

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

**In the Matter of the Accusation Against:**

**OCEAN VIEW PHARMACY INC. dba  
TENTH STREET MEDICAL PHARMACY,  
ROZITA SHEMTOUB, ALBERT SHEMTOUB,  
Pharmacy Permit No. PHY 48956,**

**and**

**ROZITA SHEMTOUB,  
Pharmacist License No. RPH 49785,**

**Respondents.**

**Agency Case No. 6510**

**OAH No. 2020090238**

## DECISION AND ORDER

The attached Stipulated Surrender 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 June 9, 2021.

It is so ORDERED on May 10, 2021.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Greg M. Lippe", is written over a horizontal line.

By

Greg Lippe  
Board President

MATTHEW RODRIQUEZ  
Acting Attorney General of California  
SHAWN P. COOK  
Supervising Deputy Attorney General  
KEVIN J. RIGLEY  
Deputy Attorney General  
State Bar No. 131800  
300 So. Spring Street, Suite 1702  
Los Angeles, CA 90013  
Telephone: (213) 269-6301  
Facsimile: (916) 731-2126  
*Attorneys for Complainant*

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

In the Matter of the Accusation Against:

**OCEAN VIEW PHARMACY INC. DBA  
TENTH STREET MEDICAL  
PHARMACY, ROZITA SHEMTOUB,  
ALBERT SHEMTOUB**  
909 Gretna Green Way  
Los Angeles, CA 90049

Pharmacy Permit No. PHY 48956,

and

**ROZITA SHEMTOUB**  
909 Gretna Green Way  
Los Angeles, CA 90049

Pharmacist License No. RPH 49785

Respondents.

Case No. 6510

OAH No. 2020090238

**STIPULATED SURRENDER OF  
LICENSE AND ORDER re: PERMIT NO.  
PHY 48956**

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

**PARTIES**

1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy (Board). She brought this action solely in her official capacity and is represented in this matter by

1 Matthew Rodriquez, Attorney General of the State of California, by Kevin J. Rigley, Deputy  
2 Attorney General.

3 2. Ocean View Pharmacy Inc. dba Tenth Street Medical Pharmacy, Rozita Shemtoub,  
4 Albert Shemtoub (Respondent) is representing itself in this proceeding and has chosen not to  
5 exercise its right to be represented by counsel.

6 3. On or about May 22, 2008, the Board issued Pharmacy Permit No. PHY 48956 to  
7 Ocean View Pharmacy Inc. dba Tenth Street Medical Pharmacy, Rozita Shemtoub, Albert  
8 Shemtoub (Respondent). The Pharmacy Permit, which expired on April 14, 2016, was not  
9 renewed, and is now cancelled.

### 10 **JURISDICTION**

11 4. Accusation No. 6510 was filed before the Board, and is currently pending against  
12 Respondent. The Accusation and all other statutorily required documents were properly served  
13 on Respondent on January 27, 2020. Respondent timely filed its Notice of Defense contesting the  
14 Accusation. A copy of Accusation No. 6510 is attached as Exhibit A and incorporated by  
15 reference.

### 16 **ADVISEMENT AND WAIVERS**

17 5. Respondent has carefully read, and understands the charges and allegations in  
18 Accusation No. 6510. Respondent also has carefully read, and understands the effects of this  
19 Stipulated Surrender of License and Order.

20 6. Respondent is fully aware of its legal rights in this matter, including the right to a  
21 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at  
22 its own expense; the right to confront and cross-examine the witnesses against it; the right to  
23 present evidence and to testify on its own behalf; the right to the issuance of subpoenas to compel  
24 the attendance of witnesses and the production of documents; the right to reconsideration and  
25 court review of an adverse decision; and all other rights accorded by the California  
26 Administrative Procedure Act and other applicable laws.

27 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
28 every right set forth above.

1 **CULPABILITY**

2 8. Respondent admits the truth of each and every charge and allegation in Accusation  
3 No. 6510, agrees that cause exists for discipline and hereby surrenders its Pharmacy Permit No.  
4 PHY 48956 for the Board's formal acceptance.

5 9. Respondent understands that by signing this stipulation it enables the Board to issue  
6 an order accepting the surrender of its Pharmacy Permit without further process.

7 **CONTINGENCY**

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

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

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

26 13. In consideration of the foregoing admissions and stipulations, the parties agree that  
27 the Board may, without further notice or formal proceeding, issue and enter the following Order:

28 ///

**ORDER**

IT IS HEREBY ORDERED that Pharmacy Permit No. PHY 48956, issued to Respondent Ocean View Pharmacy Inc. dba Tenth Street Medical Pharmacy, Rozita Shemtoub, Albert Shemtoub, is surrendered and accepted by the Board.

