

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

In the Matter of the First Amended Accusation Against:

**MARAVICH ENTERPRISES LLC, dba HIDDEN VALLEY PHARMACY,
MICHAEL MARAVICH, OWNER, HARISH R. ODEDRA, OWNER,**

Retail Pharmacy Permit No. PHY 51432; and

MICHAEL MARAVICH,

Pharmacist License No. RPH 48738; and

HARISH R. ODEDRA,

Pharmacist License No. RPH 43972,

Respondents

Agency Case No. 6575

OAH No. 2019100127

DECISION AND ORDER

The attached Proposed Decision of the Administrative Law Judge 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 May 20, 2020.

It is so ORDERED on April 20, 2020.

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

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

In the Matter of the First Amended Accusation against:

Michael Maravich, Respondent¹

Agency Case No. 6575

OAH No. 2019100127

PROPOSED DECISION

Erin R. Koch-Goodman, Administrative Law Judge, Office of Administrative Hearings (OAH), State of California, heard this matter on January 23, and February 5, 2020, in Sacramento, California.

¹ The First Amended Accusation named three respondents: Michael Maravich; Harish R. Odera; and Maravich Enterprises LLC, doing business as Hidden Valley Pharmacy. Mr. Odera and Hidden Valley Pharmacy entered into settlement agreements with the Board of Pharmacy prior to hearing. Accordingly, only the allegations against respondent Maravich went forward at hearing.

Summer D. Haro, Deputy Attorney General, represented Anne Sodergren (complainant), Interim Executive Officer, Board of Pharmacy (Board), Department of Consumer Affairs (Department), State of California.

Michael Maravich (respondent) appeared and represented himself.

Evidence was received, the record closed, and the matter was submitted for hearing on February 5, 2020.

FACTUAL FINDINGS

License History

1. On August 12, 1996, the Board issued Registered Pharmacist License Number RPH 48738 (license) to respondent. The license will expire on September 30, 2021, unless renewed or revoked.

2. On November 5, 2013, respondent and Harish R. Odedra became owners of Hidden Valley Pharmacy, previously Middletown Pharmacy, 19851 Hartman Road, Unit C, Hidden Valley Lake, California 95467. The Board issued Retail Pharmacy Permit PHY 51432 (permit) to Hidden Valley Pharmacy. The permit was in full force and effect at all times relevant, but expired on October 30, 2016.

3. From November 5, 2013, to October 31, 2016, respondent was the Pharmacist-in-Charge (PIC) at Hidden Valley Pharmacy. A PIC is responsible for a pharmacy's compliance with all state and federal laws and regulations governing the practice of pharmacy. (Bus. & Prof., § 4113, subd. (c).) On October 31, 2016, respondent closed Hidden Valley Pharmacy.

2017 CITATION AND FINE

4. On November 16, 2017, the Board issued a citation and fine (\$500) to respondent for: (1) violating Business and Professions Code² sections 4105, subdivisions (b), (c), and (d), and 4333, subdivision (a), failing to retain three years of records/documentation of the acquisition and disposition of dangerous drugs and dangerous devices and all prescriptions filled by a pharmacy on a licensed premises in a readily retrievable format; and (2) section 4081, subdivision (a), along with Health and Safety Code section 11179, failing to provide three years of records of manufacture and sale, acquisition, receipt, shipment, or disposition of dangerous drugs or dangerous devices for inspection by authorized officers of the law.

5. The facts underlying the citation occurred on August 19, 2016, when respondent was presented with a prescription document for Patient C.M., signed by Family Nurse Practitioner (FNP) Andrew Chinnock, and listing three prescriptions on the same security blank: one prescription for hydrocodone/acetaminophen 10 mg/325 mg tablets; and two prescriptions for Kadian. Respondent filled and dispensed the hydrocodone/acetaminophen and returned the prescription document to C.M.'s husband; thereby failing to retain the original record of sale and disposition of a dangerous drug. In addition, after closing Hidden Valley Pharmacy, respondent moved all Hidden Valley Pharmacy paper records to his home, a non-licensed facility, and stopped payment to the service provider maintaining any and all Hidden Valley Pharmacy electronic records. As a result, he failed to retain three years of records/documentation of the acquisition and disposition of dangerous drugs and

² All further references are to the Business and Professions Code unless otherwise indicated.

dangerous devices and all prescriptions filled by a pharmacy on a licensed premises in a readily retrievable format. Respondent paid the fine.

2019 CITATION AND FINE³

6. On March 6, 2019, the Board issued a citation and fine (\$750) to respondent for: (1) violating section 4231, subdivision (d), and California Code of Regulations, Title 16, section 1732.5, failing to provide documentation substantiating completion of continuing education and renewal requirements for a pharmacist; and (2) section 4301, subdivision (g), unprofessional conduct, submitting a signed document swearing to the truthfulness of the contents therein. Specifically, in or about September 2017, respondent submitted a license renewal application to the Board, signed under penalty of perjury, verifying he completed the required 30 hours of continuing education in the preceding two years. Thereafter, the Board conducted an audit and respondent was only able to provide verification of six hours of continuing education taken between September 2015 and September 2017. Respondent paid the fine.

Pending Accusation

7. On December 13, 2019, complainant, acting in her official capacity, signed the First Amended Accusation. The Accusation seeks to discipline respondent's pharmacist license based on numerous violations of state laws and regulations governing the practice of pharmacy (Pharmacy Law). Specifically, complainant alleges respondent: repeatedly lied to Board inspectors regarding the whereabouts of Hidden

³ The 2019 Citation and fine were not plead in the First Amended Accusation, but were introduced for notice to the respondent.

Valley Pharmacy's records of acquisition and disposition of controlled substances and dangerous drugs, and failed to maintain the same for three years; failed to verify the legitimacy of controlled substance prescriptions for N.S.; stole and/or diverted controlled substances and dangerous drugs for self-use from his employer, Walmart Pharmacy; and left patient records and records of acquisition and disposition of controlled substances and dangerous drugs in the retail location vacated by Hidden Valley Pharmacy.

8. Respondent timely filed a Notice of Defense. The matter was set for an evidentiary hearing before an Administrative Law Judge of the Office of Administrative Hearings, an independent adjudicative agency of the State of California, pursuant to Government Code section 11500, et seq.

PRESCRIPTIONS FOR N.S.

9. On April 29, 2016, the Board received a complaint from Jennifer Ellen Johnson Byer, M.D. Dr. Byer reported the theft of tamper-resistant prescription forms from her medical office by a former employee, N.S. The Board posted the theft on its website and opened an investigation. Board Inspector Patricia Peterson, Registered Pharmacist, was assigned to the investigation. Inspector Peterson reviewed a Controlled Substance Utilization Review and Evaluation System (CURES) report for N.S., for the period of January 1, 2016, through November 8, 2016, and discovered Hidden Valley Pharmacy had filled the following six controlled substances prescriptions for N.S.: (1) March 11, 2016 – hydrocodone/apap 10/325 mg, 40 tablets (20 day supply); (2) March 31, 2016 - hydrocodone/apap 10/325 mg, 60 tablets (30 day supply); (3) April 12, 2016 - oxycodone/apap 10/325 mg, 30 tablets (15 day supply); (4) April 28, 2016 - oxycodone/apap 10/325 mg, 40 tablets (20 day supply); (5) May 10, 2016 -

hydrocodone/apap 10/325 mg, 60 tablets (30 day supply); and (6) May 25, 2016 - oxycodone/apap 10/325 mg, 40 tablets (40 day supply).

10. Inspector Peterson found Hidden Valley Pharmacy filled two prescriptions for N.S., in May 2016, after Dr. Byer had reported the theft of her prescription pad and the Board posted the same on its website. Inspector Peterson asked respondent for hardcopies of the prescriptions filled by Hidden Valley Pharmacy for N.S. Respondent failed to provide Inspector Peterson with any Hidden Valley Pharmacy records.

HIDDEN VALLEY PHARMACY RECORDS

11. On September 22, 2016, Board Inspector Sara Mullen appeared at Hidden Valley Pharmacy for a routine inspection. Respondent was present and explained he was closing the pharmacy in three days and was no longer accepting new prescriptions. Inspector Mullen directed respondent to file a Discontinuance of Business form with the Board, and provided him with a list of procedures for closing a pharmacy, including the admonition to maintain all records in a licensed facility for three years. Respondent closed Hidden Valley Pharmacy on October 31, 2016. To date, he has not filed a Discontinuance of Business form with the Board.

12. In December 2016, respondent began working for Kmart Pharmacy. On December 13, 2016, Inspectors Peterson and Mullen went to Kmart Pharmacy to interview respondent. The inspectors questioned respondent about the location of Hidden Valley Pharmacy's records. First, respondent reported maintaining the records at Kmart Pharmacy, but after walking the inspectors into the Kmart warehouse, he admitted that the records were not there. Then, he told the inspectors he was storing the records in the trunk of his car, but after walking Inspector Peterson to his vehicle in the parking lot, he admitted that the records were not there. Finally, he admitted to

the inspectors he was storing the records in his garage at home, a non-licensed facility, and he would produce the records to them at a later time. To date, respondent has not produced any Hidden Valley Pharmacy records to the Board.

