

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

In the Matter of the Accusation Against:

Case No. 6589

**HORIZONS PHARMACY SERVICES PC
D.B.A. HORIZONS PHARMACY
SERVICES
NOUSHIN ABDEHOU, PIC, OWNER, &
CEO
15951 Los Gatos Blvd., Ste 12
Los Gatos, CA 95032
Original Pharmacy Permit No. PHY 51560,**

and

**NOUSHIN ABDEHOU
14260 Lora Dr.
Los Gatos, CA 95032
Original Pharmacist License No. RPH 62851**

Respondents.

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 January 23, 2020.

It is so ORDERED on December 24, 2019.

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

XAVIER BECERRA
Attorney General of California
JOSHUA A. ROOM
Supervising Deputy Attorney General
BRETT A. KINGSBURY
Deputy Attorney General
State Bar No. 243744
455 Golden Gate Avenue, Suite 11000
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Telephone: (415) 510-3472
Facsimile: (415) 703-5480
Attorneys for Complainant

**BEFORE THE
BOARD OF PHARMACY
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**HORIZONS PHARMACY SERVICES PC
D.B.A. HORIZONS PHARMACY
SERVICES
NOUSHIN ABDEHOU, PIC, OWNER, &
CEO
15951 Los Gatos Blvd., Ste 12
Los Gatos, CA 95032
Original Pharmacy Permit No. PHY 51560,**

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

and

**NOUSHIN ABDEHOU
14260 Lora Dr.
Los Gatos, CA 95032
Original Pharmacist License No. RPH 62851,**

Respondents.

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

3 **PARTIES**

4 1. Anne Sodergren (Complainant) is the Interim Executive Officer of the Board of
5 Pharmacy (Board). She brought this action solely in her official capacity and is represented in
6 this matter by Xavier Becerra, Attorney General of the State of California, by Brett A. Kingsbury,
7 Deputy Attorney General.

8 2. Respondent Horizons Pharmacy Services PC d.b.a. Horizons Pharmacy Services
9 (Respondent Horizons), and Respondent Noushin Abdehou (Respondent Abdehou) (collectively
10 Respondents) are represented in this proceeding by attorney Tony J. Park, Esq., whose address is:
11 California Pharmacy Lawyers; Law Office of Tony J. Park, Inc.; 49 Discovery, Suite 240; Irvine,
12 CA 92618-6713.

13 3. On or about November 13, 2013, the Board issued Original Pharmacy Permit Number
14 PHY 51560 to Respondent Horizons. The Original Pharmacy Permit was in full force and effect
15 at all times relevant to the charges brought in Accusation No. 6589, and will expire on November
16 1, 2019, unless renewed.

17 4. On or about August 13, 2009, the Board issued Original Pharmacist License Number
18 RPH 62851 to Respondent Abdehou. The Original Pharmacist License was in full force and
19 effect at all times relevant to the charges brought herein and will expire on April 30, 2021, unless
20 renewed. Respondent Abdehou has been the Pharmacist-in-Charge, sole owner, and Chief
21 Executive Officer of Respondent Horizons since November 13, 2013.

22 **JURISDICTION**

23 5. Accusation No. 6589 was filed before the Board and is currently pending against
24 Respondents. The Accusation and all other statutorily required documents were properly served
25 on Respondents on June 3, 2019. Respondents timely filed their Notice of Defense contesting the
26 Accusation.

27 6. A copy of Accusation No. 6589 is attached as Exhibit A and incorporated herein by
28 reference.

1 **ADVISEMENT AND WAIVERS**

2 7. Respondents have carefully read, fully discussed with counsel, and understand the
3 charges and allegations in Accusation No. 6589. Respondents have also carefully read, fully
4 discussed with counsel, and understand the effects of this Stipulated Settlement and Disciplinary
5 Order.

6 8. Respondents are fully aware of their legal rights in this matter, including the right to a
7 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
8 the witnesses against them; the right to present evidence and to testify on their own behalf; the
9 right to the issuance of subpoenas to compel the attendance of witnesses and the production of
10 documents; the right to reconsideration and court review of an adverse decision; and all other
11 rights accorded by the California Administrative Procedure Act and other applicable laws.

12 9. Respondents voluntarily, knowingly, and intelligently waive and give up each and
13 every right set forth above.