1. The surrender of Respondent's Pharmacy Permit and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

2. Respondent shall lose all rights and privileges as a pharmacy in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board its pocket license and, if one was issued, its wall certificate on or before the effective date of the Decision and Order.

4. If it ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 6510 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

5. Respondent and Respondent Rozita Shemtoub (individually) shall be jointly and severally responsible to pay to the board its costs of investigation and prosecution in the amount of \$20,000.00.

6. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 6510 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

///

///

**ACCEPTANCE**

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Pharmacy Permit. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: \_\_\_\_\_

ROZITA SHEMTOUB, PRESIDENT  
OCEAN VIEW PHARMACY INC. DBA  
TENTH STREET MEDICAL PHARMACY,  
ROZITA SHEMTOUB, ALBERT  
SHEMTOUB  
*Respondent*

DATED: \_\_\_\_\_

ALBERT SHEMTOUB, VICE PRESIDENT  
OCEAN VIEW PHARMACY INC. DBA  
TENTH STREET MEDICAL PHARMACY,  
ROZITA SHEMTOUB, ALBERT  
SHEMTOUB  
*Respondent*

**ENDORSEMENT**

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

DATED: \_\_\_\_\_

Respectfully submitted,

MATTHEW RODRIQUEZ  
Acting Attorney General of California  
SHAWN P. COOK  
Supervising Deputy Attorney General

KEVIN J. RIGLEY  
Deputy Attorney General  
*Attorneys for Complainant*

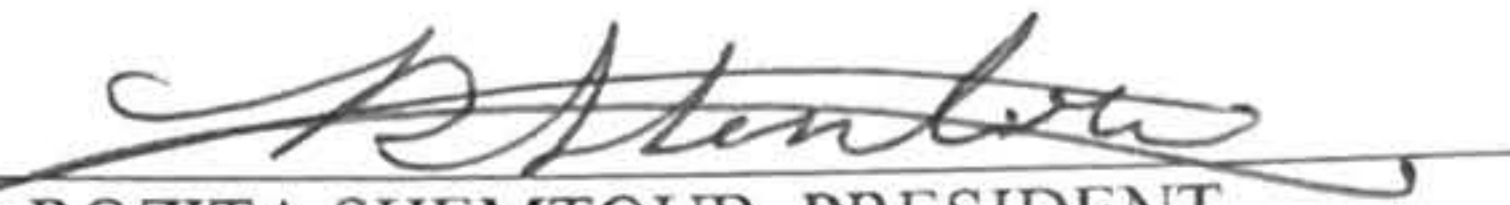
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1 ACCEPTANCE

2 I have carefully read the Stipulated Surrender of License and Order. I understand the  
3 stipulation and the effect it will have on my Pharmacy Permit. I enter into this Stipulated  
4 Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound  
5 by the Decision and Order of the Board of Pharmacy.


6  
7 DATED:

4-2-2021

  
ROZITA SHEMTOUB, PRESIDENT  
OCEAN VIEW PHARMACY INC. DBA  
TENTH STREET MEDICAL PHARMACY,  
ROZITA SHEMTOUB, ALBERT  
SHEMTOUB  
*Respondent*

11  
12 DATED:

4-2-2021

  
ALBERT SHEMTOUB, VICE PRESIDENT  
OCEAN VIEW PHARMACY INC. DBA  
TENTH STREET MEDICAL PHARMACY,  
ROZITA SHEMTOUB, ALBERT  
SHEMTOUB  
*Respondent*

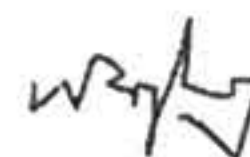
17  
18 ENDORSEMENT

19 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted  
20 for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

21 DATED: April 2, 2021

Respectfully submitted,

22 MATTHEW RODRIQUEZ  
23 Acting Attorney General of California  
24 SHAWN P. COOK  
Supervising Deputy Attorney General



26 KEVIN J. RIGLEY  
27 Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 6510**

1 XAVIER BECERRA  
Attorney General of California  
2 LINDA L. SUN  
Supervising Deputy Attorney General  
3 MELISSA TYNER  
Deputy Attorney General  
4 State Bar No. 269649  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 269-6314  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
7

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. 6510

13 **OCEAN VIEW PHARMACY INC. DBA**  
14 **TENTH STREET MEDICAL**  
15 **PHARMACY, ROZITA SHEMTOUB,**  
16 **ALBERT SHEMTOUB, OWNERS**  
1450 Tenth Street, Suite 100  
Santa Monica, CA 90401