MAINTAIN PHARMACY RECORDS – MIDDLETOWN PHARMACY

13. On March 23, 2018, the Board received an email from Bob Rhea, seeking assistance in discarding 30 boxes of pharmacy documents left in the attic space of his former tenant, Hidden Valley Pharmacy. On April 26, 2018, Inspector Mullen travelled to Hidden Valley and reviewed the contents of the boxes, finding pharmacy records for Middletown Pharmacy from 2007 through 2012. Inspector Mullen contacted respondent and asked him to retrieve and destroy the records. In May 2018, respondent moved the Middletown Pharmacy boxes to his home, a non-licensed facility. In October 2018, respondent shredded all pharmacy records held in his garage, a total of 31 boxes.

THEFT AND/OR DIVERSION OF DRUGS

14. In August 2018, respondent began working for Walmart Pharmacy, located at 15960 Dam Road, Clearlake, California. On October 18, 2019, the Board received notice from Walmart Pharmacy of respondent's termination, effective October 4, 2019, for theft and diversion of controlled and non-controlled substances. The Board opened an investigation and assigned Inspector Mullen. On October 24, 2019, Inspector Mullen went to Walmart Pharmacy to conduct an on-site investigation, interviewing PIC Frederick Plageman and obtaining video surveillance from Walmart Asset Protection Associate Chadwick Iverson.

15. Respondent's theft and/or diversion was discovered by Walmart on October 3, 2019, when PIC Plageman entered the pharmacy bathroom, a secured

bathroom behind the pharmacy counter, and found two pills on the floor: one alprazolam (Xanax, schedule IV, dangerous drug) and one carisoprodol (Soma, schedule IV, dangerous drug). PIC Plageman reported his discoveries to Walmart Asset Protection. Asset Protection reviewed video surveillance of the pharmacy and found more than 10 occasions when respondent could be seen stealing and/or diverting drugs. Repeatedly, respondent: walked into a pharmacy shelving bay; took a bottle off of a shelf; opened the bottle with his right hand and poured a few pills directly into his left hand; closed the bottle with his right hand, and put the bottle back on the shelf; placed his left hand in his pocket or cupped his left hand with the pills inside; and walked to the pharmacy bathroom. On one occasion, after pouring a few tablets into his left hand and placing the bottle back on the shelf, respondent put at least one pill directly into his mouth. Asset Protection contacted Walmart Market Health and Wellness Director Haley Johnson.

16. On October 4, 2019, Director Johnson called respondent into an investigatory interview, with Store Manager Dean Allen Hunt and Asset Protection Manager Holly Dickerson present as witnesses and note taker. During the interview, respondent admitted to diverting six medications: tramadol (Ultram, schedule IV, dangerous drug) 50 mg. - 100 pills; ibuprofen (dangerous drug) 600 mg. - 40 pills; ibuprofen 800 mg. - 40 pills; gabapentin (Neurontin, dangerous drug) 300 mg. - 60 pills; alprazolam 1 mg. - 10 to 15 pills; alprazolam 2 mg. - 10 to 15 pills; phentermine (schedule IV, dangerous drug) 37.5 mg. - 30 pills; and carisoprodol 350 mg. - 30 to 40 pills). Following the interview, respondent wrote and signed a Voluntary Statement Form, stating:

I believe I started taking medications from, after I started the pharmacy, 4-6 months. I feel sick about this and I have

great remorse. I knew it was wrong but I took some for my wife and myself. The medications were Tramadol and Ibuprofen for myself due to [a] painful shoulder and Gabapentin for sleep and pain. I took Xanax and Soma for my wife who has back and anxiety issues. I'm estimating that I took approximately 100 tramadol, 40 [ibuprofen], 60 Neurontin, 10-15 Alprazolam 2 mg., 10-15 Alprazolam 1 mg., 30-40 Soma. I have never sold any medication nor am I addicted to pills or alcohol.

Please give me the opportunity to correct. I will promise it will never happen again. I am raising a 5-year-old child and need my job. I'm ashamed and would like a second chance to prove myself. I never have taken any medication from any other pharmacy including any other Walmart.

17. On October 30, 2019, Inspector Mullen reviewed a CURES report for respondent for the period of October 30, 2016, to October 30, 2019. On October 14, 2019, respondent filled a prescription for tramadol 50 mg. 60 tablets (30-day supply), written by Raymond Dean Jennings M.D., at Lucky Pharmacy in Napa, California. Based upon the evidence, Inspector Mullen found respondent stole and/or diverted controlled substances and dangerous drugs from the Walmart Pharmacy for self-use and for his wife.

Respondent's Evidence

18. Respondent testified at hearing. He has no specific recollection of the 2016 prescriptions for N.S. But assuming he filled the prescriptions, he was not the

only pharmacy fooled by the forged prescriptions, because several other pharmacies also dispensed controlled substances to N.S. on the forged prescriptions.

19. After closing Hidden Valley Pharmacy, respondent tried tirelessly to find a licensed facility within a 25-mile radius to store the Hidden Valley Pharmacy records, but to no avail. Respondent then placed the records in his garage, an unlicensed facility, and understands he violated the law by doing so. At the same time, respondent was unaware the previous owner of Hidden Valley Pharmacy/Middletown Pharmacy had left behind 31 boxes of pharmacy records in the attic of the leased space. When asked, respondent collected the boxes and put them in his garage. In October 2018, respondent had all pharmacy records being held in his garage shredded, a total of 31 boxes.

20. Finally, while working for Walmart, respondent admitted he diverted tramadol, because he had shoulder pain. He noted filling a valid prescription for tramadol shortly after he was terminated from Walmart; thereby showing his use was legitimate and supported by a physician. Respondent denies diverting any other medications. He regrets writing and signing the Walmart Voluntary Statement Form. He felt "cornered;" after admitting to diverting one medication, and it was a "slippery slope." At the time, respondent was working two jobs: Walmart and Save Mart pharmacies. On October 4, 2016, respondent had worked 12 days without a day off. He was tired, "disgusted, and angry." He was feeling "a lot of pressure as the Walmart PIC, and Walmart did not appreciate his work."

21. Currently, respondent continues to work for Save Mart pharmacy. He admitted Save Mart is not aware of the pending Accusation or his drug diversion and termination from Walmart.

Discussion

22. The allegations are undisputed. Respondent repeatedly lied to Board inspectors about the location of Hidden Valley Pharmacy records; failed to maintain the same for three years, both hardcopy and electronic, in a licensed facility; and left Middletown Pharmacy records in a non-licensed facility, risking disclosure of patient information. He failed to verify two fraudulent prescriptions for controlled substances for N.S. and filled the same. He stole and/or diverted controlled substances and dangerous drugs for his own use without a prescription.

23. The Board has adopted disciplinary guidelines (Guidelines) for consideration when determining the appropriate discipline to impose for a violation of the Pharmacy Law. (Cal. Code Regs., tit. 16, § 1760.) The Guidelines separate different violations of the Pharmacy Law into one of four categories, and recommends a range of discipline for each. Each of the violations committed by respondent falls under Category II, III, and IV. The recommended discipline ranges from revocation stayed, 90-day actual suspension, three to five years' probation, all standard terms and conditions, and all appropriate optional terms and conditions, to outright revocation.

24. The Guidelines also provide criteria for consideration when determining the specific discipline imposed for the particular category violated. Relevant criteria include: (1) actual or potential harm to the public or any consumer; (2) prior disciplinary record or warnings; (3) number or variety of current violations; (4) nature and severity of the acts or crimes under consideration; (5) evidence of aggravation, mitigation, or rehabilitation; (6) time passed since the act or offense; (7) whether the conduct was intentional or negligent, or demonstrated incompetence; and (8) whether respondent financially benefitted from the misconduct.

25. Respondent is lost. His decision-making skills are compromised. His judgement is dangerous, and his insight is lacking. At hearing, he watched himself in multiple video surveillance clips, stealing drugs from different bottles, in multiple locations, but would still only admit to diverting tramadol. He excused his theft of tramadol, because he had a legitimate prescription for the same. He believes he has resolved the concerns related to pharmacy record retention by shredding them in October 2018. However, he failed to consider the law requiring all pharmacy records to be maintained for three years; he closed Hidden Valley Pharmacy in 2016, and was required to keep its records until October 2019. He made no apologies for lying to the Board Inspectors, because he failed to appreciate the Board's responsibilities to the public or the risk to public safety for his conduct. At this time, respondent cannot be trusted to protect the public as a pharmacist.

Costs

26. Complainant has requested that respondent be ordered to pay the Board's investigation and enforcement costs, in the total amount of \$43,522, pursuant to Business and Professions Code section 125.3. This amount consists of costs incurred directly by the Board (\$15,209.50) as well as costs incurred by the Office of the Attorney General and billed to the Board (\$28,312.50). At hearing, complainant introduced a signed Certification of Costs of Investigation by the Executive Officer as well as a supporting declaration by Supervising Inspectors Christine Acosta (2 hrs) and Michael Ignacio (2 hrs), Inspectors Peterson (58.25 hrs) and Mullen (63.25 hrs). Complainant also introduced a Certification of Prosecution Costs: Declaration of Summer Haro. The declaration attached a computer printout of the tasks the Attorney General's office performed, the amount of time spent performing these tasks, and the

amounts charged. Respondent did not object to any of complainant's evidence of costs, nor introduced any evidence of his inability to pay them.