14 **CULPABILITY**

15 10. Respondents understand and agree that the charges and allegations in Accusation No.
16 6589, if proven at a hearing, constitute cause for imposing discipline upon Original Pharmacy
17 Permit Number PHY 51560 and Original Pharmacist License Number RPH 62851.

18 11. For the purpose of resolving the Accusation without the expense and uncertainty of
19 further proceedings, Respondents agree that, at a hearing, Complainant could establish a factual
20 basis for the charges in the Accusation, and Respondents hereby give up their right to contest
21 those charges.

22 12. Respondents agree that Original Pharmacy Permit Number PHY 51560 and Original
23 Pharmacist License Number RPH 62851 are subject to discipline, and Respondents agree to be
24 bound by the Board's probationary terms as set forth in the Disciplinary Order below.

25 **CONTINGENCY**

26 13. This stipulation shall be subject to approval by the Board. Respondents understand
27 and agree that counsel for Complainant and the staff of the Board may communicate directly with
28 the Board regarding this stipulation and settlement, without notice to or participation by

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

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

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

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

19 **DISCIPLINARY ORDER**

20 IT IS HEREBY ORDERED that Horizons Pharmacy Services PC d.b.a. Horizons
21 Pharmacy Services, Original Pharmacy Permit No. PHY 51560 (Respondent Horizons), is
22 publicly reprovved. Respondent Horizons is required to report this public reprovval as a
23 disciplinary action.

24 IT IS FURTHER ORDERED that Original Pharmacist License Number RPH 62851, issued
25 to Respondent Noushin Abdehou (hereinafter Respondent), is revoked; however, the revocation is
26 stayed and Respondent is placed on probation for two years upon the following terms and
27 conditions:

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1 **1. Obey All Laws**

2 Respondent shall obey all state and federal laws and regulations.

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

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

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

17 **2. Report to the Board**

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

22 Failure to submit timely reports in a form as directed shall be considered a violation of
23 probation. Any period(s) of delinquency in submission of reports as directed may be added to the
24 total period of probation. Moreover, if the final probation report is not made as directed,
25 probation shall be automatically extended until such time as the final report is made and accepted
26 by the board.

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1 **3. Interview with the Board**

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

7 **4. Cooperate with Board Staff**

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

14 **5. Continuing Education**

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

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

18 During the period of probation, Respondent shall notify all present and prospective
19 employers of the decision in case number 6589 and the terms, conditions and restrictions imposed
20 on Respondent by the decision, as follows:

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

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

5 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
6 Respondent undertaking any new employment, Respondent shall cause (a) Respondent's direct
7 supervisor, (b) Respondent's pharmacist-in-charge, designated representative-in-charge,
8 responsible manager, or other compliance supervisor, and (c) the owner or owner representative
9 of Respondent's employer, to report to the board in writing acknowledging that the listed
10 individual(s) has/have read the decision in case number 6589, and terms and conditions imposed
11 thereby. If one person serves in more than one role described in (a), (b), or (c), the
12 acknowledgment shall so state. It shall be the Respondent's responsibility to ensure that these
13 acknowledgment(s) are timely submitted to the board. In the event of a change in the person(s)
14 serving the role(s) described in (a), (b), or (c) during the term of probation, Respondent shall
15 cause the person(s) taking over the role(s) to report to the board in writing within fifteen (15) days
16 of the change acknowledging that he or she has read the decision in case number 6589, and the
17 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 6589, 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 or
15 serve as a consultant to any entity licensed by the board. Respondent may be a pharmacist-in-
16 charge, designated representative-in-charge, responsible manager or other compliance supervisor
17 of any single entity licensed by the board, but only if Respondent or that entity retains, at his own
18 expense, an independent consultant who shall be responsible for reviewing the operations of the
19 entity on a quarterly basis for compliance by Respondent and the entity with state and federal
20 laws and regulations governing the practice of the entity, and compliance by Respondent with the
21 obligations of Respondent's supervisory position. Respondent may serve in such a position at only
22 one entity licensed by the board, only upon approval by the board or its designee. Any such
23 approval shall be site specific. The consultant shall be a pharmacist licensed by and not on
24 probation with the board, who has been approved by the board or its designee to serve in this
25 position. Respondent shall submit the name of the proposed consultant to the board or its
26 designee for approval within thirty (30) days of the effective date of the decision or prior to
27 assumption of duties allowed in this term. Assumption of any unauthorized supervision
28 responsibilities shall be considered a violation of probation. In addition, failure to timely seek

1 approval for, timely retain, or ensure timely reporting by the consultant shall be considered a
2 violation of probation.