**A C C U S A T I O N**

17 **Pharmacy Permit No. PHY 48956,**

18 **and**

19 **ROZITA SHEMTOUB**  
909 Gretna Green Way  
20 Los Angeles, CA 90049

21 **Pharmacist License No. RPH 49785**

22 Respondents.

23 Complainant alleges:

24 **PARTIES**

25 1. Anne Sodergren (Complainant) brings this Accusation solely in her official capacity  
26 as the Interim Executive Officer of the Board of Pharmacy (Board), Department of Consumer  
27 Affairs.  
28

2. On or about May 22, 2008, the Board issued Pharmacy Permit Number PHY 48956 to Ocean View Pharmacy Inc. dba Tenth Street Medical Pharmacy, Rozita Shemtoub, Albert Shemtoub (Respondent Pharmacy). The Pharmacy Permit expired on April 14, 2016, and has not been renewed.

3. On or about August 28, 1997, the Board issued Pharmacist License Number RPH 49785 to Rozita Shemtoub (Respondent Shemtoub). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2021 unless renewed.

## JURISDICTION

4. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

5. Section 4300 provides, in pertinent part, that every license issued by the Board is subject to discipline, including suspension or revocation.

6. Section 4300.1 of the Code 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.”

7. Section 4307(a) of the Code states, in pertinent part:

“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, partner, or any other person with management or control of any partnership, corporation, trust, 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, partner, or any other person with management or control had knowledge of or knowingly participated in any conduct for which the license was denied,

1 revoked, suspended, or placed on probation, shall be prohibited from serving as a manager,  
2 administrator, owner, member, officer, director, associate, partner, or in any other position with  
3 management or control of a licensee as follows:

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

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

### 8 **STATUTORY PROVISIONS**

9 8. Section 4113 of the Code states, in pertinent part:

10 . . . .

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

13 9. Section 4116 of the Code states, in pertinent part:

14 “(a) No person other than a pharmacist, an intern pharmacist, an authorized officer of the  
15 law, or a person authorized to prescribe shall be permitted in that area, place, or premises  
16 described in the license issued by the board wherein controlled substances or dangerous drugs or  
17 dangerous devices are stored, possessed, prepared, manufactured, derived, compounded,  
18 dispensed, or repackaged. However, a pharmacist shall be responsible for any individual who  
19 enters the pharmacy for the purposes of receiving consultation from the pharmacist or performing  
20 clerical, inventory control, housekeeping, delivery, maintenance, or similar functions relating to  
21 the pharmacy if the pharmacist remains present in the pharmacy during all times as the authorized  
22 individual is present.”

23 10. Section 4301 of the Code states, in pertinent part:

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

27 . . . .

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

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

6 “. . . .

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

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 11. Health and Safety Code section 111400, states: “Any drug or device is misbranded if  
15 it is dangerous to health when used in the dosage, or with the frequency or duration prescribed,  
16 recommended, or suggested in its labeling.”

17 12. Health and Safety Code section 11157, states: “No person shall issue a prescription  
18 that is false or fictitious in any respect.”

19 13. Health and Safety Code section 11173, states:

20 “. . . .

21 “(b) No person shall make a false statement in any prescription, order, report, or record,  
22 required by this division.”

23 14. Health and Safety Code section 111440, states: “It is unlawful for any person to  
24 manufacture, sell, deliver, hold, or offer for sale any drug or device that is misbranded.”

25 **REGULATORY PROVISIONS**

26 15. California Code of Regulations, title 16, section 1735.2, states in pertinent part:

27 “. . . .

1 “(h) All chemicals, bulk drug substances, drug products, and other components used for  
2 drug compounding shall be stored and used according to compendia and other applicable  
3 requirements to maintain their integrity, potency, quality, and labeled strength.

4 (i) Every compounded drug preparation shall be given a beyond use date representing the  
5 date or date and time beyond which the compounded drug preparation should not be used, stored,  
6 transported or administered, and determined based on the professional judgment of the pharmacist  
7 performing or supervising the compounding.”

8 16. California Code of Regulations, title 16, section 1714, states in pertinent part:

9 . . . .

10 "(b) Each pharmacy licensed by the board shall maintain its facilities, space, fixtures, and  
11 equipment so that drugs are safely and properly prepared, maintained, secured and distributed.  
12 The pharmacy shall be of sufficient size and unobstructed area to accommodate the safe practice  
13 of pharmacy.

14 . . . .