LEGAL CONCLUSIONS

1. Complainant bears the burden of proving each of the grounds for discipline alleged in the First Amended Accusation by clear and convincing evidence. (*Ettinger v. Board of Medical Quality Assurance* (1982) 135 Cal.App.3d 853.) Clear and convincing evidence requires proof that is so clear as to leave no substantial doubt and sufficiently strong to command the unhesitating assent of every reasonable mind. (*Katie V. v. Superior Court* (2005) 130 Cal.App.4th 586, 594.)

Applicable Law

UNPROFESSIONAL CONDUCT

2. The Board is authorized to discipline a permit or license if the permit holder or licensee is guilty of unprofessional conduct. Unprofessional conduct includes:

- The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not. (§ 4301, subd. (f).)
- The violation of any of the statutes of this state, of any other state, or of the United States regulating

controlled substances and dangerous drugs. (§ 4301, subd. (j).)

- Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board or by any other state or federal regulatory agency. (§ 4301, subd. (o).)
- Engaging in any conduct that subverts or attempts to subvert an investigation of the board. (§ 4301, subd. (q).)

VERIFICATION – PRESCRIPTIONS FOR N.S.

3. Health and Safety Code section 11153 imposes a corresponding duty on pharmacists to confirm prescriptions for controlled substances are issued only for legitimate medical purposes, stating:

A prescription for a controlled substance shall only be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his or her professional practice. The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription. Except as authorized by this division, the

following are not legal prescriptions: (1) an order purporting to be a prescription which is issued not in the usual course of professional treatment or in legitimate and authorized research; or (2) an order for an addict or habitual user of controlled substances, which is issued not in the course of professional treatment or as part of an authorized narcotic treatment program, for the purpose of providing the user with controlled substances, sufficient to keep him or her comfortable by maintaining customary use.

4. California Code of Regulations, title 16, section 1761, further defines a pharmacist's corresponding duty, stating:

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

(b) Even after conferring with the prescriber, a pharmacist shall not compound or dispense a controlled substance prescription where the pharmacist knows or has objective reason to know that said prescription was not issued for a legitimate medical purpose.

MAINTENANCE OF PHARMACY RECORDS – HIDDEN VALLEY PHARMACY

5. Pharmacy records must be maintained and readily available for inspection. Section 4105 requires:

(a) All records or other documentation of the acquisition and disposition of dangerous drugs and dangerous devices by any entity licensed by the board shall be retained on the licensed premises in a readily retrievable form.

(b) The licensee may remove the original records or documentation from the licensed premises on a temporary basis for license-related purposes. However, a duplicate set of those records or other documentation shall be retained on the licensed premises.

(c) The records required by this section shall be retained on the licensed premises for a period of three years from the date of making.

(d)(1) Any records that are maintained electronically shall be maintained so that the pharmacist-in-charge, or the pharmacist on duty if the pharmacist-in-charge is not on duty, shall, at all times during which the licensed premises are open for business, be able to produce a hardcopy and electronic copy of all records of acquisition or disposition or other drug or dispensing-related records maintained electronically.

6. In addition, section 4333 directs:

(a) All prescriptions filled by a pharmacy and all other records required by Section 4081 shall be maintained on the premises and available for inspection by authorized officers of the law for a period of at least three years. In cases where the pharmacy discontinues business, these records shall be maintained in a board-licensed facility for at least three years.

MAINTENANCE OF PHARMACY RECORDS – MIDDLETOWN PHARMACY

7. California Code of Regulations, Title 16, section 1764, issues the following preclusion:

No pharmacist shall exhibit, discuss, or reveal the contents of any prescription, the therapeutic effect thereof, the nature, extent, or degree of illness suffered by any patient or any medical information furnished by the prescriber with any person other than the patient or his or her authorized representative, the prescriber or other licensed practitioner then caring for the patient, another licensed pharmacist serving the patient, or a person duly authorized by law to receive such information.

8. In addition, Civil Code section 56.10, subdivision (a), makes it a crime to disclose medical information, stating:

A provider of health care, health care service plan, or contractor shall not disclose medical information regarding a patient of the provider of health care or an enrollee or subscriber of a health care service plan without first obtaining an authorization, except as provided in subdivision (b) or (c).

THEFT AND/OR DIVERSION OF DRUGS

9. Sections 4059 and 4060 forbid the distribution of dangerous drugs without a prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7.

10. Health and Safety Code section 11173, subdivision (a), prohibits a person from obtaining, or attempting to obtain controlled substances, "or procure or attempt to procure the administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact."

CAUSES FOR DISCIPLINE

11. Based upon Factual Findings as a whole, cause exists to discipline respondent's license for violating sections 4301, subdivisions (f), (j), and (q). Respondent displayed unprofessional conduct when he: repeatedly lied to Board inspectors, attempting to subvert a Board investigation; filled fraudulent prescriptions for N.S.; and stole and possessed controlled substances and dangerous drugs from his employer, Walmart.

12. Based upon Factual Findings 9 and 10, cause exists to discipline respondent's license for violating California Code of Regulations, title 16, section 1761,

and Health and Safety Code section 11153, subdivisions (a) and (b), by and through section 4301, subdivision (o). Respondent failed to verify the legitimacy of controlled substance prescriptions for N.S., and continued to fill prescriptions for N.S. after notice was available that Dr. Byer's prescription pads had been stolen.

13. Based upon Factual Findings 11, 12, and 19, cause exists to discipline respondent's license for violating sections 4105, subdivisions (b), (c), and (d), and 4333, subdivision (a), by and through section 4301, subdivision (o). Respondent failed to maintain records, both hardcopy and electronic, of the acquisition and disposition of dangerous drugs for at least three years from the date of making in a licensed facility.

14. Based upon Factual Findings 13 and 19, cause exists to discipline respondent's license for violating California Code of Regulations, title 16, section 1764 and Civil Code section 56.10. Respondent left Middletown Pharmacy records in the retail space vacated by Hidden Valley Pharmacy, exposing patients' medical information.

15. Based upon Factual Findings 14 through 17, and 20, cause exists to discipline respondent's license for violating sections 4059a and 4060, and Health and Safety Code section 11173, subdivision (a). Respondent stole, possessed, and consumed controlled substances, without a prescription, for self-use and to give to his wife.

16. Respondent admitted to the allegations and failed to provide rehabilitation evidence. When all the evidence is considered, respondent's license must be revoked.

COSTS

17. Pursuant to *Zuckerman v. Board of Chiropractic Examiners* (2002) 29 Cal.4th 32, various factors must be considered in determining the amount of costs to be assessed. The Board must not assess the full costs of investigation and prosecution when to do so will unfairly penalize a licensee who has committed some misconduct, but who has used the hearing process to obtain dismissal of other charges or a reduction in the severity of the discipline imposed. The Board must consider the licensee's subjective good faith belief in the merits of his or her position, as well as whether the licensee has raised a colorable challenge to the proposed discipline. The Board must determine that the licensee will be financially able to make later payments. Finally, the Board may not assess the full costs of investigation and prosecution when it has conducted a disproportionately large investigation to prove that a licensee engaged in relatively innocuous misconduct.

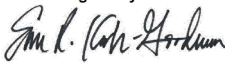
18. As discussed in Factual Findings 26, complainant established that the requested costs are reasonable in light of the allegations and issues in this matter. Complainant's request for \$43,522 in costs to investigate and enforce this matter is reasonable. Respondent provided no evidence of any basis to reduce these costs. Accordingly, in the event respondent petitions to reinstate his license, he shall be ordered to pay the Board's costs in the total amount of it \$43,522, pursuant to a payment plan approved by the Board.

ORDER

1. Pharmacist License No. RPH 48738 issued to respondent Michael Maravich is REVOKED.

2. Should respondent petition for reinstatement of his license, he shall be required to pay to the Board the amount of \$43,522, pursuant to a Board-approved payment plan, as a condition of reinstatement.

DATE: March 6, 2019

DocuSigned by:

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ERIN R. KOCH-GOODMAN

Administrative Law Judge

Office of Administrative Hearings

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

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13 In the Matter of the Accusation Against:

Case No. 6575

14 **MARAVICH ENTERPRISES LLC, dba**
15 **HIDDEN VALLEY PHARMACY,**
16 **MICHAEL MARAVICH, OWNER,**
HARISH R. ODEDRA, OWNER;

OAH No. 2019100127

**FIRST AMENDED
ACCUSATION**

17 19851 Hartman Road Unit C
Hidden Valley Lake, CA 95467

18 **Retail Pharmacy Permit No. PHY 51432;**

19 **MICHAEL MARAVICH**
20 3666 Riviera West Drive
Kelseyville, CA 95451

21 **Pharmacist No. RPH 48738**

22 **And**

23 **HARISH R. ODEDRA**
24 130 Turnberry Rd.,
Half Moon Bay, CA 94019

25 **Pharmacist No. RPH 43972**

26 Respondents.
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1 Complainant alleges:

2 **PARTIES**

3 1. Anne Sodergren (“Complainant”) brings this Accusation solely in her official
4 capacity as the Interim Executive Officer of the Board of Pharmacy (“Board”), Department of
5 Consumer Affairs.