3 **9. Reimbursement of Board Costs**

4 As a condition precedent to successful completion of probation, Respondent shall pay to the
5 board its costs of investigation and prosecution in the amount of \$3,101.00. Respondent shall
6 make said payments as follows:

7 Respondent shall be permitted to pay these costs in a payment plan approved by the board
8 or its designee, so long as full payment is completed no later than one (1) year prior to the end
9 date of probation.

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

13 **10. Probation Monitoring Costs**

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

18 **11. Status of License**

19 Respondent shall, at all times while on probation, maintain an active, current Original
20 Pharmacy Permit with the board, including any period during which suspension or probation is
21 tolled. Failure to maintain an active, current Original Pharmacy Permit shall be considered a
22 violation of probation.

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

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

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

10 Upon acceptance of the surrender, Respondent shall relinquish his pocket and/or wall
11 license, including any indicia of licensure not previously provided to the board within ten (10)
12 days of notification by the board that the surrender is accepted if not already provided.
13 Respondent may not reapply for any license from the board for three (3) years from the effective
14 date of the surrender. Respondent shall meet all requirements applicable to the license sought as
15 of the date the application for that license is submitted to the board, including any outstanding
16 costs.

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

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

24 If Respondent does not practice as a Pharmacist in California for the minimum number of
25 hours in any calendar month, for any reason (including vacation), Respondent shall notify the
26 board in writing within ten (10) days of the conclusion of that calendar month. This notification
27 shall include at least: the date(s), location(s), and hours of last practice; the reason(s) for the
28 interruption or reduction in practice; and the anticipated date(s) on which Respondent will resume

1 practice at the required level. Respondent shall further notify the board in writing within ten (10)
2 days following the next calendar month during which Respondent practices as a Pharmacist in
3 California for the minimum of hours. Any failure to timely provide such notification(s) shall be
4 considered a violation of probation.

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

9 **14. Violation of Probation**

10 If Respondent has not complied with any term or condition of probation, the board shall
11 have continuing jurisdiction over Respondent, and the board shall provide notice to Respondent
12 that probation shall automatically be extended, until all terms and conditions have been satisfied
13 or the board has taken other action as deemed appropriate to treat the failure to comply as a
14 violation of probation, to terminate probation, and to impose the penalty that was stayed. The
15 board or its designee may post a notice of the extended probation period on its website.

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

23 **15. Completion of Probation**

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

26 **16. Remedial Education**

27 Within 90 days of the effective date of this decision, Respondent shall submit to the board
28 or its designee, for prior approval, an appropriate program of remedial education related to

1 pharmacy practice/operations. The program of remedial education shall consist of at least 10
2 hours during each year of probation. The annual 10 hours shall be completed during the first
3 eight months of each year of probation, at Respondent's own expense. At least 50% of the total
4 hours must be in person or live webinar. All remedial education shall be in addition to, and shall
5 not be credited toward, continuing education (CE) courses used for license renewal purposes for
6 pharmacists.

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

11 Following the completion of each course, the board or its designee may require
12 Respondent, at his own expense, to take an approved examination to test Respondent's knowledge
13 of the course. If Respondent does not achieve a passing score on the examination that course
14 shall not count towards satisfaction of this term. Respondent shall take another course approved
15 by the board in the same subject area.

16 **17. No Ownership or Management of Licensed Premises**

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

25 **18. Pharmacy Self Assessment Every Six Months**

26 Every six months while on probation, Respondent shall submit to the Board a pharmacy
27 self-assessment regarding the operations of Respondent Horizons. The first such self-assessment
28 shall be due precisely six months after the effective date of this decision. Thereafter, Respondent

1 shall submit such a self-assessment once every six months while on probation. The failure to
2 timely complete or submit to the Board any of these required self-assessments shall constitute a
3 violation of probation.

4 **19. Pharmacy CURES Compliance Certification Every Six Months**

5 Every six months while on probation, Respondent shall submit to the Board a certification
6 of Respondent Horizon's compliance with CURES reporting requirements. The first such
7 certification shall be due precisely six months after the effective date of this decision. Thereafter,
8 Respondent shall submit such a certification once every six months while on probation. The
9 failure to timely complete or submit to the Board any of these required certifications, or any
10 failure by Respondent Horizons to comply with CURES reporting requirements, shall constitute a
11 violation of probation.

