

**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 Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on June 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", written in a cursive style.

By

Greg Lippe
Board President

MATTHEW RODRIQUEZ
Acting Attorney General of California
SHAWN P. COOK
Supervising Deputy Attorney General
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**OCEAN VIEW PHARMACY INC. DBA
TENTH STREET MEDICAL
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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 SETTLEMENT AND
DISCIPLINARY ORDER AS TO
LICENSE NO. RPH 49785**

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

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

2. Respondent Rozita Shemtoub (Respondent) is representing herself in this proceeding and has chosen not to exercise her right to be represented by counsel.

3. On or about August 28, 1997, the Board issued Pharmacist License Number RPH 49785 to Rozita Shemtoub (Respondent). 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. Accusation No. 6510 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on January 27, 2020. Respondent timely filed her Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 6510 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, and understands the charges and allegations in Accusation No. 6510. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

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

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

///

1 **CULPABILITY**

2 9. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 6510.

4 10. Respondent agrees that her Pharmacist License is subject to discipline and they agree
5 to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

6 **CONTINGENCY**

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

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

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

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

28 ///

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Pharmacist License No. RPH 49785 issued to Respondent is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions:

1. Obey All Laws

Respondent shall obey all state and federal laws and regulations.

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

- an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws
- a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal criminal proceeding to any criminal complaint, information or indictment
- a conviction of any crime
- the filing of a disciplinary pleading, issuance of a citation, or initiation of another administrative action filed by any state or federal agency which involves Respondent's license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging for any drug, device or controlled substance.

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

2. Report to the Board

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

Failure to submit timely reports in a form as directed shall be considered a violation of probation. Any period(s) of delinquency in submission of reports as directed may be added to the total period of probation. Moreover, if the final probation report is not made as directed,

1 probation shall be automatically extended until such time as the final report is made and accepted
2 by the board.

3 **3. Interview with the Board**

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

9 **4. Cooperate with Board Staff**

10 Respondent shall timely cooperate with the board's inspection program and with the board's
11 monitoring and investigation of Respondent's compliance with the terms and conditions of Entity
12 probation, including but not limited to: timely responses to requests for information by board
13 staff; timely compliance with directives from board staff regarding requirements of any term or
14 condition of probation; and timely completion of documentation pertaining to a term or condition
15 of probation. Failure to timely cooperate shall be considered a violation of probation.

16 **5. Continuing Education**

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

19 **6. Reporting of Employment and Notice to Employers**

20 During the period of probation, Respondent shall notify all present and prospective
21 employers of the decision in case number 6510 and the terms, conditions and restrictions imposed
22 on Respondent by the decision, as follows:

23 Within thirty (30) days of the effective date of this decision, and within ten (10) days of
24 undertaking any new employment, Respondent shall report to the board in writing the name,
25 physical address, and mailing address of each of her employer(s), and the name(s) and telephone
26 number(s) of all of direct supervisor(s), as well as any pharmacist(s)-in- charge, designated
27 representative(s)-in-charge, responsible manager, or other compliance supervisor(s) and the work
28 schedule, if known. Respondent shall also include the reason(s) for leaving the prior

1 employment. Respondent shall sign and return to the board a written consent authorizing the
2 board or its designee to communicate with all of Respondent's employer(s) and supervisor(s), and
3 authorizing those employer(s) or supervisor(s) to communicate with the board or its designee,
4 concerning Respondent's work status, performance, and monitoring. Failure to comply with the
5 requirements or deadlines of this condition shall be considered a violation of probation.

6 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
7 Respondent undertaking any new employment, Respondent shall cause (a) her direct supervisor,
8 (b) her pharmacist-in-charge, designated representative-in-charge, responsible manager, or other
9 compliance supervisor, and (c) the owner or owner representative of her employer, to report to the
10 board in writing acknowledging that the listed individual(s) has/have read the decision in case
11 number 6510, and terms and conditions imposed thereby. If one person serves in more than one
12 role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the Respondent's
13 responsibility to ensure that these acknowledgment(s) are timely submitted to the board. In the
14 event of a change in the person(s) serving the role(s) described in (a), (b), or (c) during the term
15 of probation, Respondent shall cause the person(s) taking over the role(s) to report to the board in
16 writing within fifteen (15) days of the change acknowledging that he or she has read the decision
17 in case number 6510, and the terms and conditions imposed thereby.

18 If Respondent works for or is employed by or through an employment service, Respondent
19 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the board
20 of the decision in case number 6510, and the terms and conditions imposed thereby in advance of
21 Respondent commencing work at such licensed entity. A record of this notification must be
22 provided to the board upon request.