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

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

### 25 **COST RECOVERY**

26 17. Section 125.3 of the Code states, in pertinent part, that the Board may request the  
27 administrative law judge to direct a licensee found to have committed a violation or violations of  
28

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
2 enforcement of the case.

### 3 **DANGEROUS DRUGS**

4 18. MetroGel, also known as metronidazole topical gel, is a dangerous drug pursuant to  
5 Code section 4022.

6 19. Jublia, also known as efinaconazole, is a dangerous drug pursuant to Code section  
7 4022.

8 20. Clobex, also known as clobetasol, is a dangerous drug pursuant to Code section 4022.

9 21. Kerydin, also known as tavaborole, is a dangerous drug pursuant to Code section  
10 4022.

11 22. Erthyromycin stearate is a dangerous drug pursuant to Code section 4022.

12 23. Acticlate, also known as doxycycline, is a dangerous drug pursuant to Code section  
13 4022.

14 24. Epiduo, also known as adapalene benzoyl peroxide, is a dangerous drug pursuant to  
15 Code section 4022.

### 16 **BACKGROUND RE. BOARD INVESTIGATION ON APRIL 15, 2016**

17 25. In 2016, the Board received a complaint from Dr. H. alleging Respondent Pharmacy  
18 processed and billed in Dr. H.'s and her children's names (herein, J.N. and J.S.) many fraudulent  
19 prescriptions, which Dr. H. never received and/or prescribed. Dr. H. stated she is a pediatrician  
20 located within the same building as Respondent Pharmacy and she frequently used the pharmacy  
21 for both her family and for her patients.

22 26. Dr. H. stated she received a summary from her insurance company, Express Scripts,  
23 showing many expensive prescription medications, which were processed and billed, for Dr. H.  
24 and her two children, which were not received and/or prescribed. Dr. H. stated she was listed as  
25 the prescribing physician for most of the prescriptions and some of the prescriptions were listed  
26 as prescribed by a colleague of Dr. H. Due to the potential for missing records and fraud, the  
27 Board initiated an on-site inspection of Respondent Pharmacy on April 15, 2016.  
28

1           27. On April 15, 2016, Inspectors from the Board arrived at Respondent Pharmacy at  
2 approximately 9:21 A.M. The inspectors entered the pharmacy, approached the pharmacy  
3 counter, and introduced themselves to pharmacy technician M.H. The Inspectors asked to speak  
4 to the pharmacist and M.H. stated the pharmacist was on her way. The pharmacy was open while  
5 a pharmacist was not present. Inspectors also noticed that M.H. had access to the prescription  
6 medications. M.H. also disclosed to the Inspectors that she had a key to the pharmacy to allow the  
7 relief pharmacist J.K. into the pharmacy.

8           28. During the inspection, Board Inspectors observed compounded creams located on the  
9 pharmacy's active drug shelf. The compounded creams did not have an expiration date. When  
10 Inspectors asked RPH J.K. about the lack of expiration dates RPH J.K. stated the pharmacy would  
11 estimate the expiration dates.

12           29. During the inspection, Board Inspectors observed a drawer full of expired  
13 compounded capsules. The expired compounded capsules were not properly labeled with the  
14 expiration date.

15           30. Later, during the inspection, pharmacist-in-charge (PIC), Respondent Shemtoub  
16 arrived. Board Inspectors requested Respondent Shemtoub to provide patient profiles or patient  
17 drug histories based on the complaint they received from Dr. H. Respondent Shemtoub provided  
18 the patient drug histories as requested. Based on the information the Board Inspectors received,  
19 the following tables reflect the dispensing history for prescriptions which where not authorized by  
20 the prescriber and/or not received by the patients:

21           a. Table 1: Prescriptions processed for M.H. in year 2016, under Dr. H, which were  
22 either not authorized by prescriber and/or were not received by the patient.  
23  
24  
25  
26  
27  
28



Prescription Number	Prescription File Only	Date Filled	Patient's First Name	Patient's Last Name	Medication Name	Quantity Dispensed	Insurance Name	Rx Insurance Pay	Doctor's First Name	Doctor's Last Name
6555960	N	01/05/2016	M	H	JUBLIA 10% SOL	4	PAID RX	650.43	M	H
6562816	Y	01/14/2016	M	H	ERYTHROCYCLINE STEARATE 250 MG TAB	60	PAID RX	0	M	H
		02/19/2016	M	H	ERYTHROCYCLINE STEARATE 250 MG TAB	60	PAID RX	0	M	H
6563223	Y	01/22/2016	M	H	KERYDIN 5% SOL	10	PAID RX	0	M	H
		02/19/2016	M	H	KERYDIN 5% SOL	10	PAID RX	0	M	H

b. Table 2: Prescriptions processed for J.S. in year 2016, under Dr. H, which were either not authorized by prescriber and/or were not received by the patient.