12 **ACCEPTANCE**

13 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
14 discussed it with my attorney, Tony Park, Esq. I understand the stipulation and the effect it will
15 have on my Original Pharmacy Permit. I enter into this Stipulated Settlement and Disciplinary
16 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
17 of the Board of Pharmacy.

18
19 DATED: 9/20/19


20 NOUSHIN ABDEHOU, CEO & PIC
21 Respondent

22 I have read and fully discussed with Respondent Noushin Abdehou, CEO & PIC the terms
23 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary
24 Order. I approve its form and content.

25
26 DATED: _____

27 TONY PARK, ESQ.
28 Attorney for Respondent

///

1 shall submit such a self-assessment once every six months while on probation. The failure to
2 timely complete or submit to the Board any of these required self-assessments shall constitute a
3 violation of probation.

4 **19. Pharmacy CURES Compliance Certification Every Six Months**

5 Every six months while on probation, Respondent shall submit to the Board a certification
6 of Respondent Horizon's compliance with CURES reporting requirements. The first such
7 certification shall be due precisely six months after the effective date of this decision. Thereafter,
8 Respondent shall submit such a certification once every six months while on probation. The
9 failure to timely complete or submit to the Board any of these required certifications, or any
10 failure by Respondent Horizons to comply with CURES reporting requirements, shall constitute a
11 violation of probation.

12 **ACCEPTANCE**

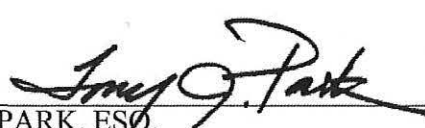
13 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
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15 have on my Original Pharmacy Permit. I enter into this Stipulated Settlement and Disciplinary
16 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
17 of the Board of Pharmacy.

18
19 DATED: _____

20 NOUSHIN ABDEHOU, CEO & PIC
21 *Respondent*

22 I have read and fully discussed with Respondent Noushin Abdehou, CEO & PIC the terms
23 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary
24 Order. I approve its form and content.

25
26 DATED: 09/20/2019

27 
28 TONY PARK, ESQ.
Attorney for Respondent

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ENDORSEMENT

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

DATED: 10/25/19

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
JOSHUA A. ROOM
Supervising Deputy Attorney General



BRETT A. KINGSBURY
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 6589

1 XAVIER BECERRA
Attorney General of California
2 JOSHUA A. ROOM
Supervising Deputy Attorney General
3 BRETT A. KINGSBURY
Deputy Attorney General
4 State Bar No. 243744
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
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6 Facsimile: (415) 703-5480
Attorneys for Complainant
7

8 **BEFORE THE**
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11 **STATE OF CALIFORNIA**

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17 **CEO**
18 **15951 Los Gatos Blvd., Ste 12**
19 **Los Gatos, CA 95032**
20 **Original Pharmacy Permit No. PHY 51560,**

ACCUSATION

and

19 **NOUSHIN ABDEHOU**
20 **14260 Lora Dr.**
21 **Los Gatos, CA 95032**
22 **Original Pharmacist License No. RPH**
23 **62851,**

Respondents.

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 November 13, 2013, the Board issued Original Pharmacy Permit Number PHY 51560 to Horizons Pharmacy Services PC d.b.a. Horizons Pharmacy Services (Respondent Horizons). The Original Pharmacy Permit was in full force and effect at all times relevant to the charges brought herein and will expire on November 1, 2019, unless renewed.

3. On or about August 13, 2009, the Board issued Original Pharmacist License Number RPH 62851 to Noushin Abdehou (Respondent Abdehou). The Original Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2021, unless renewed. Respondent Abdehou has been the Pharmacist-in-Charge (PIC), sole owner, and Chief Executive Officer of Respondent Horizons since November 13, 2013.

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 (Code) unless otherwise indicated.

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

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

7. Section 4307(a) of the Code provides:

"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, revoked, suspended, or placed on probation, shall be prohibited from serving as a manager,

1 administrator, owner, member, officer, director, associate, partner, or in any other position with
2 management or control of a licensee as follows:

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

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

7 8. Section 4300.1 of the Code provides that the expiration, cancellation, forfeiture, or
8 suspension of a Board-issued license, the placement of a license on a retired status, or the
9 voluntary surrender of a license by a licensee, shall not deprive the Board of jurisdiction to
10 commence or proceed with any investigation of or action or disciplinary proceeding against the
11 licensee or to render a decision suspending or revoking the license.