6 2. On or about November 5, 2013, the Board of Pharmacy issued Permit Number PHY
7 51432 to Maravich Enterprises LLC dba Hidden Valley Pharmacy (“Respondent Hidden
8 Valley”). At all times relevant to the charges brought herein, Respondent Hidden Valley’s
9 shareholders were Michael Maravich (“Respondent Maravich”) and Harish R. Odedra
10 (“Respondent Odedra”). On or about November 5, 2013, Respondent Maravich became the
11 pharmacist-in-charge. Respondent Hidden Valley’s Permit was in full force and effect at all
12 times relevant to the charges brought herein, but expired on October 30, 2016, and has not been
13 renewed.

14 3. On or about August 12, 1996, the Board issued Registered Pharmacist License
15 Number RPH 48738 to Respondent Maravich. The Registered Pharmacist License was in full
16 force and effect at all times relevant to the charges brought herein and will expire on September
17 30, 2021, unless renewed.

18 4. On or about March 1, 1991, the Board issued Registered Pharmacist License Number
19 RPH 43972 to Respondent Odedra. The Registered Pharmacist License was in full force and
20 effect at all times relevant to the charges brought herein and will expire on September 30, 2020,
21 unless renewed.

22 **JURISDICTION**

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

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28 ///

1 6. Code section 4300 states, in pertinent part:

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

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

- 5 (1) Suspending judgment.
6 (2) Placing him or her upon probation.
7 (3) Suspending his or her right to practice for a period not
 exceeding one year.
8 (4) Revoking his or her license.
 (5) Taking any other action in relation to disciplining him or
 her as the board in its discretion may deem proper . . .

9 7. Code section 4300.1 states:

10 The expiration, cancellation, forfeiture, or suspension of a board-issued
11 license by operation of law or by order or decision of the board or a court of law,
12 the placement of a license on a retired status, or the voluntary surrender of a
13 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.

14 8. Code section 4307 states:

15 (a) Any person who has been denied a license or whose license has been
16 revoked or is under suspension, or who has failed to renew his or her license
17 while it was under suspension, or who has been a manager, administrator, owner,
18 member, officer, director, associate, partner, or any other person with
19 management or control of any partnership, corporation, trust, firm, or association
20 whose application for a license has been denied or revoked, is under suspension or
21 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, revoked, suspended, or placed on
 probation, shall be prohibited from serving as a manager, administrator, owner,
 member, officer, director, associate, partner, or in any other position with
 management or control of a licensee as follows:

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

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

26 (b) Manager, administrator, owner, member, officer, director, associate,
27 partner, or any other person with management or control of a license as used in
 this section and Section 4308, may refer to a pharmacist or to any other person
 who serves in such capacity in or for a licensee.

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

6 **STATUTORY AND REGULATORY PROVISIONS**

7 **A. Business & Professions Code**

8 9. Code section 4301 states, in pertinent part:

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

11 (d) The clearly excessive furnishing of controlled substances in violation of
12 subdivision (a) of Section 11153 of the Health and Safety Code.

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

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

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

21 (q) Engaging in any conduct that subverts or attempts to subvert an
22 investigation of the board.

23 10. Code section 4306.5 states, in pertinent part:

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

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

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1 (b) Acts or omissions that involve, in whole or in part, the failure to
2 exercise or implement his or her best professional judgment or corresponding
3 responsibility with regard to the dispensing or furnishing of controlled substances,
dangerous drugs, or dangerous devices, or with regard to the provision of
services.

4 (c) Acts or omissions that involve, in whole or in part, the failure to
5 consult appropriate patient, prescription, and other records pertaining to the
performance of any pharmacy function . . .

6 11. Section 4059 of the Code states, in pertinent part:

7 (a) A person may not furnish any dangerous drug, except upon the
8 prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or
naturopathic doctor pursuant to Section 3640.7.

9 12. Section 4060 of the Code states, in pertinent part:

10 A person shall not possess any controlled substance, except that furnished to
11 a person upon the prescription of a physician, dentist, podiatrist, optometrist,
veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished
12 pursuant to a drug order issued by a certified nurse-midwife pursuant to Section
2746.51, a nurse practitioner pursuant to Section 2836.1, a physician assistant
13 pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a
pharmacist pursuant to Section 4052.1, 4052.2, or 4052.6. This section does not
14 apply to the possession of any controlled substance by a manufacturer,
wholesaler, third-party logistics provider, pharmacy, pharmacist, physician,
15 podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified nurse-
midwife, nurse practitioner, or physician assistant, if in stock in containers
16 correctly labeled with the name and address of the supplier or producer.

17 This section does not authorize a certified nurse-midwife, a nurse
practitioner, a physician assistant, or a naturopathic doctor, to order his or her own
18 stock of dangerous drugs and devices.

19 13. Section 4081 of the Code states:

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

26 (b) The owner, officer, and partner of any pharmacy, wholesaler, or
27 veterinary food-animal drug retailer shall be jointly responsible, with the
pharmacist-in-charge or representative-in-charge, for maintaining the records and
28 inventory described in this section.

1 (c) The pharmacist-in-charge or representative-in-charge shall not be
2 criminally responsible for acts of the owner, officer, partner, or employee that
3 violate this section and of which the pharmacist-in-charge or representative-in-
4 charge had no knowledge, or in which he or she did not knowingly participate.

4 14. Section 4105 of the Code states:

5 (a) All records or other documentation of the acquisition and disposition of
6 dangerous drugs and dangerous devices by any entity licensed by the board shall
7 be retained on the licensed premises in a readily retrievable form.

8 (b) The licensee may remove the original records or documentation from the
9 licensed premises on a temporary basis for license-related purposes. However, a
10 duplicate set of those records or other documentation shall be retained on the
11 licensed premises.

12 (c) The records required by this section shall be retained on the licensed
13 premises for a period of three years from the date of making.

14 (d)(1) Any records that are maintained electronically shall be maintained so
15 that the pharmacist-in-charge, the pharmacist on duty if the pharmacist-in-charge
16 is not on duty, or, in the case of a veterinary food-animal drug retailer or
17 wholesaler, the designated representative on duty, shall, at all times during which
18 the licensed premises are open for business, be able to produce a hard copy and
19 electronic copy of all records of acquisition or disposition or other drug or
20 dispensing-related records maintained electronically.

15 15. Code section 4333 states, in pertinent part:

16 (a) All prescriptions filled by a pharmacy and all other records required by
17 Section 4081 shall be maintained on the premises and available for inspection by
18 authorized officers of the law for a period of at least three years. In cases where
19 the pharmacy discontinues business, these records shall be maintained in a board-
20 licensed facility for at least three years.

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

22 **B. Health & Safety Code**

23 17. Health and Safety Code section 11153 states:

24 (a) A prescription for a controlled substance shall only be issued for a
25 legitimate medical purpose by an individual practitioner acting in the usual course
26 of his or her professional practice. The responsibility for the proper prescribing
27 and dispensing of controlled substances is upon the prescribing practitioner, but a
28 corresponding responsibility rests with the pharmacist who fills the prescription.
Except as authorized by this division, the following are not legal prescriptions: (1)
an order purporting to be a prescription which is issued not in the usual course of
professional treatment or in legitimate and authorized research; or (2) an order for
an addict or habitual user of controlled substances, which is issued not in the

1 course of professional treatment or as part of an authorized narcotic treatment
2 program, for the purpose of providing the user with controlled substances,
sufficient to keep him or her comfortable by maintaining customary use.

3 (b) Any person who knowingly violates this section shall be punished by
4 imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code, or in
5 a county jail not exceeding one year, or by a fine not exceeding twenty thousand
dollars (\$20,000), or by both that fine and imprisonment.

6 18. Health and Safety Code section 11173 states, in pertinent part:

7 No person shall obtain or attempt to obtain controlled substances, or procure
8 or attempt to procure the administration of or prescription for controlled
9 substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the
concealment of a material fact.

10 19. Health and Safety Code section 11205 states:

11 The owner of a pharmacy or any person who purchases a controlled
12 substance upon federal order forms as required pursuant to the provisions of the
13 Federal "Comprehensive Drug Abuse Prevention and Control Act of 1970," (P.L.
91-513, 84 Stat. 1236),¹ relating to the importation, exportation, manufacture,
14 production, compounding, distribution, dispensing, and control of controlled
substances, and who sells controlled substances obtained upon such federal order
15 forms in response to prescriptions shall maintain and file such prescriptions in a
separate file apart from noncontrolled substances prescriptions. Such files shall be
preserved for a period of three years.

16 **D. Civil Code**

17 20. California Civil Code section 56.10 states:

18 (a) A provider of health care, health care service plan, or contractor shall not
19 disclose medical information regarding a patient of the provider of health care or
an enrollee or subscriber of a health care service plan without first obtaining an
20 authorization, except as provided in subdivision (b) or (c).