Prescription Number (Rx#)	Prescription File Only	Date Filled	Patient's First Name	Patient's Last Name	Medication Name	Quantity Dispensed	Insurance Name	Rx Insurance Pay	Doctor's First Name	Doctor's Last Name
6560136	N	01/05/2016	J	S	EPIDUO PUMP 0.1-2.5% GEL	45	PAID RX	492.72	M	H
6560136		01/29/2016	J	S	EPIDUO PUMP 0.1-2.5% GEL	45	PAID RX	492.72	M	H
6562270	Y	01/05/2016	J	S	ACTICLATE 75MG TAB	60	PAID RX	0	M	H
		01/29/2016	J	S	ACTICLATE 75MG TAB	60	PAID RX	0	M	H
6562817	Y	01/14/2016	J	S	ALCORTIN A GEL 1/2% GEL	48	PAID RX	0	M	H
		02/11/2016	J	S	ALCORTIN A GEL 1/2% GEL	48	PAID RX	0	M	H
6563554	Y	02/01/2016	J	S	ZIANA 60GM GEL	60	PAID RX	0	M	H

c. Table 3: Prescriptions processed for J.N. in year 2016, under Dr. H, which were either not authorized by prescriber and/or were not received by the patient.

Prescription Numbers (Rx)	Prescription File Only	Date Filled	Patient's First Name	Patient's Last Name	Medication Name	Quantity Dispensed	Insurance Name	Rx Insurance Pay	Doctor's First Name	Doctor's Last Name
6560135	N	01/05/2016	J	N	EPIDU O PUMP 0.1-2.5% GEL	45	PAID RX	492.72	M	H
		01/29/2016	J	N	EPIDU O PUMP 0.1-2.5% GEL	45	PAID RX	492.72	M	H
6562269	Y	01/05/2016	J	N	ACTIC LATE 75MG TAB	60	PAID RX	0	M	H
		01/29/2016	J	N	ACTIC LATE 75MG TAB	60	PAID RX	0	M	H

d. Table 4: Prescriptions processed for M.H. in year 2015, under Dr. H, which were either not authorized by prescriber and/or were not received by the patient.

Prescription Number (Rx#)	Prescription File Only	Date Filled	Last Name, First Name	Quantity Dispensed	Medication Name	Insurance Plan Name	Rx Patient Pay	Rx Insurance Pay	Doctor's Name
6552517	N	05/07/2015	MH	60	METRONI DAZOLE 1% GEL	PAID RX	10	223.95	MH
		10/08/2015	MH	60	METRONI DAZOLE 1% GEL	PAID RX	10	222.32	MH
6555960	N	06/25/2015	MH	4	JUBLIA 10% SOL	PAID RX	0	473.3	MH
		08/04/2015	MH	4	JUBLIA 10% SOL	PAID RX	0	469.92	MH
		09/11/2015	MH	4	JUBLIA 10% SOL	PAID RX	0	514.38	MH

		10/08/2015	MH	4	JUBLIA 10% SOL	PAID RX	0	514.38	MH
		11/10/2015	MH	4	JUBLIA 10% SOL	PAID RX	25	514.38	MH
		12/11/2015	MH	4	JUBLIA 10% SOL	PAID RX	0	650.43	MH

e. Table 5: Prescriptions processed for J.N. in year 2015, under Dr. H, which were either not authorized by prescriber and/or were not received by the patient.

Prescripti on Number (Rx#)	Prescript ion File Only	Date Filled	Last Name, First Name	Medication Name	Quanti ty Dispen sed	Insura nce Name	Rx Insura nce Pay	Rx Patien t Pay	Doctor's Name
6552515	N	06/25/2015	JN	EPIDUO PUMP 0.1-2.5% GEL	45	PAID RX	351.05	15	MH
		08/04/2015	JN	EPIDUO PUMP 0.1-2.5% GEL	45	PAID RX	384.46	15	MH
		09/17/2015	JN	EPIDUO PUMP 0.1-2.5% GEL	45	PAID RX	384.46	15	MH
6560135	N	11/10/2015	JN	EPIDUO PUMP 0.1-2.5% GEL	45	PAID RX	384.46	15	MH
		12/11/2015	JN	EPIDUO PUMP 0.1-2.5% GEL	45	PAID RX	492.72	0	MH

f. Table 6: Prescriptions processed for J.S. in year 2015, under Dr. H, which were either not authorized by prescriber and/or were not received by the patient.