12 **STATUTORY PROVISIONS**

13 9. Section 4013 of the Code provides:

14 "(a) Any facility licensed by the board shall join the board's email notification list within 60
15 days of obtaining a license or at the time of license renewal.

16 "(b) Any facility licensed by the board shall update its email address with the board's email
17 notification list within 30 days of a change in the facility's email address.

18 "(c) An owner of two or more facilities licensed by the board may comply with
19 subdivisions (a) and (b) by subscribing a single email address to the board's email notification list,
20 where the owner maintains an electronic notice system within all of its licensed facilities that,
21 upon receipt of an email notification from the board, immediately transmits electronic notice of
22 the same notification to all of its licensed facilities. If an owner chooses to comply with this
23 section by using such an electronic notice system, the owner shall register the electronic notice
24 system with the board by July 1, 2011, or within 60 days of initial licensure, whichever is later,
25 informing the board of the single email address to be utilized by the owner, describing the
26 electronic notice system, and listing all facilities to which immediate notice will be provided. The
27 owner shall update its email address with the board's email notification list within 30 days of any
28 change in the owner's email address.

1 "(d)(1) Each pharmacist, intern pharmacist, pharmacy technician, designated representative,
2 and designated representative-3PL licensed in this state shall join the board's email notification
3 list within 60 days of obtaining a license or at the time of license renewal.

4 "(2) Each pharmacist, intern pharmacist, pharmacy technician, designated representative,
5 and designated representative-3PL licensed in this state shall update his or her email address with
6 the board's email notification list within 30 days of a change in the licensee's email address.

7 "(3) The email address provided by a licensee shall not be posted on the board's online
8 license verification system.

9 "(4) The board shall, with each renewal application, remind licensees of their obligation to
10 report and keep current their email address with the board's email notification list.

11 "(5) This subdivision shall become operative on July 1, 2017.¹"

12 10. Section 4036.5 of the Code provides:

13 "'Pharmacist-in-charge' means a pharmacist proposed by a pharmacy and approved by the
14 board as the supervisor or manager responsible for ensuring the pharmacy's compliance with all
15 state and federal laws and regulations pertaining to the practice of pharmacy."

16 11. Section 4113(c) of the Code states:

17 "The pharmacist-in-charge shall be responsible for a pharmacy's compliance with all state
18 and federal laws and regulations pertaining to the practice of pharmacy."

19 12. Section 4156 of the Code provides:

20 "A pharmacy corporation shall not do, or fail to do, any act where doing or failing to do the
21 act would constitute unprofessional conduct under any statute or regulation. In the conduct of its
22 practice, a pharmacy corporation shall observe and be bound by the laws and regulations that
23 apply to a person licensed under this chapter."

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28 ¹ Although the current version of the statute has been in effect since 2017, the obligation
to join the Board's email notification list has been in effect since 2010.

1 13. Section 4301 of the Code states:

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

5 ". . . .

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

8 ". . . .

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

13 ". . . ."

14 14. Section 4302 of the Code provides:

15 "The board may deny, suspend, or revoke any license of a corporation where conditions
16 exist in relation to any person holding 10 percent or more of the corporate stock of the
17 corporation, or where conditions exist in relation to any officer or director of the corporation that
18 would constitute grounds for disciplinary action against a licensee."

19 15. Health and Safety Code section 11165(d) requires pharmacies that dispense a
20 schedule II, III, or IV controlled substance (as determined by federal law) to report the quantity of
21 controlled substance, specified information about the prescriber and ultimate user of the
22 controlled substance, and other detailed information to the Department of Justice no later than
23 seven days after dispensing the substance.

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REGULATORY PROVISIONS

16. California Code of Regulations, title 16, section 1714(c) provides:

"The pharmacy and fixtures and equipment shall be maintained in a clean and orderly condition. The pharmacy shall be dry, well-ventilated, free from rodents and insects, and properly lighted. The pharmacy shall be equipped with a sink with hot and cold running water for pharmaceutical purposes."

17. California Code of Regulations, title 16, section 1715 provides:

"(a) The pharmacist-in-charge of each pharmacy as defined under section 4029 or section 4037 of the Business and Professions Code shall complete a self-assessment of the pharmacy's compliance with federal and state pharmacy law. The assessment shall be performed before July 1 of every odd-numbered year. The primary purpose of the self-assessment is to promote compliance through self-examination and education.

