy/duty to consult – precautions and relevant  
24 warnings including common severe side or adverse effects or interactions that may be  
25 encountered). The Board ordered Respondent to pay a fine of \$500 by October 23, 2015.  
26 Respondent has complied with the citation. The factual allegations pertaining to the citation are  
27 set forth in subparagraph (a) above.

28 c. On or about September 23, 2015, the Board issued Citation and Fine No. CI 2015



1 67106 against Respondent Anna Rashidi for violating Regulations 1707.3 and 1707.2,  
2 subdivision (c)(2) (duty to review drug therapy/duty to consult – precautions and relevant  
3 warnings including common severe side or adverse effects or interactions that may be  
4 encountered). The Board ordered Respondent to pay a fine of \$500 by October 23, 2015.  
5 Respondent has failed to comply with the citation. The factual allegations pertaining to the  
6 citation are set forth in subparagraph (a) above.

7 **OTHER MATTERS**

8 61. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number  
9 PHY 48417 issued to Innovative Compounding, Inc., doing business as Innovative Compounding  
10 Pharmacy, Innovative Compounding Inc. shall be prohibited from serving as a manager,  
11 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if  
12 Pharmacy Permit Number PHY 48417 is placed on probation or until Pharmacy Permit Number  
13 PHY 48417 is reinstated if it is revoked.

14 62. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number  
15 PHY 48417 issued to Innovative Compounding, Inc., doing business as Innovative Compounding  
16 Pharmacy, while Masoud Rashidi and/or Anna Rashidi have been an officer and owner and had  
17 knowledge of or knowingly participated in any conduct for which the licensee was disciplined,  
18 Masoud Rashidi and Anna Rashidi shall be prohibited from serving as a manager, administrator,  
19 owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy  
20 Permit Number PHY 48417 is placed on probation or until Pharmacy Permit Number PHY 48417  
21 is reinstated if it is revoked.

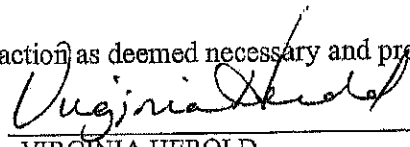
22 **PRAAYER**

23 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this  
24 Accusation, and that following the hearing, the Board of Pharmacy issue a decision:

- 25 1. Revoking or suspending Pharmacy Permit Number PHY 48417, issued to Innovative  
26 Compounding, Inc., doing business as Innovative Compounding Pharmacy;  
27 2. Revoking or suspending Sterile Compounding License Number LSC 99600, issued to  
28 Innovative Compounding, Inc., doing business as Innovative Compounding Pharmacy;

- 1           3.    Revoking or suspending Pharmacist License Number RPH 56324, issued to Masoud
- 2 Rashidi;
- 3           4.    Revoking or suspending Pharmacist License Number RPH 56323, issued to Anna
- 4 Rashidi;
- 5           5.    Prohibiting Innovative Compounding Inc. from serving as a manager, administrator,
- 6 owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy
- 7 Permit Number PHY 48417 is placed on probation or until Pharmacy Permit Number PHY 48417
- 8 is reinstated if Pharmacy Permit Number 48417, issued to Innovative Compounding, Inc., doing
- 9 business as Innovative Compounding Pharmacy, is revoked;
- 10          6.    Prohibiting Masoud Rashidi from serving as a manager, administrator, owner,
- 11 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit
- 12 Number PHY 48417 is placed on probation or until Pharmacy Permit Number PHY 48417 is
- 13 reinstated if Pharmacy Permit Number 48417, issued to Innovative Compounding, Inc., doing
- 14 business as Innovative Compounding Pharmacy, is revoked;
- 15          7.    Prohibiting Anna Rashidi from serving as a manager, administrator, owner, member,
- 16 officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number
- 17 PHY 48417 is placed on probation or until Pharmacy Permit Number PHY 48417 is reinstated if
- 18 Pharmacy Permit Number 48417, issued to Innovative Compounding, Inc., doing business as
- 19 Innovative Compounding Pharmacy, is revoked;
- 20          8.    Ordering Innovative Compounding, Inc., doing business as Innovative Compounding
- 21 Pharmacy, Masoud Rashidi, and Anna Rashidi to pay the Board of Pharmacy the reasonable costs
- 22 of the investigation and enforcement of this case, pursuant to Business and Professions Code
- 23 section 125.3; and
- 24          9.    Taking such other and further action as deemed necessary and proper.

25 DATED: 8/16/16



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

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