Prescripti on Number (Rx#)	Prescripti on File Only	Date Filled	Last Name, First Name	Medication Name	Quantit y Dispens ed	Insura nce Plan Name	Rx Insura nce Pay	Rx Patien t Pay	Doctor's Name
6544102	N	01/27/2015	JS	EPIDUO PUMP 0.1-2.5% GEL	45	PAID RX	301.91	15	MH
		04/30/2015	JS	EPIDUO PUMP 0.1-2.5% GEL	45	PAID RX	351.05	15	MH
6547182	N	03/16/2015	JS	EPIDUO PUMP 0.1-2.5% GEL	45	PAID RX	351.05	15	MH
		06/25/2015	JS	EPIDUO PUMP 0.1-2.5% GEL	45	PAID RX	351.05	15	MH
		08/04/2015	JS	EPIDUO PUMP 0.1-2.5% GEL	45	PAID RX	384.46	15	MH
		09/17/2015	JS	EPIDUO PUMP 0.1-2.5% GEL	45	PAID RX	384.46	15	MH
6560136	N	11/10/2015	JS	EPIDUO PUMP 0.1-2.5% GEL	45	PAID RX	384.46	15	MH
		12/11/2015	JS	EPIDUO PUMP 0.1-2.5% GEL	45	PAID RX	492.72	0	MH

g. Table 7: Prescriptions processed for J.N. in year 2014, under Dr. H, which were either not authorized by prescriber and/or were not received by the patient.

Prescription Number (Rx#)	Prescription File Only	Date Filled	Last Name, First Name	Medication Name	Quantity Dispensed	Insurance Name	Rx Insurance Pay	Rx Patient Pay	Doctor's Name
6539751	N	03/20/2014	JN	EPIDUO PUMP 0.1-2.5% GEL	45	PAID RX	264.57	15	MH
		04/22/2014	JN	EPIDUO PUMP 0.1-2.5% GEL	45	PAID RX	264.57	15	MH
6539751		05/23/2014	JN	EPIDUO PUMP 0.1-2.5% GEL	45	PAID RX	264.57	15	MH
6544101	N	06/19/2014	JN	EPIDUO PUMP 0.1-2.5% GEL	45	PAID RX	264.57	15	MH
		08/22/2014	JN	EPIDUO PUMP 0.1-2.5% GEL	45	PAID RX	301.91	15	MH
		09/22/2014	JN	EPIDUO PUMP 0.1-2.5% GEL	45	PAID RX	301.91	15	MH
		10/30/2014	JN	EPIDUO PUMP 0.1-2.5% GEL	45	PAID RX	301.91	15	MH
		12/24/2014	JN	EPIDUO PUMP 0.1-2.5% GEL	45	PAID RX	301.91	15	MH

h. Table 8: Prescriptions processed for J.S. in year 2014, under Dr. H, which were either not authorized by prescriber and/or were not received by the patient.

Prescription Number (Rx#)	Prescription File Only	Date Filled	Last Name, First Name	Medication Name	Quantity Dispensed	Insurance Name	Rx Insurance Pay	Rx Patient Pay	Doctor's Name
6539753	N	04/22/2014	JS	EPIDUO PUMP 0.1-2.5% GEL	45	PAID RX	264.57	15	MH
		05/23/2014	JS	EPIDUO PUMP 0.1-2.5% GEL	45	PAID RX	264.57	15	MH
6544102	N	06/19/2014	JS	EPIDUO PUMP 0.1-2.5% GEL	45	PAID RX	264.57	15	MH
		08/22/2014	JS	EPIDUO PUMP 0.1-2.5% GEL	45	PAID RX	301.91	15	MH
		09/22/2014	JS	EPIDUO PUMP 0.1-2.5% GEL	45	PAID RX	301.91	15	MH
		12/24/2014	JS	EPIDUO PUMP 0.1-2.5% GEL	45	PAID RX	301.91	15	MH

### **FIRST CAUSE FOR DISCIPLINE**

#### **(Security of Dangerous Drugs and Devices in Pharmacy – Respondent Pharmacy)**

31. Respondent Pharmacy is subject to disciplinary action under Code section 4301, subdivision (o) for violating section 4116, subdivision (a) and California Code of Regulations, title 16, section 1714, subdivision (b) in that Respondent Pharmacy issued a key to TCH M.H. thus providing her full access to the pharmacy and dangerous drugs with no pharmacist present. Complainant incorporates by reference paragraphs 24 through 29 above as though fully set forth herein.