21 (b) A provider of health care, a health care service plan, or a contractor shall
disclose medical information if the disclosure is compelled by any of the
22 following:

23 (1) By a court pursuant to an order of that court.

24 (2) By a board, commission, or administrative agency for purposes of
adjudication pursuant to its lawful authority.

25 (3) By a party to a proceeding before a court or administrative agency
pursuant to a subpoena, subpoena duces tecum, notice to appear served pursuant
26 to Section 1987 of the Code of Civil Procedure, or any provision authorizing
discovery in a proceeding before a court or administrative agency.

27 (4) By a board, commission, or administrative agency pursuant to an
investigative subpoena issued under Article 2 (commencing with Section 11180)
28 of Chapter 2 of Part 1 of Division 3 of Title 2 of the Government Code.

1 (5) By an arbitrator or arbitration panel, when arbitration is lawfully
2 requested by either party, pursuant to a subpoena duces tecum issued under
3 Section 1282.6 of the Code of Civil Procedure, or another provision authorizing
4 discovery in a proceeding before an arbitrator or arbitration panel.

5 (6) By a search warrant lawfully issued to a governmental law
6 enforcement agency.

7 (7) By the patient or the patient's representative pursuant to Chapter 1
8 (commencing with Section 123100) of Part 1 of Division 106 of the Health and
9 Safety Code.

10 (8) By a medical examiner, forensic pathologist, or coroner, when
11 requested in the course of an investigation by a medical examiner, forensic
12 pathologist, or coroner's office for the purpose of identifying the decedent or
13 locating next of kin, or when investigating deaths that may involve public health
14 concerns, organ or tissue donation, child abuse, elder abuse, suicides, poisonings,
15 accidents, sudden infant deaths, suspicious deaths, unknown deaths, or criminal
16 deaths, or upon notification of, or investigation of, imminent deaths that may
17 involve organ or tissue donation pursuant to Section 7151.15 of the Health and
18 Safety Code, or when otherwise authorized by the decedent's representative.
19 Medical information requested by a medical examiner, forensic pathologist, or
20 coroner under this paragraph shall be limited to information regarding the patient
21 who is the decedent and who is the subject of the investigation or who is the
22 prospective donor and shall be disclosed to a medical examiner, forensic
23 pathologist, or coroner without delay upon request. A medical examiner, forensic
24 pathologist, or coroner shall not disclose the information contained in the medical
25 record obtained pursuant to this paragraph to a third party without a court order or
26 authorization pursuant to paragraph (4) of subdivision (c) of Section 56.11.

27 (9) When otherwise specifically required by law.

28 (c) A provider of health care or a health care service plan may disclose
medical information as follows:

(1) The information may be disclosed to providers of health care, health
care service plans, contractors, or other health care professionals or facilities for
purposes of diagnosis or treatment of the patient. This includes, in an emergency
situation, the communication of patient information by radio transmission or other
means between emergency medical personnel at the scene of an emergency, or in
an emergency medical transport vehicle, and emergency medical personnel at a
health facility licensed pursuant to Chapter 2 (commencing with Section 1250) of
Division 2 of the Health and Safety Code.

(2) The information may be disclosed to an insurer, employer, health
care service plan, hospital service plan, employee benefit plan, governmental
authority, contractor, or other person or entity responsible for paying for health
care services rendered to the patient, to the extent necessary to allow
responsibility for payment to be determined and payment to be made. If (A) the
patient is, by reason of a comatose or other disabling medical condition, unable to
consent to the disclosure of medical information and (B) no other arrangements
have been made to pay for the health care services being rendered to the patient,
the information may be disclosed to a governmental authority to the extent
necessary to determine the patient's eligibility for, and to obtain, payment under a
governmental program for health care services provided to the patient. The

1 information may also be disclosed to another provider of health care or health
2 care service plan as necessary to assist the other provider or health care service
3 plan in obtaining payment for health care services rendered by that provider of
4 health care or health care service plan to the patient.

5 (3) The information may be disclosed to a person or entity that provides
6 billing, claims management, medical data processing, or other administrative
7 services for providers of health care or health care service plans or for any of the
8 persons or entities specified in paragraph (2). However, information so disclosed
9 shall not be further disclosed by the recipient in a way that would violate this part.

10 (4) The information may be disclosed to organized committees and
11 agents of professional societies or of medical staffs of licensed hospitals, licensed
12 health care service plans, professional standards review organizations,
13 independent medical review organizations and their selected reviewers, utilization
14 and quality control peer review organizations as established by Congress in Public
15 Law 97-248 in 1982, contractors, or persons or organizations insuring,
16 responsible for, or defending professional liability that a provider may incur, if the
17 committees, agents, health care service plans, organizations, reviewers,
18 contractors, or persons are engaged in reviewing the competence or qualifications
19 of health care professionals or in reviewing health care services with respect to
20 medical necessity, level of care, quality of care, or justification of charges.

21 (5) The information in the possession of a provider of health care or a
22 health care service plan may be reviewed by a private or public body responsible
23 for licensing or accrediting the provider of health care or a health care service
24 plan. However, no patient-identifying medical information may be removed from
25 the premises except as expressly permitted or required elsewhere by law, nor shall
26 that information be further disclosed by the recipient in a way that would violate
27 this part.

28 (6) The information may be disclosed to a medical examiner, forensic
pathologist, or county coroner in the course of an investigation by a medical
examiner, forensic pathologist, or coroner's office when requested for all
purposes not included in paragraph (8) of subdivision (b). A medical examiner,
forensic pathologist, or coroner shall not disclose the information contained in the
medical record obtained pursuant to this paragraph to a third party without a court
order or authorization pursuant to paragraph (4) of subdivision (c) of Section
56.11.

(7) The information may be disclosed to public agencies, clinical
investigators, including investigators conducting epidemiologic studies, health
care research organizations, and accredited public or private nonprofit educational
or health care institutions for bona fide research purposes. However, no
information so disclosed shall be further disclosed by the recipient in a way that
would disclose the identity of a patient or violate this part.

(8) A provider of health care or health care service plan that has created
medical information as a result of employment-related health care services to an
employee conducted at the specific prior written request and expense of the
employer may disclose to the employee's employer that part of the information
that:

(A) Is relevant in a lawsuit, arbitration, grievance, or other claim
or challenge to which the employer and the employee are parties and in which the

1 patient has placed in issue his or her medical history, mental or physical
2 condition, or treatment, provided that information may only be used or disclosed
3 in connection with that proceeding.

4 (B) Describes functional limitations of the patient that may entitle
5 the patient to leave from work for medical reasons or limit the patient's fitness to
6 perform his or her present employment, provided that no statement of medical
7 cause is included in the information disclosed.

8 (9) Unless the provider of health care or a health care service plan is
9 notified in writing of an agreement by the sponsor, insurer, or administrator to the
10 contrary, the information may be disclosed to a sponsor, insurer, or administrator
11 of a group or individual insured or uninsured plan or policy that the patient seeks
12 coverage by or benefits from, if the information was created by the provider of
13 health care or health care service plan as the result of services conducted at the
14 specific prior written request and expense of the sponsor, insurer, or administrator
15 for the purpose of evaluating the application for coverage or benefits.

16 (10) The information may be disclosed to a health care service plan by
17 providers of health care that contract with the health care service plan and may be
18 transferred among providers of health care that contract with the health care
19 service plan, for the purpose of administering the health care service plan.
20 Medical information shall not otherwise be disclosed by a health care service plan
21 except in accordance with this part.

22 (11) This part does not prevent the disclosure by a provider of health
23 care or a health care service plan to an insurance institution, agent, or support
24 organization, subject to Article 6.6 (commencing with Section 791) of Chapter 1
25 of Part 2 of Division 1 of the Insurance Code, of medical information if the
26 insurance institution, agent, or support organization has complied with all of the
27 requirements for obtaining the information pursuant to Article 6.6 (commencing
28 with Section 791) of Chapter 1 of Part 2 of Division 1 of the Insurance Code.

(12) The information relevant to the patient's condition, care, and
treatment provided may be disclosed to a probate court investigator in the course
of an investigation required or authorized in a conservatorship proceeding under
the Guardianship-Conservatorship Law as defined in Section 1400 of the Probate
Code, or to a probate court investigator, probation officer, or domestic relations
investigator engaged in determining the need for an initial guardianship or
continuation of an existing guardianship.

(13) The information may be disclosed to an organ procurement
organization or a tissue bank processing the tissue of a decedent for
transplantation into the body of another person, but only with respect to the
donating decedent, for the purpose of aiding the transplant. For the purpose of this
paragraph, "tissue bank" and "tissue" have the same meanings as defined in
Section 1635 of the Health and Safety Code.

(14) The information may be disclosed when the disclosure is
otherwise specifically authorized by law, including, but not limited to, the
voluntary reporting, either directly or indirectly, to the federal Food and Drug
Administration of adverse events related to drug products or medical device
problems, or to disclosures made pursuant to subdivisions (b) and (c) of Section
11167 of the Penal Code by a person making a report pursuant to Sections
11165.9 and 11166 of the Penal Code, provided that those disclosures concern a
report made by that person.