"(b) In addition to the self-assessment required in subdivision (a) of this section, the pharmacist-in-charge shall complete a self-assessment within 30 days whenever:

"(1) A new pharmacy permit has been issued, or

"(2) There is a change in the pharmacist-in-charge, and he or she becomes the new pharmacist-in-charge of a pharmacy.

"(3) There is a change in the licensed location of a pharmacy to a new address.

"(c) The components of this assessment shall be on Form 17M-13 (Rev. 10/14) entitled 'Community Pharmacy Self-Assessment Hospital Outpatient Pharmacy Self-Assessment' and on Form 17M-14 (Rev. 10/14) entitled 'Hospital Pharmacy Self-Assessment' which are hereby incorporated by reference to evaluate compliance with federal and state laws and regulations.

"(d) Each self-assessment shall be kept on file in the pharmacy for three years after it is performed."

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1 **COSTS**

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

5 **INVESTIGATION**

6 19. A Board inspector conducted a routine inspection at Respondent Horizons on May 1,
7 2018. Respondent Horizons is a closed-door pharmacy that dispenses and delivers medication to
8 patients residing at assisted living facilities. The inspection revealed violations of pharmacy law
9 as follows.

10 20. Respondent Horizons' 2017 pharmacy self-assessment was not completed as required.
11 Respondent Abdehou initially offered a version to the inspector that was completed only through
12 page 6. Respondent Abdehou later provided a version to the inspector that was actually
13 Respondent Horizons' 2015 self-assessment, with a handwritten notation "March 2017" at the top.
14 This latter version utilized an outdated form and was not signed and dated on the designated page
15 during 2017.

16 21. Respondent Horizons had never registered with the Board to receive email
17 notifications.

18 22. Respondent Horizons had failed to submit data to CURES during the period between
19 December 20, 2016, and March 7, 2018. Respondent Horizons had filled hundreds of controlled
20 substance prescriptions during that period of time. Specifically, Respondent Horizons had filled
21 75 Schedule II controlled substance prescriptions, 4 Schedule III controlled substance
22 prescriptions, and two hundred thirty-eight Schedule IV controlled substance prescriptions.

23 23. The hot water faucet at the sink did not function. Respondent Abdehou stated that
24 she was aware of the issue but had not had the time to address it.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Respondent Horizons: Self Assessment)**

3 24. Respondent Horizons is subject to disciplinary action under Code section 4301(o) and
4 California Code of Regulations, title 16, section 1715, in conjunction with sections 4302 and/or
5 4156 of the Code, in that Respondent Horizons directly or indirectly violated, or assisted in or
6 abetted a violation of, the statutes or regulations regulating the practice of pharmacy.
7 Specifically, as discussed above in "Investigation," Respondent Horizons' 2017 pharmacy self-
8 assessment was not completed as required.

9 **SECOND CAUSE FOR DISCIPLINE**

10 **(Respondent Abdehou: Self Assessment)**

11 25. Respondent Abdehou is subject to disciplinary action under Code section 4301(o) and
12 California Code of Regulations, title 16, section 1715, in that, either through her own conduct or
13 inaction, or derivatively as an owner of Respondent Horizons or as the Pharmacist-in-Charge
14 under Code section 4113(c) and/or 4036.5, Respondent Abdehou directly or indirectly violated, or
15 assisted in or abetted a violation of, the statutes or regulations regulating the practice of
16 pharmacy. As discussed above in "Investigation," Respondent Abdehou failed to ensure that
17 Respondent Horizons' 2017 pharmacy self-assessment was completed as required.

18 **THIRD CAUSE FOR DISCIPLINE**

19 **(Respondent Horizons: Email Registration)**

20 26. Respondent Horizons is subject to disciplinary action under Code sections 4301(o)
21 and 4013, in conjunction with sections 4302 and/or 4156 of the Code, in that Respondent
22 Horizons directly or indirectly violated, or assisted in or abetted a violation of, the statutes or
23 regulations regulating the practice of pharmacy. Specifically, as discussed above in
24 "Investigation," Respondent Horizons failed to join the board's email notification list within 60
25 days of obtaining a license or at the time of license renewal.