### **SECOND CAUSE FOR DISCIPLINE**

#### **(Unprofessional/Fraudulent Conduct– Respondent Pharmacy)**

32. Respondent Pharmacy is subject to disciplinary action under Code section 4301, subdivisions (f) and (g), in that Respondent Pharmacy created fraudulent prescriptions and processed prescriptions which were not prescribed or authorized by the prescriber and/or were not

received by the patient. Complainant incorporates by reference paragraphs 24 through 29 above as though fully set forth herein.

### **THIRD CAUSE FOR DISCIPLINE**

#### **(Misbranded Drugs– Respondent Pharmacy)**

33. Respondent Pharmacy is subject to disciplinary action under Code section 4301, subdivision (j) for violating Health and Safety Code sections 111400 and 111440 in that Respondent Pharmacy stored compounded drug products in containers which were not labeled with expiration dates. Complainant incorporates by reference paragraphs 24 through 29 above as though fully set forth herein.

### **FOURTH CAUSE FOR DISCIPLINE**

#### **(Possession of Pharmacy Key Restricted to a Pharmacist– Respondent Pharmacy)**

34. Respondent Pharmacy is subject to disciplinary action under Code section 4301, subdivision (o) for violating California Code of Regulations, title 16, section 1714, subdivisions (d) and (e) in that TCH M.H. was present in the pharmacy with no pharmacist present and in possession of a pharmacy key. Complainant incorporates by reference paragraphs 24 through 29 above as though fully set forth herein.

### **FIFTH CAUSE FOR DISCIPLINE**

#### **(Labeling of Compounded Drug Products– Respondent Pharmacy)**

35. Respondent Pharmacy is subject to disciplinary action under Code section 4301, subdivision (o) for violating California Code of Regulations, title 16, section 1735.2, subdivision (h) and subdivision (i) in that compounded drug products were in containers which were not labeled with expiration dates. Complainant incorporates by reference paragraphs 24 through 29 above as though fully set forth herein.

### **SIXTH CAUSE FOR DISCIPLINE**

#### **(Fictitious Prescription – Respondent Pharmacy)**

36. Respondent Pharmacy is subject to disciplinary action under Code section 4301, subdivision (j) in that Respondent Pharmacy issued false prescriptions. Complainant incorporates by reference paragraphs 24 through 29 above as though fully set forth herein.

1 **SEVENTH CAUSE FOR DISCIPLINE**

2 **(Security of Dangerous Drugs and Devices in Pharmacy – Respondent Shemtoub)**

3 37. Respondent Shemtoub is subject to disciplinary action under Code section 4301,  
4 subdivision (o) for violating section 4116, subdivision (a) and California Code of Regulations,  
5 title 16, section 1714, subdivision (b) in that Respondent Shemtoub issued a key to TCH M.H.  
6 thus providing her full access to the pharmacy and dangerous drugs with no pharmacist present.  
7 Complainant incorporates by reference paragraphs 24 through 29 above as though fully set forth  
8 herein.

9 **EIGHTH CAUSE FOR DISCIPLINE**

10 **(Unprofessional/Fraudulent Conduct– Respondent Shemtoub)**

11 38. Respondent Shemtoub is subject to disciplinary action under Code section 4301,  
12 subdivisions (f) and (g), in that Respondent Pharmacy created fraudulent prescriptions and  
13 processed prescriptions which were not prescribed or authorized by the prescriber and/or were not  
14 received by the patient. Complainant incorporates by reference paragraphs 24 through 29 above  
15 as though fully set forth herein.

16 **NINTH CAUSE FOR DISCIPLINE**

17 **(Misbranded Drugs– Respondent Shemtoub)**

18 39. Respondent Shemtoub is subject to disciplinary action under Code section 4301,  
19 subdivision (j) for violating Health and Safety Code sections 111400 and 111440 in that  
20 Respondent Pharmacy stored compounded drug products in containers which were not labeled  
21 with expiration dates. Complainant incorporates by reference paragraphs 24 through 29 above as  
22 though fully set forth herein.

23 **TENTH CAUSE FOR DISCIPLINE**

24 **(Possession of Pharmacy Key Restricted to a Pharmacist– Respondent Shemtoub)**

25 40. Respondent Shemtoub is subject to disciplinary action under Code section 4301,  
26 subdivision (o) for violating California Code of Regulations, title 16, section 1714, subdivision  
27 (d) in that TCH M.H. was present in the pharmacy with no pharmacist present and in possession  
28

of a pharmacy key. Complainant incorporates by reference paragraphs 24 through 29 above as though fully set forth herein.