1 (15) Basic information, including the patient's name, city of residence,
2 age, sex, and general condition, may be disclosed to a state-recognized or
3 federally recognized disaster relief organization for the purpose of responding to
4 disaster welfare inquiries.

5 (16) The information may be disclosed to a third party for purposes of
6 encoding, encrypting, or otherwise anonymizing data. However, no information
7 so disclosed shall be further disclosed by the recipient in a way that would violate
8 this part, including the unauthorized manipulation of coded or encrypted medical
9 information that reveals individually identifiable medical information.

10 (17) For purposes of disease management programs and services as
11 defined in Section 1399.901 of the Health and Safety Code, information may be
12 disclosed as follows: (A) to an entity contracting with a health care service plan or
13 the health care service plan's contractors to monitor or administer care of
14 enrollees for a covered benefit, if the disease management services and care are
15 authorized by a treating physician, or (B) to a disease management organization,
16 as defined in Section 1399.900 of the Health and Safety Code, that complies fully
17 with the physician authorization requirements of Section 1399.902 of the Health
18 and Safety Code, if the health care service plan or its contractor provides or has
19 provided a description of the disease management services to a treating physician
20 or to the health care service plan's or contractor's network of physicians. This
21 paragraph does not require physician authorization for the care or treatment of the
22 adherents of a well-recognized church or religious denomination who depend
23 solely upon prayer or spiritual means for healing in the practice of the religion of
24 that church or denomination.

25 (18) The information may be disclosed, as permitted by state and
26 federal law or regulation, to a local health department for the purpose of
27 preventing or controlling disease, injury, or disability, including, but not limited
28 to, the reporting of disease, injury, vital events, including, but not limited to, birth
or death, and the conduct of public health surveillance, public health
investigations, and public health interventions, as authorized or required by state
or federal law or regulation.

(19) The information may be disclosed, consistent with applicable law
and standards of ethical conduct, by a psychotherapist, as defined in Section 1010
of the Evidence Code, if the psychotherapist, in good faith, believes the disclosure
is necessary to prevent or lessen a serious and imminent threat to the health or
safety of a reasonably foreseeable victim or victims, and the disclosure is made to
a person or persons reasonably able to prevent or lessen the threat, including the
target of the threat.

(20) The information may be disclosed as described in Section 56.103.

(21)

(A) The information may be disclosed to an employee welfare
benefit plan, as defined under Section 3(1) of the Employee Retirement Income
Security Act of 1974 (29 U.S.C. Sec. 1002(1)), which is formed under Section
302(c)(5) of the Taft-Hartley Act (29 U.S.C. Sec. 186(c)(5)), to the extent that the
employee welfare benefit plan provides medical care, and may also be disclosed
to an entity contracting with the employee welfare benefit plan for billing, claims
management, medical data processing, or other administrative services related to
the provision of medical care to persons enrolled in the employee welfare benefit
plan for health care coverage, if all of the following conditions are met:

1 (i) The disclosure is for the purpose of determining
2 eligibility, coordinating benefits, or allowing the employee welfare benefit plan or
3 the contracting entity to advocate on the behalf of a patient or enrollee with a
4 provider, a health care service plan, or a state or federal regulatory agency.

5 (ii) The request for the information is accompanied by a
6 written authorization for the release of the information submitted in a manner
7 consistent with subdivision (a) and Section 56.11.

8 (iii) The disclosure is authorized by and made in a manner
9 consistent with the Health Insurance Portability and Accountability Act of 1996
10 (Public Law 104-191).

11 (iv) Any information disclosed is not further used or
12 disclosed by the recipient in any way that would directly or indirectly violate this
13 part or the restrictions imposed by Part 164 of Title 45 of the Code of Federal
14 Regulations, including the manipulation of the information in any way that might
15 reveal individually identifiable medical information.

16 (B) For purposes of this paragraph, Section 1374.8 of the Health
17 and Safety Code shall not apply.

18 (22) Information may be disclosed pursuant to subdivision (a) of
19 Section 15633.5 of the Welfare and Institutions Code by a person required to
20 make a report pursuant to Section 15630 of the Welfare and Institutions Code,
21 provided that the disclosure under subdivision (a) of Section 15633.5 concerns a
22 report made by that person. Covered entities, as they are defined in Section
23 160.103 of Title 45 of the Code of Federal Regulations, shall comply with the
24 requirements of the Health Insurance Portability and Accountability Act (HIPAA)
25 privacy rule pursuant to subsection (c) of Section 164.512 of Title 45 of the Code
26 of Federal Regulations if the disclosure is not for the purpose of public health
27 surveillance, investigation, intervention, or reporting an injury or death.

28 (d) Except to the extent expressly authorized by a patient, enrollee, or
subscriber, or as provided by subdivisions (b) and (c), a provider of health care,
health care service plan, contractor, or corporation and its subsidiaries and
affiliates shall not intentionally share, sell, use for marketing, or otherwise use
medical information for a purpose not necessary to provide health care services to
the patient.

(e) Except to the extent expressly authorized by a patient or enrollee or
subscriber or as provided by subdivisions (b) and (c), a contractor or corporation
and its subsidiaries and affiliates shall not further disclose medical information
regarding a patient of the provider of health care or an enrollee or subscriber of a
health care service plan or insurer or self-insured employer received under this
section to a person or entity that is not engaged in providing direct health care
services to the patient or his or her provider of health care or health care service
plan or insurer or self-insured employer.

(f) For purposes of this section, a reference to a "medical examiner, forensic
pathologist, or coroner" means a coroner or deputy coroner as described in
subdivision (c) of Section 830.35 of the Penal Code, or a licensed physician who
currently performs official autopsies on behalf of a county coroner's office or a
medical examiner's office, whether as a government employee or under contract
to that office.

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1 Regulations, title 21, section 1308.14, subdivision (b)(3), and a dangerous drug pursuant to Code
2 section 4022. Tramadol is used to treat pain. “Ultram” is a brand of tramadol.

3 27. Gabapentin is a dangerous drug pursuant to Code section 4022. Gabapentin is used to
4 treat neurological pain. “Neurontin” is a brand of gabapentin.

5 28. Alprazolam is a Schedule IV controlled substance pursuant to Health and Safety Code
6 section 11057, subdivision (d)(1), and Code of Federal Regulations, title 21, section 1308.14,
7 subdivision (c)(2), and a dangerous drug pursuant to Code section 4022. Alprazolam is used to
8 treat anxiety. “Xanax” is a brand of alprazolam.

9 29. Carisoprodol is a Schedule IV controlled substance pursuant to Code of Federal
10 Regulations, title 21, section 1308.14, subdivision (d)(7), and a dangerous drug pursuant to Code
11 section 4022. Carisoprodol is used to treat pain and muscle spasms. “Soma” is a brand of
12 carisoprodol.

13 30. Phentermine is a Schedule IV controlled substance pursuant to Health and Safety
14 Code section 11507, subdivision (f)(4), and Code of Federal Regulations, title 21, section
15 1308.14, subdivision (f)(9), and a dangerous drug pursuant to Code section 4022. Phentermine is
16 used for weight loss. “Adipex-P” is a brand of phentermine.

17 31. Ibuprofen 600 mg and 800 mg are dangerous drugs pursuant to Code section 4022.
18 Ibuprofen is used as an anti-inflammatory and to treat pain. “Motrin” is a brand of ibuprofen.

19 **CURES PROGRAM**

20 32. The Controlled Substance Utilization Review and Evaluation System (“CURES”)
21 program was initiated in 1998 and required mandatory monthly pharmacy reporting of dispensed
22 Schedule II controlled substances. The program was amended in January 2005 to include
23 mandatory weekly reporting of Schedule II to IV medications. The data is collected statewide
24 and can be used by healthcare professionals, such as pharmacists and prescribers, to evaluate and
25 determine whether their patients are utilizing their controlled substances safely and appropriately.

26 33. The component of CURES which is accessible to pharmacists and prescribers is
27 called the Prescription Drug Monitoring Program (“PDMP”). Registration for access to the
28 PDMP has been available since February 2009. The data may be used to aid in determining

whether a patient sees multiple prescribers, frequents multiple pharmacies to fill controlled substance prescriptions, and/or obtains early refills of controlled substance prescriptions.

FACTUAL ALLEGATIONS

34. On or about November 5, 2013, Respondent Maravich and Respondent Odedra became owners of Respondent Hidden Valley Pharmacy.

35. On or about April 29, 2016, it was posted on the Board's public site that Dr. B.'s prescription blanks had been stolen.

36. On or about November 8, 2016, Board Inspector P.P. analyzed CURES data for N.S. The CURES data showed that Respondent Hidden Valley dispensed five controlled substances for N.S. between March 11, 2016, and May 25, 2016. In reviewing the CURES data, Board Inspector P.P. found certain "red flags" or irregularities indicating that Respondent Hidden Valley was dispensing the drugs indiscriminately; i.e., without exercising its corresponding responsibility with regard to the dispensing or furnishing of the drugs. Those "red flags" included CURES data showing that Respondent Hidden Valley dispensed controlled substances to N.S. that were written on stolen prescription blanks. Respondent Hidden Valley dispensed two prescriptions for controlled substances under Dr. B's name to N.S. after a public notice was posted on the Board's website. Respondent Hidden Valley dispensed a thirty-day supply of hydrocodone/apap on May 10, 2016. On May 25, 2016 another controlled substance was filled for patient N.S. by Respondent Hidden Valley for oxycodone/apap.