23 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
24 (15) days of Respondent undertaking any new employment by or through an employment service,
25 Respondent shall cause the person(s) described in (a), (b), and (c) above at the employment
26 service to report to the board in writing acknowledging that he or she has read the decision in case
27 number, and the terms and conditions imposed thereby. It shall be Respondent's responsibility to
28 ensure that these acknowledgment(s) are timely submitted to the board.

1 Failure to timely notify present or prospective employer(s) or failure to cause the identified
2 person(s) with that/those employer(s) to submit timely written acknowledgments to the board
3 shall be considered a violation of probation.

4 "Employment" within the meaning of this provision includes any full-time, part-time,
5 temporary, relief, or employment/management service position as a pharmacist, or any position
6 for which a pharmacist is a requirement or criterion for employment, whether the Respondent is
7 an employee, independent contractor or volunteer.

8 **7. Notification of Change(s) in Name, Address(es), or Phone Number(s)**

9 Respondent shall further notify the board in writing within ten (10) days of any change in
10 name, residence address, mailing address, e-mail address or phone number.

11 Failure to timely notify the board of any change in employer, name, address, or phone
12 number shall be considered a violation of probation.

13 **8. Restrictions on Supervision and Oversight of Licensed Facilities**

14 During the period of probation, Respondent shall not supervise any intern pharmacist, be
15 the pharmacist-in-charge, designated representative-in-charge, responsible manager or other
16 compliance supervisor of any entity licensed by the board, nor serve as a consultant. Assumption
17 of any such unauthorized supervision responsibilities shall be considered a violation of probation.

18 **9. Reimbursement of Board Costs**

19 As a condition precedent to successful completion of probation, Respondent shall be jointly
20 and severally responsible to pay to the board its costs of investigation and prosecution in the
21 amount of \$20,000.00. Respondent shall make said payments as follows:

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

25 Respondent shall be permitted to pay these costs in a payment plan approved by the board
26 or its designee, so long as full payment is completed prior to the end date of probation.

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1 **10. Probation Monitoring Costs**

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

6 **11. Status of License**

7 Respondent shall, at all times while on probation, maintain an active, current Pharmacy
8 Permit with the board, including any period during which suspension or probation is tolled.
9 Failure to maintain an active, current Pharmacist License shall be considered a violation of
10 probation.

11 If Respondent's Pharmacist License expires or is cancelled by operation of law or otherwise
12 at any time during the period of probation, including any extensions thereof due to tolling or
13 otherwise, upon renewal or reapplication Respondent's license shall be subject to all terms and
14 conditions of this probation not previously satisfied.

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

16 Following the effective date of this decision, should Respondent cease practice due to
17 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
18 Respondent may relinquish Entity license, including any indicia of licensure issued by the board,
19 along with a request to surrender the license. The board or its designee shall have the discretion
20 whether to accept the surrender or take any other action it deems appropriate and reasonable.
21 Upon formal acceptance of the surrender of the license, Respondent will no longer be subject to
22 the terms and conditions of probation. This surrender constitutes a record of discipline and shall
23 become a part of the Respondent's license history with the board.

24 Upon acceptance of the surrender, Respondent shall relinquish her pocket and/or wall
25 license, including any indicia of licensure not previously provided to the board within ten (10)
26 days of notification by the board that the surrender is accepted if not already provided.
27 Respondent may not reapply for any license from the board for three (3) years from the effective
28 date of the surrender. Respondent shall meet all requirements applicable to the license sought as

1 of the date the application for that license is submitted to the board, including any outstanding
2 costs.

3 **13. Practice Requirement – Extension of Probation**

4 Except during periods of suspension, Respondent shall, at all times while on probation, be
5 employed as a pharmacist in California for a minimum of 80 hours per calendar month. Any
6 month during which this minimum is not met shall extend the period of probation by one month.
7 During any such period of insufficient employment, Respondent must nonetheless comply with
8 all terms and conditions of probation, unless Respondent receives a waiver in writing from the
9 board or its designee.

10 If Respondent does not practice as a pharmacist in California for the minimum number of
11 hours in any calendar month, for any reason (including vacation), Respondent shall notify the
12 board in writing within ten (10) days of the conclusion of that calendar month. This notification
13 shall include at least: the date(s), location(s), and hours of last practice; the reason(s) for the
14 interruption or reduction in practice; and the anticipated date(s) on which Respondent will resume
15 practice at the required level. Respondent shall further notify the board in writing within ten (10)
16 days following the next calendar month during which Respondent practices as a pharmacist in
17 California for the minimum of hours. Any failure to timely provide such notification(s) shall be
18 considered a violation of probation.

19 It is a violation of probation for Respondent's probation to be extended pursuant to the
20 provisions of this condition for a total period, counting consecutive and non-consecutive months,
21 exceeding thirty-six (36) months. The board or its designee may post a notice of the extended
22 probation period on its website.

23 **14. Violation of Probation**

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

violation of probation, to terminate probation, and to impose the penalty that was stayed. The board or its designee may post a notice of the extended probation period on its website.

If Respondent violates probation in any respect, the board, after giving Respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If a petition to revoke probation or an accusation is filed against Respondent during probation, or the preparation of an accusation or petition to revoke probation is requested from the Office of the Attorney General, the board shall have continuing jurisdiction and the period of probation shall be automatically extended until the petition to revoke probation or accusation is heard and decided.

15. Completion of Probation

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

16. Remedial Education

Within sixty (60) days of the effective date of this decision, Respondent shall submit to the board or its designee, for prior approval, an appropriate program of remedial education related to the underlying violations charged in the Accusation. The program of remedial education shall consist of at least 6 hours per year of probation, which shall be completed at Respondent's own expense. 50% of the total hours must be live webinar/in-person training. All remedial education shall be in addition to, and shall not be credited towards, continuing education (CE) courses used for license renewal purposes for pharmacists.

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

Following the completion of each course, the board or its designee may require the Respondent, at her own expense, to take an approved examination to test the Respondent's knowledge of the course. If Respondent does not achieve a passing score on the examination,

that course shall not count towards satisfaction of this term, and Respondent shall take another course approved by the board in the same subject area.

17. Ethics Course

Within sixty (60) calendar days of the effective date of this decision, Respondent shall enroll in a course in ethics, at Respondent's expense, approved in advance by the board or its designee that complies with Title 16 California Code of Regulations section 1773.5. Respondent shall provide proof of enrollment upon request. Within five (5) days of completion, Respondent shall submit a copy of the certificate of completion to the board or its designee. Failure to timely enroll in an approved ethics course, to initiate the course during the first year of probation, to successfully complete it before the end of the second year of probation, or to timely submit proof of completion to the board or its designee, shall be considered a violation of probation.

18. No Ownership or Management of Licensed Premises

Respondent shall not own, have any legal or beneficial interest in, nor serve as a manager, administrator, member, officer, director, trustee, associate, or partner of any business, firm, partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90) days following the effective date of this decision and shall immediately thereafter provide written proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide documentation thereof shall be considered a violation of probation.

ACCEPTANCE

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

DATED: _____

ROZITA SHEMTOUB
Respondent

1 that course shall not count towards satisfaction of this term, and Respondent shall take another
2 course approved by the board in the same subject area.

3 **17. Ethics Course**

4 Within sixty (60) calendar days of the effective date of this decision, Respondent shall
5 enroll in a course in ethics, at Respondent's expense, approved in advance by the board or its
6 designee that complies with Title 16 California Code of Regulations section 1773.5. Respondent
7 shall provide proof of enrollment upon request. Within five (5) days of completion, Respondent
8 shall submit a copy of the certificate of completion to the board or its designee. Failure to timely
9 enroll in an approved ethics course, to initiate the course during the first year of probation, to
10 successfully complete it before the end of the second year of probation, or to timely submit proof
11 of completion to the board or its designee, shall be considered a violation of probation.

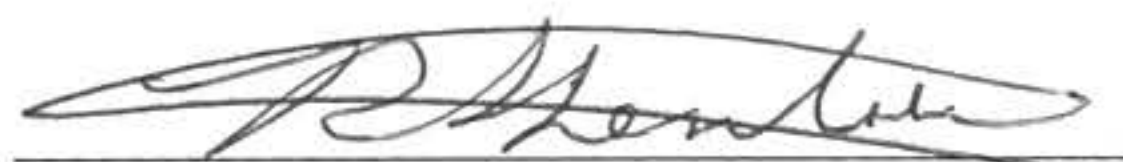
12 **18. No Ownership or Management of Licensed Premises**

13 Respondent shall not own, have any legal or beneficial interest in, nor serve as a manager,
14 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
15 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell
16 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)
17 days following the effective date of this decision and shall immediately thereafter provide written
18 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide
19 documentation thereof shall be considered a violation of probation.

20
21 **ACCEPTANCE**

22 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
23 stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated
24 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
25 bound by the Decision and Order of the Board of Pharmacy.

26
27 DATED: 4-2-21



28 ROZITA SHEMTOUB
Respondent

ENDORSEMENT

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

DATED: April 2, 2021

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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Exhibit A

Accusation No. 6510

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7

8 **BEFORE THE**
9 **BOARD OF PHARMACY**
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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 licentiate 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.
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24
25
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27
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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.
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13
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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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