### **ELEVENTH CAUSE FOR DISCIPLINE**

#### **(Labeling of Compounded Drug Products– Respondent Shemtoub)**

41. Respondent Shemtoub is subject to disciplinary action under Code section 4301, subdivision (o) for violating California Code of Regulations, title 16, section 1735.2, subdivision (h) in that compounded drug products were in containers which were not labeled with expiration dates. Complainant incorporates by reference paragraphs 24 through 29 above as though fully set forth herein.

### **TWELFTH CAUSE FOR DISCIPLINE**

#### **(Fictitious Prescription – Respondent Shemtoub)**

42. Respondent Shemtoub is subject to disciplinary action under Code section 4301, subdivision (j) in that Respondent Pharmacy issued false prescriptions. Complainant incorporates by reference paragraphs 24 through 29 above as though fully set forth herein.

### **THIRTEENTH CAUSE FOR DISCIPLINE**

#### **(Pharmacist-In-Charge – Respondent Shemtoub)**

43. Respondent Shemtoub is subject to disciplinary action under Code section 4113, subdivision (c) in that Respondent Shemtoub was the pharmacist-in-charge during the relevant period. Complainant incorporates by reference paragraphs 24 through 29 above as though fully set forth herein.

### **OTHER MATTERS**

44. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number PHY 48956 issued to Ocean View Pharmacy Inc. dba Tenth Street Medical Pharmacy shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 48956 is placed on probation or until Pharmacy Permit Number PHY 48956 is reinstated if it is revoked.

45. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit



1 Number PHY 48956 issued to Ocean View Pharmacy Inc. dba Tenth Street Medical Pharmacy  
2 while Rozita Shemtoub and/or Albert Shemtoub have been an officer and owner and had  
3 knowledge of or knowingly participated in any conduct for which the licensee was disciplined,  
4 Rozita Shemtoub and/or Albert Shemtoub shall be prohibited from serving as a manager,  
5 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if  
6 Pharmacy Permit Number PHY 48956 is placed on probation or until Pharmacy Permit Number  
7 PHY 48956 is reinstated if it is revoked.

### 8 **DISCIPLINE CONSIDERATIONS**

9 46. To determine the degree of discipline, if any, to be imposed on Respondent Rozita  
10 Shemtoub, Complainant alleges that on or about August 16, 2013, in a prior action, the Board of  
11 Pharmacy issued Citation Number CI 2013 57805 and CI 2013 49126 and ordered Respondent to  
12 pay a \$2,500.00 fine. That Citation is now final and is incorporated by reference as if fully set  
13 forth.

### 14 **PRAYER**

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

17 1. Revoking or suspending Pharmacy Permit Number PHY 48956, issued to Ocean  
18 View Pharmacy Inc. dba Tenth Street Medical Pharmacy, Rozita Shemtoub, Albert Shemtoub;

19 2. Revoking or suspending Pharmacist License Number RPH 49785, issued to Rozita  
20 Shemtoub;

21 3. Prohibiting Ocean View Pharmacy Inc. dba Tenth Street Medical Pharmacy. From  
22 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a  
23 licensee for five years if Pharmacy Permit Number PHY 48956 is placed on probation or until  
24 Pharmacy Permit Number PHY 48956 is reinstated if Pharmacy Permit Number 48956 issued to  
25 Ocean View Pharmacy Inc. dba Tenth Street Medical Pharmacy is revoked;

26 4. Prohibiting Rozita Shemtoub from serving as a manager, administrator, owner,  
27 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit  
28 Number PHY 48956 is placed on probation or until Pharmacy Permit Number PHY 48956 is

1 reinstated if Pharmacy Permit Number 48956 issued to Ocean View Pharmacy Inc. dba Tenth  
2 Street Medical Pharmacy is revoked;

3 5. Prohibiting Albert Shemtoub from serving as a manager, administrator, owner,  
4 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit  
5 Number PHY 48956 is placed on probation or until Pharmacy Permit Number PHY 48956 is  
6 reinstated if Pharmacy Permit Number 48956 issued to Ocean View Pharmacy Inc. dba Tenth  
7 Street Medical Pharmacy is revoked;

8 6. Ordering Rozita Shemtoub and Ocean View Pharmacy Inc. dba Tenth Street Medical  
9 Pharmacy to pay the Board of Pharmacy the reasonable costs of the investigation and  
10 enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

11 7. Taking such other and further action as deemed necessary and proper.  
12  
13  
14

15 DATED: January 21, 2020



16 ANNE SODERGREN  
17 Interim Executive Officer  
18 Board of Pharmacy  
19 Department of Consumer Affairs  
20 State of California  
21 *Complainant*

22 LA2018502288  
23 Accusation - Ocean View Accusation 7-2-19  
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