37. On or about September 22, 2016, Board Inspector S.M. went to Respondent Hidden Valley to conduct a routine inspection. At the start of the inspection Respondent Maravich, informed the Inspector that he was no longer accepting new prescriptions and was closing the pharmacy in three days. Inspector S.M. discussed the proper procedure for completing a discontinuance of business form with the Board. In addition, she showed Respondent Maravich where to find a discontinuance of business form, provided him with a list of procedures for closing pharmacy and explained to Respondent Maravich that he could not keep Respondent Hidden Valley's records in an unlicensed facility.

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1 38. On or about October 30, 2016, Respondent Maravich closed Respondent Hidden
2 Valley, removed records and dangerous drugs without notifying the Board, and placed the records
3 in an unidentified location. A discontinuance of business form had not been filed for Respondent
4 Hidden Valley.

5 39. On or about December 13, 2016, Respondent Maravich told Board Inspectors S.M.
6 and P.P. he stored the patient records from Respondent Hidden Valley at Kmart, a licensed site.
7 But Respondent Hidden Valley never entered an agreement for Kmart to store their records.
8 When Board Inspectors S.M. and P.P. asked Respondent Maravich to show them where the
9 patient records from Respondent Hidden Valley were stored at Kmart, Respondent Maravich
10 admitted that they were not stored at Kmart. Respondent Maravich then told the Board Inspectors
11 the records were not at Kmart and instead stated that some of the records were in his car and some
12 were at his home. Inspector S.M. went with Respondent Maravich to his car and no records were
13 present. Respondent Maravich then stated that Respondent Hidden Valley's records were at his
14 house, and that he would produce them at a later date.

15 40. On or about January 1, 2017, Board Inspector P.P. received a letter from Respondent
16 Maravich stating that he could not locate any of the requested patient records from Respondent
17 Hidden Valley and that he could no longer access Respondent Hidden Valley's computer system
18 to obtain the medication profile for N.S. Respondent Maravich stated in this letter that he
19 dispensed all the prescriptions to patient N.S. and did not verify the legitimacy of the
20 prescriptions dispensed. Respondent Maravich also stated that he could not store the patient
21 records from Respondent Hidden Valley at Kmart, and that none of the local pharmacies would
22 accept the files.

23 41. Since January 1, 2017, the Board has not received the requested patient records from
24 Respondent Hidden Valley, or information about the location of all the patient records from
25 Respondent Hidden Valley.

26 42. On or about March 23, 2018, the Board was contacted by B.R. asking for advice on
27 how to discard forty-eight boxes of pharmacy documents left in an attic space of his former tenant
28 Respondent Hidden Valley. The building owner B.R. moved the boxes to an office space at an

1 unlicensed facility. On or about April 26, 2018, Board Inspector S.M. inventoried all of the boxes
2 and determined that the forty-eight boxes contained acquisition and disposition documents of
3 dangerous drugs and dangerous devices from another pharmacy and Respondent Hidden Valley
4 Pharmacy dating from 2007 to 2012.

5 43. From on or about August 2019, to on or about October 4, 2019, Respondent Maravich
6 was a pharmacist at Walmart Pharmacy #1979 ("Walmart"), located in Clearlake, California.

7 44. On or about October 3, 2019, F.P., the Pharmacist in Charge for Walmart discovered
8 an alprazolam tablet on the floor inside the pharmacist's bathroom. F.P. reported this discovery
9 to Walmart's Asset Protection Manager H.D. H.D. reviewed Walmart's video surveillance of the
10 pharmacy, which showed that on multiple days Respondent took pills out of bottles and put them
11 in his pocket or carried the pills into the pharmacist's bathroom. H.D. and H.J., Walmart's
12 Market Health & Wellness Director, performed an audit of Walmart's drugs. Pursuant to that
13 audit, H.D. and H.J. found Walmart was short alprazolam and tramadol.

14 45. On or about October 4, 2019, H.J. interviewed Respondent Maravich. In that
15 interview Respondent Maravich admitted to taking the following drugs without a prescription:

- 16 a. tramadol, 50 mg tablets (approximately 100);
- 17 b. ibuprofen 600 mg tablets (approximately 40);
- 18 c. ibuprofen 800 mg tablets (approximately 40);
- 19 d. gabapentin, aka Neurontin, 300 mg capsules (approximately 60);
- 20 e. alprazolam 1 mg tablets (approximately 10-15);
- 21 f. alprazolam 2 mg tablets (approximately 10-15);
- 22 g. phentermine 37.5 mg tablets (approximately 30); and
- 23 h. carisoprodol, aka Soma, 350 mg tablets (approximately 30-40).

24 During the interview, Respondent Maravich admitted that he took the drugs for himself and for
25 his wife. Also at the interview, Respondent Maravich hand-wrote and signed a statement under
26 penalty of perjury admitting to taking those drugs.

27 46. Walmart terminated Respondent Maravich's employment and filed a police report
28 regarding his theft of the drugs.

47. On or about October 14, 2019, the Board was notified by Walmart of Respondent's termination from Walmart and his admission to stealing drugs.

48. On or about October 24, 2019, Board inspector S.M. went to Walmart and reviewed Walmart's surveillance videos of Respondent Maravich taking drugs from the pharmacy. Those videos showed that on at least eleven different days Respondent took pills out of bottles and put them in his pocket or carried the pills into the pharmacist's bathroom.

49. On or about October 30, 2019, Board inspector S.M. reviewed the CURES report for Respondent Maravich, which showed that he had only filled one prescription for tramadol, 50 mg tablets, and that he had only done so several days after he had been terminated from Walmart.

50. On or about November 4, 2019, Board inspector S.M. received Walmart's drug acquisition and dispensation records, and performed an audit of the drugs Respondent Maravich had admitted taking. That audit confirmed discrepancies in the inventory of those drugs, which corresponded to the amounts Respondent Maravich admitted to taking.

CAUSES FOR DISCIPLINE

A. Respondent Hidden Valley Pharmacy

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct—Respondent Hidden Valley)

51. Respondent Hidden Valley is subject to disciplinary action for unprofessional conduct under Code section 4301 subdivisions (f), and (q), in that Respondent Hidden Valley committed acts involving moral turpitude, dishonesty, fraud, deceit, or corruption, and engaged in conduct that subverted or attempted to subvert an investigation of the Board by repeatedly being dishonest about the location of Respondent Hidden Valley's patient records, by concealing those records, and by repeatedly filling prescriptions for controlled substances for N.S., which were made fraudulently from stolen blanks, as set forth in paragraphs 34 through 42, above.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Failure to Verify Legitimacy of Controlled Substance Prescriptions**
3 **—Respondent Hidden Valley)**

4 52. Respondent Hidden Valley is subject to disciplinary action for failing to verify the
5 legitimacy of controlled substance prescriptions in violation of CCR section 1761, and Health and
6 Safety Code 11153 subdivisions (a) and (b), by and through Code section 4301, subdivision (o),
7 in that Respondent Hidden Valley failed to verify the legitimacy of controlled substance
8 prescriptions for patient N.S., and continued to fill controlled substance prescriptions for patient
9 N.S. after notice was made available to all licensees that Dr. B's blank prescription pad had been
10 stolen, as set forth in paragraphs 34 through 36, above.

11 **THIRD CAUSE FOR DISCIPLINE**

12 **(Failure to Retain Records of Dangerous Drugs on Licensed Premises**
13 **—Respondent Hidden Valley)**

14 53. Respondent Hidden Valley is subject to disciplinary action for failing to retain
15 records or other documentation of the acquisition and disposition of dangerous drugs and
16 dangerous devices in violation of Code sections 4105 subdivisions (b), (c), and (d), and 4333
17 subdivision (a), by and through Code section 4301, subdivision (o), in that Respondent Hidden
18 Valley failed to maintain records of the acquisition and disposition of dangerous drugs for at least
19 three years from the date of making in a site licensed by the Board, and failing to maintain
20 electronic records in a manner which allows a pharmacist on duty or pharmacist-in-charge to
21 produce a hard copy and electronic copy of all records of acquisition or disposition or other drug
22 or dispensing-related records, as set forth in paragraphs 34 and 42, above.

23 **B. Respondent Maravich**

24 54. Respondent Maravich has been designated the Pharmacist-In-Charge for Respondent
25 Hidden Valley Pharmacy under Code section 4113, subdivision (a) since November 5, 2013. As
26 Pharmacist-In-Charge for Respondent Hidden Valley, Respondent Maravich was responsible for
27 Respondent Hidden Valley's compliance with all state and federal laws and regulations to the
28 practice of pharmacy under Code section 4113(c).