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Respondent Abdehou: Email Registration)**

3 27. Respondent Abdehou is subject to disciplinary action under Code sections 4301(o)
4 and 4013, in that, either through her own conduct or inaction, or derivatively as an owner of
5 Respondent Horizons or as the Pharmacist-in-Charge under Code section 4113(c) and/or 4036.5,
6 Respondent Abdehou directly or indirectly violated, or assisted in or abetted a violation of, the
7 statutes or regulations regulating the practice of pharmacy. As discussed above in
8 "Investigation," Respondent Horizons failed to join the board's email notification list within 60
9 days of obtaining a license or at the time of license renewal.

10 **FIFTH CAUSE FOR DISCIPLINE**

11 **(Respondent Horizons: CURES Reporting)**

12 28. Respondent Horizons is subject to disciplinary action under Code sections 4301(o)
13 and/or (j) and Health and Safety Code section 11165(d), in conjunction with sections 4302 and/or
14 4156 of the Code, in that Respondent Horizons directly or indirectly violated, or assisted in or
15 abetted a violation of, the statutes or regulations regulating the practice of pharmacy.
16 Specifically, as discussed above in "Investigation," Respondent Horizons failed to report the
17 quantity and other information to the Department of Justice no later than seven days after
18 dispensing a controlled substance.

19 **SIXTH CAUSE FOR DISCIPLINE**

20 **(Respondent Abdehou: CURES Reporting)**

21 29. Respondent Abdehou is subject to disciplinary action under Code sections 4301(o)
22 and/or (j) and Health and Safety Code section 11165(d), in that, either through her own conduct
23 or inaction, or derivatively as an owner of Respondent Horizons or as the Pharmacist-in-Charge
24 under Code section 4113(c) and/or 4036.5, Respondent Abdehou directly or indirectly violated, or
25 assisted in or abetted a violation of, the statutes or regulations regulating the practice of
26 pharmacy. Specifically, as discussed above in "Investigation," Respondent Horizons failed to
27 report the quantity and other information to the Department of Justice no later than seven days
28 after dispensing a controlled substance.

1 **SEVENTH CAUSE FOR DISCIPLINE**

2 **(Respondent Horizons: Fixtures - Sink)**

3 30. Respondent Horizons is subject to disciplinary action under Code section 4301(o) and
4 California Code of Regulations, title 16, section 1714(c), in conjunction with sections 4302
5 and/or 4156 of the Code, in that Respondent Horizons directly or indirectly violated, or assisted in
6 or abetted a violation of, the statutes or regulations regulating the practice of pharmacy.
7 Specifically, as discussed above in "Investigation," Respondent Horizons' sink was not equipped
8 with hot running water for pharmaceutical purposes.

9 **EIGHTH CAUSE FOR DISCIPLINE**

10 **(Respondent Abdehou: Fixtures - Sink)**

11 31. Respondent Abdehou is subject to disciplinary action under Code section 4301(o) and
12 California Code of Regulations, title 16, section 1714(c), in that, either through her own conduct
13 or inaction, or derivatively as an owner of Respondent Horizons or as the Pharmacist-in-Charge
14 under Code section 4113(c) and/or 4036.5, Respondent Abdehou directly or indirectly violated, or
15 assisted in or abetted a violation of, the statutes or regulations regulating the practice of
16 pharmacy. As discussed above in "Investigation," Respondent Horizons' sink was not equipped
17 with hot running water for pharmaceutical purposes.

18 **OTHER MATTERS**

19 32. Pursuant to Code section 4307, if discipline is imposed on Pharmacy License No.
20 PHY 51560 issued to Respondent Horizons, Respondent Abdehou shall be prohibited from
21 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a
22 licensee for five years if Pharmacy License No. PHY 51560 is placed on probation, or until
23 Pharmacy License No. PHY 51560 is reinstated if it is revoked.

24 **PRAYER**

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

27 1. Revoking or suspending Original Pharmacy Permit Number PHY 51560, issued to
28 Horizons Pharmacy Services PC d.b.a. Horizons Pharmacy Services (Respondent Horizons);

2. Revoking or suspending Original Pharmacist License Number RPH 62851, issued to Noushin Abdehou (Respondent Abdehou);

3. Prohibiting Respondent Abdehou from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Original Pharmacy Permit Number PHY 51560 is placed on probation, or until Original Pharmacy Permit Number PHY 51560 is reinstated if Original Pharmacy Permit Number PHY 51560 is revoked;

4. Ordering Respondent Abdehou and Respondent Horizons 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,

5. Taking such other and further action as is deemed necessary and proper.

DATED: May 28, 2019



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

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