1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct — Respondent Maravich)**

3 55. Respondent Maravich is subject to disciplinary action for unprofessional conduct
4 under Code section 4301 subdivisions (f) and (q), in that Respondent Maravich committed acts
5 involving moral turpitude, dishonesty, fraud, deceit, or corruption, and engaged in conduct that
6 subverted or attempted to subvert an investigation of the Board by repeatedly being dishonest
7 about the location of Respondent Hidden Valley's patient records, by concealing those records,
8 and by repeatedly filling prescriptions for controlled substances for N.S., which were made
9 fraudulently from stolen blanks, as set forth in paragraphs 34 through 42, above.

10 56. Respondent Maravich is further subject to disciplinary action for unprofessional
11 conduct under Code section 4301, subdivisions (f), (j), and (q), in that Respondent Maravich
12 removed and possessed controlled substances and dangerous drugs without a prescription for
13 Respondent's self-use and to give to his wife, as set forth in paragraphs 43 through 50, above.

14 **FIFTH CAUSE FOR DISCIPLINE**

15 **(Failure to Verify Legitimacy of Controlled Substance Prescriptions**
16 **—Respondent Maravich)**

17 57. Respondent Maravich is subject to disciplinary action for failing to verify the
18 legitimacy of controlled substance prescriptions in violation of CCR section 1761, and Health and
19 Safety Code 11153 subdivisions (a) and (b), by and through Code section 4301, subdivision (o),
20 in that Respondent Maravich failed to verify the legitimacy of controlled substance prescriptions
21 for patient N.S., and continued to fill controlled substance prescriptions for patient N.S. after
22 notice was made available to all licensees that Dr. B's blank prescription pad had been stolen, as
23 set forth in paragraphs 34 through 36, above.

24 **SIXTH CAUSE FOR DISCIPLINE**

25 **(Failure to Retain Records of Dangerous Drugs on Licensed Premises**
26 **—Respondent Maravich)**

27 58. Respondent Maravich is subject to disciplinary action for failing to retain records or
28 other documentation of the acquisition and disposition of dangerous drugs and dangerous devices

1 in violation of Code sections 4105 subdivisions (b), (c), and (d), and 4333 subdivision (a), by and
2 through Code section 4301, subdivision (o), in that Respondent Maravich failed to maintain
3 records of the acquisition and disposition of dangerous drugs for at least three years from the date
4 of making in a site licensed by the Board, and failing to maintain electronic records in a manner
5 which allows a pharmacist on duty or pharmacist-in-charge to produce a hard copy and electronic
6 copy of all records of acquisition or disposition or other drug or dispensing-related records, as set
7 forth in paragraphs 34 and 42, above.

8 **SEVENTH CAUSE FOR DISCIPLINE**

9 **(Unauthorized Disclosure Of Prescriptions -- Respondent Maravich)**

10 59. Respondent Maravich is subject to disciplinary action for disclosing prescription
11 information without authorization in violation of CCR section 1764, as it relates to Civil Code
12 section 56.10, in that Respondent Maravich left records of acquisition/disposition in the leased
13 space used for Respondent Hidden Valley after vacating that premises, which left patients'
14 medical information exposed and accessible to the building manager and anyone else who had
15 access to that space, as set forth in paragraphs 34 and 42, above.

16 **EIGHTH CAUSE FOR DISCIPLINE**

17 **(Unauthorized Possession of a Controlled Substance -- Respondent Maravich)**

18 60. Respondent Maravich is subject to disciplinary action for the unauthorized possession
19 of a controlled substance in violation of Code sections 4059, subdivision (a), and 4060, in that
20 Respondent Maravich removed and possessed controlled substances without a prescription for
21 Respondent's self-use and to give to his wife, as set forth in paragraphs 43 through 50, above.

22 **NINTH CAUSE FOR DISCIPLINE**

23 **(Prohibited Acts – Fraud, Deceit -- Respondent Maravich)**

24 61. Respondent Maravich is subject to disciplinary action for obtaining, attempting to
25 obtain, procuring, or attempting to procure controlled substances by fraud, deceit,
26 misrepresentation, or the concealment of a material fact, in violation of Health and Safety Code
27 section 11173, subdivision (a), in that Respondent Maravich took controlled substances and
28 dangerous drugs without a prescription, or authorization from Walmart, for Respondent's self-use

1 and to give to his wife, as set forth in paragraphs 43 through 50, above.

2 **C. Respondent Odedra**

3 62. Respondent Odedra has been designated as an owner of Respondent Hidden Valley
4 Pharmacy. As an owner for Respondent Hidden Valley, Respondent Odera was responsible for
5 Respondent Hidden Valley's compliance with maintaining the records and inventory required by
6 Code section 4081 and Health and Safety Code section 11205.

7 **TENTH CAUSE FOR DISCIPLINE**

8 **(Failure to Retain Records of Dangerous Drugs on Licensed Premises**
9 **—Respondent Odedra)**

10 63. Respondent Odedra for failing to retain records or other documentation of the
11 acquisition and disposition of dangerous drugs and dangerous devices in violation of Code
12 sections 4105 subdivisions (b), (c), and (d), and 4333 subdivision (a), by and through Code
13 section 4301, subdivision (o), in that Respondent Odedra failed to maintain records of the
14 acquisition and disposition of dangerous drugs for at least three years from the date of making in
15 a site licensed by the Board, and failing to maintain electronic records in a manner which allows a
16 pharmacist on duty or pharmacist-in-charge to produce a hard copy and electronic copy of all
17 records of acquisition or disposition or other drug or dispensing-related records, as set forth in
18 paragraphs 34 and 42, above.

19 **MATTERS IN AGGRAVATION**

20 64. To determine the degree of penalty, if any, to be imposed on Respondent Hidden
21 Valley Pharmacy, Complainant alleges:

22 a. On or about November 16, 2017, the Board issued Citation No. CI 2016 72329
23 to Respondent Hidden Valley Pharmacy for violating Code sections 4105, subdivisions (b), (c),
24 and (d), 4333, subdivision (a), 4081, subdivision (a), and Health and Safety Code section 11179.
25 Respondent Hidden Valley Pharmacy did not appeal that Citation.

26 65. To determine the degree of penalty, if any, to be imposed on Respondent Maravich,
27 Complainant alleges:

28 a. On or about November 16, 2017, the Board issued Citation No. CI 2017 77540

1 to Respondent Maravich for violating Code sections 4105, subdivisions (b), (c), and (d), 4333,
2 subdivision (a), 4081, subdivision (a), and Health and Safety Code section 11179. Respondent
3 Maravich did not appeal that Citation.

4 66. To determine the degree of penalty, if any, to be imposed on Respondent Odedra,
5 Complainant alleges:

6 a. On or about June 14, 2013, the Board entered into a Stipulated Settlement and
7 Disciplinary Order for Public Reprimand with Respondent Odedra for violating Code sections
8 4301, subdivisions (j) and (o), 4113, subdivision (c), and 4104, Health and Safety Code sections
9 11158, 11162.1, 11159.2, and 11167.5, and Code of Federal Regulations, title 21, section
10 1304.04(f).

11 **OTHER MATTERS**

12 67. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
13 PHY 51432 issued to Maravich Enterprises LLC dba Hidden Valley Pharmacy, while Respondent
14 Maravich has been a manager, administrator, owner, member, officer, director, associate, or
15 partner, and had knowledge of or knowingly participated in any conduct for which the licensee
16 was disciplined, then Respondent Maravich shall be prohibited from serving as a manager,
17 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if
18 Pharmacy Permit Number PHY 51432 is placed on probation or until Pharmacy Permit Number
19 PHY 51432 is reinstated if it is revoked.

20 68. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
21 PHY 51432 issued to Maravich Enterprises LLC dba Hidden Valley Pharmacy, while Respondent
22 Odedra has been a manager, administrator, owner, member, officer, director, associate, or partner,
23 and had knowledge of or knowingly participated in any conduct for which the licensee was
24 disciplined, then Respondent Odedra shall be prohibited from serving as a manager,
25 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if
26 Pharmacy Permit Number PHY 51432 is placed on probation or until Pharmacy Permit Number
27 PHY 51432 is reinstated if it is revoked.

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PRAYER

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

1. Revoking or suspending Permit Number PHY 51432, issued to Maravich Enterprises LLC dba Hidden Valley Pharmacy, Michael Maravich;

2. Revoking or suspending Registered Pharmacist License Number RPH 48738, issued to Michael Maravich;

3. Revoking or suspending Registered Pharmacist License Number RPH 43972, issued to Harish R. Odedra;

4. Prohibiting Michael Maravich from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 51432 is placed on probation or until Pharmacy Permit Number 51432 is reinstated if Pharmacy Permit Number 51432 issued to Maravich Enterprises LLC dba Hidden Valley Pharmacy, Michael Maravich is revoked;

5. Prohibiting Harish R. Odedra from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 51432 is placed on probation or until Pharmacy Permit Number 51432 is reinstated if Pharmacy Permit Number 51432 issued to Maravich Enterprises LLC dba Hidden Valley Pharmacy, Michael Maravich is revoked;

6. Ordering Hidden Valley Pharmacy, Michael Maravich, and Harish R. Odedra to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED: December 13, 2019



ANNE SODERGREN
Interim Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant