

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

In the Matter of the Accusation Against:

**MIRACLE CARE INC. DBA THE MEDICINE SHOPPE, ARTHUR
KARAGEZIAN, CEO/PRES/SEC,**

Pharmacy Permit No. PHY 51652;

and

LAURENCE K. GOLDEN,

Pharmacist License No. RPH 30157;

Respondents

Agency Case No. 6669

OAH No. 2021020238

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 5, 2022.

It is so ORDERED on December 6, 2021.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Seung W. Oh". The signature is fluid and cursive, with the first name "Seung" and last name "Oh" clearly visible, and "W." in the middle.

Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
2 NANCY A. KAISER
Supervising Deputy Attorney General
3 KEVIN J. RIGLEY
Deputy Attorney General
4 State Bar No. 131800
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6301
6 Facsimile: (916) 731-2126
Attorneys for Complainant
7

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

12 In the Matter of the Second Amended
13 Accusation Against:

14 **MIRACLE CARE INC. DBA THE**
15 **MEDICINE SHOPPE, ARTHUR**
16 **KARAGEZYAN, CEO/PRES/SEC**
19225 Ventura Blvd
Tarzana, CA 91356

17 Pharmacy Permit No. PHY 51652,

18 and

19 **LAURENCE K. GOLDEN**
1821 Shenandoah Street
20 Los Angeles, CA 90035

21 Pharmacist License No. RPH 30157

22 Respondents.
23

Case No. 6669

OAH No. 2021020238

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER AS TO
PHARMACIST LICENSE NO. RPH 30157**

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

26 **PARTIES**

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

1 Rob Bonta, Attorney General of the State of California, by Kevin J. Rigley, Deputy Attorney
2 General.

3 2. Respondent Laurence K. Golden (Respondent) is represented in this proceeding by
4 attorney Natalia Mazina, whose address is 100 Pine Street, Suite 1250, San Francisco, CA 94111-
5 5235.

6 3. On or about May 7, 1976, the Board issued Pharmacist License Number RPH 30157
7 to Respondent. The Pharmacist License was in full force and effect at all times relevant to the
8 charges brought herein and will expire on April 30, 2022, unless renewed.

9 4. On or about January 16, 2014, Respondent was named the Pharmacist-in-Charge of
10 Miracle Care Inc. dba The Medicine Shoppe, Pharmacy Permit Number PHY 51652.

11 **JURISDICTION**

12 5. Second Amended Accusation No. 6669 was filed before the Board, and is currently
13 pending against Respondent. The Second Amended Accusation and all other statutorily required
14 documents were properly served on Respondent on August 26, 2021. Respondent timely filed his
15 Notice of Defense contesting the Second Amended Accusation.

16 6. A copy of Second Amended Accusation No. 6669 is attached as exhibit A and
17 incorporated herein by reference.

18 **ADVISEMENT AND WAIVERS**

19 7. Respondent has carefully read, fully discussed with counsel, and understands the
20 charges and allegations in Second Amended Accusation No. 6669. Respondent has also carefully
21 read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and
22 Disciplinary Order.

23 8. Respondent is fully aware of his legal rights in this matter, including the right to a
24 hearing on the charges and allegations in the Second Amended Accusation; the right to confront
25 and cross-examine the witnesses against him; the right to present evidence and to testify on his
26 own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the
27 production of documents; the right to reconsideration and court review of an adverse decision;
28

1 and all other rights accorded by the California Administrative Procedure Act and other applicable
2 laws.

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

5 **CULPABILITY**

6 10. Respondent understands and agrees that the charges and allegations in Accusation
7 No. 6669, if proven at a hearing, constitute cause for imposing discipline upon his Pharmacist
8 License.

9 11. For the purpose of resolving the accusation without the expense and uncertainty of
10 further proceedings, respondent agrees that, at a hearing, complainant could establish a factual
11 basis for the charges in the accusation, and that respondent hereby gives up his right to contest
12 those charges.

13 12. Respondent agrees that his Pharmacist License is subject to discipline and he agrees
14 to be bound by the board's probationary terms as set forth in the Disciplinary Order below.

15 **CONTINGENCY**

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

25 14. The parties understand and agree that Portable Document Format (PDF) and facsimile
26 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
27 signatures thereto, shall have the same force and effect as the originals.
28

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

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Pharmacist License No. RPH 30157 issued to Respondent Laurence Golden K. Golden (Respondent) is revoked. However, the revocation is stayed and Respondent is placed on probation for five (5) years on the following terms and conditions:

1. Obey All Laws

Respondent shall obey all state and federal laws and regulations.

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

an arrest or issuance of a criminal complaint for violation of any provision of the

Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws

a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal

criminal proceeding to any criminal complaint, information or indictment

a conviction of any crime

the filing of a disciplinary pleading, issuance of a citation, or initiation of another

administrative action filed by any state or federal agency which involves

respondent's license or which is related to the practice of pharmacy or the

manufacturing, obtaining, handling, distributing, billing, or charging for any drug, device or controlled substance.

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

2 **2. Report to the Board**

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

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

12 **3. Interview with the Board**

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

18 **4. Cooperate with Board Staff**

19 Respondent shall timely cooperate with the board's inspection program and with the board's
20 monitoring and investigation of respondent's compliance with the terms and conditions of his
21 probation, including but not limited to: timely responses to requests for information by board
22 staff; timely compliance with directives from board staff regarding requirements of any term or
23 condition of probation; and timely completion of documentation pertaining to a term or condition
24 of probation. Failure to timely cooperate shall be considered a violation of probation.

25 **5. Continuing Education**

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

28 ///

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

2 During the period of probation, Respondent shall notify all present and prospective
3 employers of the decision in case number 6669 and the terms, conditions and restrictions imposed
4 on Respondent by the decision, as follows:

5 Within thirty (30) days of the effective date of this decision, and within ten (10) days of
6 undertaking any new employment, respondent shall report to the board in writing the name,
7 physical address, and mailing address of each of his employer(s), and the name(s) and telephone
8 number(s) of all of direct supervisor(s), as well as any pharmacist(s)-in- charge, designated
9 representative(s)-in-charge, responsible manager, or other compliance supervisor(s) and the work
10 schedule, if known. Respondent shall also include the reason(s) for leaving the prior
11 employment. Respondent shall sign and return to the board a written consent authorizing the
12 board or its designee to communicate with all of Respondent's employer(s) and supervisor(s), and
13 authorizing those employer(s) or supervisor(s) to communicate with the board or its designee,
14 concerning Respondent's work status, performance, and monitoring. Failure to comply with the
15 requirements or deadlines of this condition shall be considered a violation of probation.

16 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
17 Respondent undertaking any new employment, Respondent shall cause (a) his direct supervisor,
18 (b) his pharmacist-in-charge, designated representative-in-charge, responsible manager, or other
19 compliance supervisor, and (c) the owner or owner representative of his employer, to report to the
20 board in writing acknowledging that the listed individual(s) has/have read the decision in case
21 number 6669, and terms and conditions imposed thereby. If one person serves in more than one
22 role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the Respondent's
23 responsibility to ensure that these acknowledgment(s) are timely submitted to the board. In the
24 event of a change in the person(s) serving the role(s) described in (a), (b), or (c) during the term
25 of probation, respondent shall cause the person(s) taking over the role(s) to report to the board in
26 writing within fifteen (15) days of the change acknowledging that he or she has read the decision
27 in case number 6669, and the terms and conditions imposed thereby.

28 ///

1 If Respondent works for or is employed by or through an employment service, Respondent
2 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the board
3 of the decision in case number 6669, and the terms and conditions imposed thereby in advance of
4 respondent commencing work at such licensed entity. A record of this notification must be
5 provided to the board upon request.

6 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
7 (15) days of Respondent undertaking any new employment by or through an employment service,
8 Respondent shall cause the person(s) described in (a), (b), and (c) above at the employment
9 service to report to the board in writing acknowledging that he or she has read the decision in case
10 number 6669, and the terms and conditions imposed thereby. It shall be Respondent's
11 responsibility to ensure that these acknowledgment(s) are timely submitted to the board.

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

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

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

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

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

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

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

1 **9. Reimbursement of Board Costs**

2 As a condition precedent to successful completion of probation, respondent shall pay to the
3 board its costs of investigation and prosecution in the amount of \$10,000.00. Respondent shall
4 make said payments as follows:

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

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

10 **10. Probation Monitoring Costs**

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

15 **11. Status of License**

16 Respondent shall, at all times while on probation, maintain an active, current Pharmacist
17 License with the board, including any period during which suspension or probation is tolled.
18 Failure to maintain an active, current Pharmacist License shall be considered a violation of
19 probation.

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

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

25 Following the effective date of this decision, should Respondent cease practice due to
26 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
27 respondent may relinquish his Pharmacist License, including any indicia of licensure issued by
28 the board, along with a request to surrender the license. The board or its designee shall have the

1 discretion whether to accept the surrender or take any other action it deems appropriate and
2 reasonable. Upon formal acceptance of the surrender of the license, respondent will no longer be
3 subject to the terms and conditions of probation. This surrender constitutes a record of discipline
4 and shall become a part of the respondent's license history with the board.

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

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

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

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

28 ///

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

5 **14. Violation of Probation**

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

12 If Respondent violates probation in any respect, the board, after giving respondent notice
13 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
14 was stayed. If a petition to revoke probation or an accusation is filed against Respondent during
15 probation, or the preparation of an accusation or petition to revoke probation is requested from
16 the Office of the Attorney General, the board shall have continuing jurisdiction and the period of
17 probation shall be automatically extended until the petition to revoke probation or accusation is
18 heard and decided, and the charges and allegations in Second Amended Accusation No. 6669
19 shall be deemed true and correct.

20 **15. Remedial Education**

21 Within sixty (60) days of the effective date of this decision, Respondent shall submit to the
22 board or its designee, for prior approval, an appropriate program of remedial education of at least
23 10 hours per year of probation in prescription drug abuse prevention, pharmacy law and
24 operations, and other courses related to related to the underlying violations charged in the Second
25 Amended Accusation at Respondent's own expense. The first year of remedial education must
26 include completion of the board's Prescription Drug Abuse Prevention Training. At least 50% of
27 the total hours must be live webinar/in-person training. All remedial education shall be in
28

1 addition to, and shall not be credited towards, continuing education (CE) courses used for license
2 renewal purposes for pharmacists.

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

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

12 **16. Ethics Course**

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

21 **17. No New Ownership or Management of Licensed Premises**

22 Respondent shall not acquire any new ownership, legal or beneficial interest nor serve as a
23 manager, administrator, member, officer, director, trustee, associate, or partner of any additional
24 business, firm, partnership, or corporation licensed by the board. If Respondent currently owns or
25 has any legal or beneficial interest in, or serves as a manager, administrator, member, officer,
26 director, trustee, associate, or partner of any business, firm, partnership, or corporation currently
27 or hereinafter licensed by the board, respondent may continue to serve in such capacity or hold
28

that interest, but only to the extent of that position or interest as of the effective date of this decision. Violation of this restriction shall be considered a violation of probation.

18. Supervised Practice

Respondent shall be subject to this probation term and condition for the first two (2) years of probation. Within thirty (30) days of the effective date of this decision, Respondent shall submit to the board or its designee, for prior approval, the name of a pharmacist licensed by and not on probation with the board, to serve as Respondent's practice supervisor. As part of the documentation submitted, Respondent shall cause the proposed practice supervisor to report to the board in writing acknowledging that he or she has read the decision in case number 6669, and is familiar with the terms and conditions imposed thereby, including the level of supervision required by the board or its designee. This level will be determined by the board or its designee, will be communicated to the Respondent on or before the effective date of this decision and shall be one of the following:

Continuous – At least 75% of a work week

Substantial - At least 50% of a work week

Partial - At least 25% of a work week

Daily Review - Supervisor's review of probationer's daily activities within 24 hours

Respondent may practice only under the required level of supervision by an approved practice supervisor. If, for any reason, including change of employment, Respondent is no longer supervised at the required level by an approved practice supervisor, within ten (10) days of this change in supervision Respondent shall submit to the board or its designee, for prior approval, the name of a pharmacist by and not on probation with the board, to serve as Respondent's replacement practice supervisor. As part of the documentation submitted, Respondent shall cause the proposed replacement practice supervisor to report to the board in writing acknowledging that he or she has read the decision in case number 6669, and is familiar with the terms and conditions imposed thereby, including the level of supervision required.

Any of the following shall result in the automatic suspension of practice by a Respondent and shall be considered a violation of probation:

1 Failure to nominate an initial practice supervisor, and to have that practice supervisor report
2 to the board in writing acknowledging the decision, terms and conditions, and supervision level,
3 within thirty (30) days;

4 Failure to nominate a replacement practice supervisor, and to have that practice supervisor
5 report to the board in writing acknowledging the decision, terms and conditions, and supervision
6 level, within ten (10) days;

7 Practicing in the absence of an approved practice supervisor beyond the initial or
8 replacement nomination period; or

9 Any failure to adhere to the required level of supervision.

10 Respondent shall not resume practice until notified in writing by the board or its designee.

11 During any suspension, Respondent shall not enter any pharmacy area or any portion of the
12 licensed premises of a wholesaler, third-party logistics provider, veterinary food-animal drug
13 retailer or any other distributor of drugs which is licensed by the board, or any manufacturer, or
14 any area where dangerous drugs and/or dangerous devices or controlled substances are
15 maintained. Respondent shall not practice pharmacy nor do any act involving drug selection,
16 selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall
17 respondent manage, administer, or be a consultant to any licensee of the board, or have access to
18 or control the ordering, distributing, manufacturing or dispensing of dangerous drugs and/or
19 dangerous devices or controlled substances.

20 During any suspension, Respondent shall not engage in any activity that requires the
21 professional judgment and/or licensure as a pharmacist. Respondent shall not direct or control
22 any aspect of the practice of pharmacy or of the manufacture, distribution, wholesaling, or
23 retailing of dangerous drugs and/or dangerous devices or controlled substances.

24 19. **Completion of Probation**

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

27 ///

28 ///

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

DATED: _____

LAURENCE K. GOLDEN
Respondent

DATED: _____

NATALIA MAZINA
Attorney for Respondent

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

Respectfully submitted,

ROB BONTA
Attorney General of California
NANCY A. KAISER
Supervising Deputy Attorney General

KEVIN J. RIGLEY
Deputy Attorney General
Attorneys for Complainant

1 ACCEPTANCE

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

7
8 DATED: 9.17.21

Laurence K. Golden
9 LAURENCE K. GOLDEN
10 Respondent

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

14
15 DATED: Sep. 17, 2021

Natalia Mazina
16 NATALIA MAZINA
17 Attorney for Respondent

18 ENDORSEMENT

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

21 DATED: September 17, 2021

Respectfully submitted,

22 ROB BONTA
23 Attorney General of California
24 NANCY A. KAISER
Supervising Deputy Attorney General

25 Kevin J. Rigley

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

Exhibit A

Second Amended Accusation No. 6669

1 ROB BONTA
Attorney General of California
2 NANCY KAISER
Supervising Deputy Attorney General
3 KEVIN J. RIGLEY
Deputy Attorney General
4 State Bar No. 285842
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6301
6 Facsimile: (916) 731-2126
Attorneys for Complainant
7

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

10 In the Matter of the Second Amended Accusation
11 Against:

Case No. 6669

SECOND AMENDED ACCUSATION

12 **MIRACLE CARE INC.**
dba THE MEDICINE SHOPPE
13 **ARTHUR KARAGEZIAN, CEO/PRES/SEC,**
14 **LAWRENCE K. GOLDEN, PHARMACIST-**
IN-CHARGE
15 **19225 Ventura Blvd.**
Tarzana, CA 91356

16 **Pharmacy Permit No. PHY 51652**

17 **And**

18 **LAWRENCE K. GOLDEN**
1821 Shenandoah St.
19 **Los Angeles, CA 90035**

20 **Pharmacist License No. RPH 30157**

21 Respondents.
22

23
24 **PARTIES**

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

28 ///

2. On or about January 16, 2014, the Board issued Pharmacy Permit Number PHY 51652 to Miracle Care Inc. dba The Medicine Shoppe, Arthur Karagezyan, CEO/PRES/SEC (“The Medicine Shoppe” or “Karagezyan”). The Pharmacy Permit (permit) was in full force and effect at all times relevant to the charges brought herein and was set to expire on January 1, 2021; however, the permit was surrendered with disciplinary charges pending in this case by way of a Stipulated Settlement, effective June 18, 2020.

3. On or about May 7, 1976, the Board issued Pharmacist License Number RPH 30157 to Laurence K. Golden (“Respondent” or “Respondent Golden”). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2022, unless renewed.

4. On or about January 16, 2014, Respondent Golden was named the Pharmacist-in-Charge of Miracle Care Inc. dba The Medicine Shoppe, Pharmacy Permit Number PHY 51652.

JURISDICTION

5. 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.

6. Section 4300 of the Code states in pertinent part:

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

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

(1) Suspending judgment.

(2) Placing him or her upon probation.

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

(4) Revoking his or her license.

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

///

///

///

1 7. Section 4300.1 of the Code states:

2 The expiration, cancellation, forfeiture, or suspension of a board-issued license by
3 operation of law or by order or decision of the board or a court of law, the placement
4 of a license on a retired status, or the voluntary surrender of a license by a licensee
 shall not deprive the board of jurisdiction to commence or proceed with any

5 investigation of, or action or disciplinary proceeding against, the licensee or to render
6 a decision suspending or revoking the license.

7 **STATUTORY AND REGULATORY PROVISIONS**

8 8. Section 4022 of the Code states

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

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

11 (b) Any device that bears the statement: Caution: federal law restricts this device to
12 sale by or on the order of a _____, Rx only, or words of similar import, the
13 blank to be filled in with the designation of the practitioner licensed to use or order
 use of the device.

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

15 9. Section 4077 of the Code states, in pertinent part, that except as provided in
16 subdivisions (b) and (c) of this section, no person shall dispense any dangerous drug upon
17 prescription except in a container correctly labeled with the information required by Section
18 4076.

19 10. Section 4081 of the Code states”

20 (a) All records of manufacture and of sale, acquisition, receipt, shipment, or
21 disposition of dangerous drugs or dangerous devices shall be at all times during
22 business hours open to inspection by authorized officers of the law, and shall be
23 preserved for at least three years from the date of making. A current inventory shall
24 be kept by every manufacturer, wholesaler, third-party logistics provider, pharmacy,
25 veterinary food-animal drug retailer, outsourcing facility, physician, dentist,
26 podiatrist, veterinarian, laboratory, licensed correctional clinic, as defined in Section
 4187, clinic, hospital, institution, or establishment holding a currently valid and
 unrevoked certificate, license, 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 of dangerous drugs or dangerous devices.

27 ///

28 ///

(b) The owner, officer, and partner of a pharmacy, wholesaler, third-party logistics provider, or veterinary food-animal drug retailer shall be jointly responsible, with the pharmacist-in-charge, responsible manager, or designated representative-in-charge, for maintaining the records and inventory described in this section.

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

(d) Pharmacies that dispense nonprescription diabetes test devices pursuant to prescriptions shall retain records of acquisition and sale of those nonprescription diabetes test devices for at least three years from the date of making. The records shall be at all times during business hours open to inspection by authorized officers of the law.

11. Section 4113(c) of the Code provides that in pertinent part that “[t]he pharmacist-in-charge shall be responsible for a pharmacy’s compliance with all state and federal laws and regulations pertaining to the practice of pharmacy.”

12. Section 4301 of the Code states in pertinent part:

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

....

(m) The cash compromise of a charge of violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of Chapter 7 (commencing with Section 14000) of Part 3 of Division 9 of the Welfare and Institutions Code relating to the Medi-Cal program.

....

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

....

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

///

///

///

///

1 13. Section 4332 of the Code states in pertinent part:

2 Any person who fails, neglects, or refuses to maintain the records required by Section
3 4081 or who, when called upon by an authorized officer or a member of the board,
4 fails, neglects, or refuses to produce or provide the records within a reasonable time,
5 or who willfully produces or furnishes records that are false, is guilty of a
6 misdemeanor.

7 14. California Health and Safety Code section 11153(a) states:

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

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

20 15. California Health and Safety Code section 11162.1 states in pertinent part:

21 (a) The prescription forms for controlled substances shall be printed with the following
22 features:

23
24 (10) Check boxes shall be printed on the form so that the prescriber may indicate the
25 number of refills ordered . . .

26 16. California Health and Safety Code section 11164 states in pertinent part:

27 Except as provided in section 11167, no person shall prescribe a controlled substance,
28 nor shall any person fill, compound, or dispense a prescription for a controlled
29 substance, unless it complies with the requirements of this section.

30 (a) Each prescription for a controlled substance classified in Schedule II, III, IV, or V,
31 except as authorized by subdivision (b), shall be made on a controlled substance
32 prescription form as specified in section 11162.1 and shall meet the following
33 requirements:

34 (1) The prescription shall be signed and dated by the prescriber in ink and shall contain
35 the prescriber's address and telephone number; the name of the ultimate user or
36 research subject, or contact information as determined by the Secretary of the United
37 States Department of Health and Human Services; refill information, such as the
38 number of refills ordered and whether the prescription is a first-time request or a refill;
39 and the name, quantity, strength, and directions for use of the controlled substance
40 prescribed.

(2) The prescription shall also contain the address of the person for whom the controlled substance is prescribed. If the prescriber does not specify this address on the prescription, the pharmacist filling the prescription or an employee acting under the direction of the pharmacist shall write or type the address on the prescription or maintain this information in a readily retrievable form in the pharmacy . . .

17. California Health and Safety Code section 111255 states:

Any drug or device is adulterated if it has been produced, prepared, packed, or held under conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health.”

18. California Health and Safety Code section 111295 states:

It is unlawful for any person to manufacture, sell, deliver, hold, or offer for sale any drug or device that is adulterated.”

19. California Health and Safety Code section 111395 states in pertinent part:

Any drug is misbranded in any of the following cases:

. . . .

(c) The contents of the original package have been, wholly or partly, removed and replaced with other material in the package.”

20. California Health and Safety Code section 111440 states:

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

21. California Code of Regulations section 1714 states in pertinent part:

. . . .

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

. . . .

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

22. California Code of Regulations section 1718 states:

“Current Inventory” as used in Sections 4081 and 4332 of the Business and Professions Code shall be considered to include complete accountability for all dangerous drugs handled by every licensee enumerated in Sections 4081 and 4332.

The controlled substances inventories required by Title 21, CFR, section 1304 shall be available for inspection upon request for at least 3 years after the date of the inventory.

23. California Code of Regulations section 1761 states:

(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.

24. California Code of Regulations section 1776 states:

Pharmacies, hospitals/clinics with onsite pharmacies, distributors and reverse distributors licensed by the board may offer, under the requirements in this article, specified prescription drug take-back services through collection receptacles and/or mail back envelopes or packages to provide options for the public to discard unwanted, unused or outdated prescription drugs. Each entity must comply with regulations of the federal Drug Enforcement Administration (DEA) and this article. Only California-licensed pharmacies, hospitals/clinics with onsite pharmacies, and drug distributors (licensed wholesalers and third-party logistics providers) who are registered with the DEA as collectors and licensed in good standing with the board may host a pharmaceutical take-back receptacle as authorized under this article.

25. Title 21 of the Code of Federal Regulations (C.F.R.) section 1301.51(b) states, in pertinent part, that: “(b) Any manufacturer, distributor, reverse distributor, narcotic treatment program, hospital/clinic with an on-site pharmacy, or retail pharmacy registered pursuant to this part, may apply to modify its registration to become authorized as a collector....”

26. Title 21 C.F.R. section 1301.52(f) states, in pertinent part, that: “(f) Any registrant that has been authorized as a collector and desires to discontinue its collection of controlled substances from ultimate users shall notify the Administration of its intent by submitting a written notification to the Registration Unit, Drug Enforcement Administration....”

27. Title 21 C.F.R. section 1317.30 states:

(a) The following persons are authorized to collect controlled substances from ultimate users and other non-registrants for destruction in compliance with this chapter:

///

///

(1) Any registrant authorized by the Administration to be a collector pursuant to §1317.40; and

(2) Federal, State, tribal, or local law enforcement when in the course of official duties and pursuant to §1317.35.

(b) The following non-registrant persons in lawful possession of a controlled substance in Schedules II, III, IV, or V may transfer that substance to the authorized persons listed in paragraph (a) of this section, and in a manner authorized by this part,

for the purpose of disposal:

(1) An ultimate user in lawful possession of a controlled substance;

(2) Any person lawfully entitled to dispose of a decedent's property if that decedent was an ultimate user who died while in lawful possession of a controlled substance; and

(3) A long-term care facility on behalf of an ultimate user who resides or resided at such long-term care facility and is/was in lawful possession of a controlled substance, in accordance with §1317.80 only.

28. Title 21 C.F.R. section 1317.35 states, in pertinent part: “(a) Federal, State, tribal, or local law enforcement may collect controlled substances from ultimate users and persons lawfully entitled to dispose of an ultimate user decedent's property....”

29. Title 21 C.F.R. section 1317.40 states, in pertinent part:

(a) Manufacturers, distributors, reverse distributors, narcotic treatment programs, hospitals/clinics with an on-site pharmacy, and retail pharmacies that desire to be collectors shall modify their registration to obtain authorization to be a collector in accordance with §1301.51 of this chapter. Authorization to be a collector is subject to renewal. If a registrant that is authorized to collect ceases activities as a collector, such registrant shall notify the Administration in accordance with §1301.52(f) of this chapter.

30. The Federal Food Drug and Cosmetics Act, 21 United States Code, section 353 states, in pertinent part:

(d) Distribution of drug samples

(2) (A) The manufacturer or authorized distributor of record of a drug subject to subsection (b) may, in accordance with this paragraph, distribute drug samples by mail or common carrier to practitioners licensed to prescribe such drugs or, at the request of a licensed practitioner, to pharmacies of hospitals or other health care entities. Such a distribution of drug samples may only be made

(i) in response to a written request for drug samples made on a form which meets the requirements of subparagraph (B), and

(ii) under a system which requires the recipient of the drug sample to execute a written receipt for the drug sample upon its delivery and the return of the receipt to the manufacturer or authorized distributor of record. . . .”

DRUG CLASSIFICATIONS

31. **Oxycodone** is a Schedule II controlled substance as designated by Health and Safety Code section 11055(b)(1)(M) and a dangerous drug pursuant to Code section 4022. Oxycodone is an opiate used to treat pain and is a mind-altering drug.

32. **Alprazolam** is a Schedule IV controlled substance as designated by Health and Safety Code section 11057(d)(1) and a dangerous drug pursuant to Code section 4022. Alprazolam is a depressant used to treat anxiety and is a mind-altering drug.

33. **Diazepam** is a Schedule IV controlled substance as designated by Health and Safety Code section 11057(d)(9) and a dangerous drug pursuant to Code section 4022. Diazepam is a depressant used to treat anxiety and is a mind-altering drug.

34. **Lorazepam** is a Schedule IV controlled substance as designated by Health and Safety Code section 11057(d)(16) and a dangerous drug pursuant to Code section 4022. Lorazepam is a sedative used to treat anxiety and is a mind-altering drug.

35. **Phenobarbital** is a Schedule IV controlled substance as designated by Health and Safety Code section 11057(d)(26) and a dangerous drug pursuant to Code section 4022. Phenobarbital is a depressant used to treat epilepsy and is a mind-altering drug.

36. **Temazepam** is a Schedule IV controlled substance as designated by Health and Safety Code section 11057(d)(29) and a dangerous drug pursuant to Code section 4022. Temazepam is a sedative used to treat insomnia and is a mind-altering drug.

37. **Zolpidem** is a Schedule IV controlled substance as designated by Health and Safety Code section 11057(d)(32) and a dangerous drug pursuant to Code section 4022. Zolpidem is a sedative used to treat insomnia and is a mind-altering drug.

38. **Carbamazepine** is a dangerous drug pursuant to Code section 4022, and is used to treat epilepsy.

39. **Clotrimazole Troche** is a dangerous drug pursuant to Code section 4022, and is used to treat Candidiasis.

40. **Risperidone** is a dangerous drug pursuant to Code section 4022, and is used to treat Schizophrenia.

1 41. **Nifedipine** is a dangerous drug pursuant to Code section 4022, and is used to treat
2 Angina.

3 42. **Nitroglycerine Sublingual** is a dangerous drug pursuant to Code section 4022, and is
4 used to treat Angina Pectoris.

5 43. **Namenda XR** is a dangerous drug pursuant to Code section 4022, and is used to treat
6 Alzheimer.

7 44. **Neupro Patch** is a dangerous drug pursuant to Code section 4022, and is used to treat
8 Parkinson.

9 45. **Procrit** is a dangerous drug pursuant to Code section 4022, and is used to treat
10 Anemia.

11 **COST RECOVERY**

12 46. Business and Professions Code section 125.3 states that:

13 "(a) Except as otherwise provided by law, in any order issued in resolution of a
14 disciplinary proceeding before any board within the department or before the
15 Osteopathic Medical Board upon request of the entity bringing the proceedings, the
16 administrative law judge may direct a licentiate found to have committed a violation
or violations of the licensing act to pay a sum not to exceed the reasonable costs of
the investigation and enforcement of the case."

17 **FACTUAL ALLEGATIONS**

18 47. On or about June 29, 2015, the Board received a complaint from an otherwise
19 unknown complainant named "Goar." No contact information was provided. In the letter, Mr.
20 "Goar" stated he worked for two years at The Medicine Shoppe, located at 19225 Ventura Blvd
21 Tarzana CA. Mr. "Goar" alleged The Medicine Shoppe's operations were illegal and possibly
22 criminal, along with the following allegations. The Medicine Shoppe would accept suspicious
23 prescriptions for oxycodone, and would fill the prescriptions and sell to drug addicts for large
24 sums of money. The two owners, "Arthur and Pogos," would advise customers what
25 medication(s) the customer would need to request from the doctor. Many times the pharmacy
26 would process and bill for medications, but not deliver the medication to the patient, and forge
27 signatures and resell to a wholesaler. Part of the medication the pharmacy would put back in
28

1 stock without reversal. Lastly, the Pharmacist, “Larry,” did not check the medications before the
2 medications were dispensed.

3 48. On or about August 26, 2015, based on the anonymous complaint, Board inspector
4 MK requested a CURES¹ report on The Medicine Shoppe from January 16, 2014, until August
5 26, 2015. Within this timeframe, The Medicine Shoppe filled a total of 334 prescriptions for
6 oxycodone, 330 of which were for the maximum dose of 30 mg. Out of 330 prescriptions for
7 oxycodone 30 mg, 307 prescriptions were prescribed by the same prescriber, Dr. Edward
8 Svadjian. Based on the CURES report, inspector MK noted the following irregularities and red
9 flags regarding the oxycodone prescriptions:

10 Most of the patients were of the same ethnicity and all were elderly.

11 Several patients residing at different addresses received oxycodone 30 mg prescriptions on
12 the same day. Those prescriptions were typed in sequential order, and were prescribed by
13 the same doctor, Dr. Edward Svadjian, with the same instructions for each patient.

14 The oxycodone prescriptions were the maximum strength of 30 mg; and were dispensed for
15 large quantities, mostly 120 tablets.

16 Dr. Edward Svadjian was located in North Hollywood and/or Altadena, California, while
17 the patients resided in other cities, including Los Angeles, Glendale, Northridge, Van
18 Nuys, North Hollywood, Tujunga and Panorama City.

19 **September 2, 2015 Inspection**

20 49. On or about September 2, 2015, Inspector MK and other personnel from the
21 Department of Health Care Services (“DHCS”) went to The Medicine Shoppe located at 19225
22 Ventura Blvd, Tarzana, CA 91356 to conduct an inspection. Present at the pharmacy during the
23 inspection were Respondent Golden (the Pharmacist-in-charge) and Karagezyan, who arrived
24 towards the later part of the inspection.

25
26 ¹ The California Controlled Substance Utilization and Review and Evaluation System
27 (“CURES”) database contains information about controlled substance prescriptions filled in
28 California, as reported by pharmacies. Through CURES a patient activity report (PAR) can be
generated, which would show all the reported schedule II-IV prescriptions filled by an individual
patient and the location of the fill.

1 50. During the inspection, Inspector MK observed two red totes from a wholesaler,
2 Cardinal Health, located in the pharmacy dispensing area. Inside the totes inspectors found white
3 bags full of prescription medications vials, all labeled with prescription medication labels from
4 The Medicine Shoppe. Some prescription medication vials were for the same patient(s), filled
5 with the same medication, but with a different fill dates. Also, some of the prescription
6 medication vials found were controlled substances. The prescription medications found inside the
7 tote bags included the following: Diazepam, Temazepam, Zolpidem, Nitroglycerine, Lorazepam,
8 Phenobarbital, Alprazolam, and Nifedipine.

9 51. Inspector MK asked Respondent Golden about the prescription medication vials
10 found in the totes. Respondent Golden stated he assumed they were “returns” from customers,
11 which the pharmacy was waiting to send for destruction. Inspector MK asked Respondent
12 Golden how and why the prescription medication vials were inside the red totes and he stated he
13 had “no idea.” Respondent Golden looked at the controlled substance prescription vials and
14 stated it seemed like the medication(s) inside the vials were not even used. Respondent Golden
15 was then informed that that the pharmacy may not take back any medications, specifically
16 controlled medications.

17 52. The inspectors found the following on the active drug shelf during the inspection:

- 18 a) an expired overfilled sample manufacturing bottle of Benicar HCT (20 mg/12.5 mg),
19 which stated “professional sample not for sale;”
- 20 b) an overfilled manufacturing bottle of Clotrimazole troche USP 10 mg;
- 21 c) an overfilled manufacturing bottle of Carbamazepine tablets USP 100 mg;
- 22 d) an overfilled manufacturing bottle of Brilinta 90 mg;
- 23 e) an overfilled manufacturing bottle of Risperidone 0.25 mg; and
- 24 f) one prescription medication vial, which was not properly labeled.

25 53. During the inspection, Respondent Golden opened a cabinet drawer in Karagezyan’s
26 office which contained several prescription medication vials and spontaneously exclaimed “Oops!
27 I shouldn’t have opened that drawer!” Some of the vials of prescription drugs located inside the
28 cabinet drawer were labeled and some were not. Brand name manufacturing bottles/boxes were

1 also found inside a brown bag in the cabinet drawer, and prescription medication vials were found
2 labeled with prescription labels from The Medicine Shoppe. One prescription medication vial
3 was found containing Atorvastatin for patient UB, and was labeled with a prescription label from
4 Sunset Center Pharmacy. Inspector MK asked Karagezyan why those drugs were in his cabinet
5 drawer and he stated he had just come back from a funeral and was not in the right state of mind
6 to answer any questions. Inspector MK asked Karagezyan who had access to his office, and he
7 replied that he was the only person who had access to his office.

8 54. The Medicine Shoppe's controlled substance schedule II prescriptions were reviewed.
9 The majority of the Schedule II prescriptions were written for oxycodone 30 mg, with large
10 quantities of 120 tablets. Almost all of the oxycodone prescriptions were written for patients of
11 apparent Armenian descent and were prescribed by Dr. Edward Svadjian.

12 55. The inspection by DHCS personnel included an invoice reconciliation review, which
13 consisted of a sample invoice reconciliation of 32 drugs for the audit period January 17, 2014,
14 through June 30, 2015. In the course of the review, DHCS personnel identified a total Medi-Cal
15 recovery amount of \$218,730.69 due to an invoice shortage and for Medi-Cal overpayment
16 (which was later adjusted down to a total of \$206,800.85 as part of a settlement with
17 Respondents).²

18 **September 9, 2015 Inspection**

19 56. On or about September 9, 2015, Board Inspectors MK and KRP returned to The
20 Medicine Shoppe to conduct a second inspection. Present at The Medicine Shoppe were
21 Respondent Golden and Karagezyan.

22 57. A black trash bag was found in the back of the pharmacy containing 25 boxes of
23 Nuvaring. When asked, Respondent Golden stated he was not aware of the Nuvaring in the black
24 bag. The inspectors noted that the Nuvaring manufacturing medication boxes were stickered with
25 the Cardinal Health stickers, indicating the medication was received from Cardinal Health.

26
27
28 ² The Medicine Shoppe's National Provider Number (NPI #1710992367) was thereafter
suspended due to the amount owed.

Respondent Golden was directed to send the Nuvaring back for destruction through a Board certified reverse distributor within 14 days.

58. Upon request, Respondent Golden provided the original controlled substance prescriptions listed under a number of patient profiles from January 1, 2014, until September 9, 2015. Inspector MK reviewed 165 oxycodone prescriptions, and noted that all of the Oxycodone prescriptions were written by Dr. Svadjian's, and were written on the same day and in sequential order for different patients. All of the oxycodone prescriptions were written for the 30 mg strength, quantity of 120, with directions of 2 tab twice daily. The prescription forms did not contain check boxes to indicate the number of refills ordered.

59. On or about September 15, 2015, Respondent Golden provided a written statement dated September 11, 2015, in response to issues raised as the result the inspections. Respondent Golden stated that he had no knowledge of the following: prescription vials found in Karagezyan's cabinet drawer; the returned prescription vials in the pharmacy; the Nuvaring found in the black bag; nor the prescription vial from Sunset Center Pharmacy. Respondent Golden stated that he was aware of the Benicar HCT sample found on the active drug shelf, as well as the bagged medications in the black bags found in the back containing prescriptions which were to be delivered to Santa Barbara Medical Group.

60. Inspector MK reviewed a series of patient questionnaires filled out by Respondent Golden. Based on the responses, Inspector MK noted the following:

- Respondent Golden knew very little about each patient.
- The majority of the patients lived outside the pharmacy's trading area of 5 miles.
- Respondent Golden did not list a diagnosis for each patient.
- Respondent Golden had not seen majority of the patients.
- Medications were mainly delivered to the patients.
- The Pharmacy had access to CURES, but Respondent Golden had not used Prescription Drug Monitoring Program ("PDMP") to check patient activity on any of the patients.

- For the patient(s) who had their medication(s) delivered to them, Respondent Golden could not recall what type of consultation the patient(s) received and/or the consultation was provided via telephone.
- Respondent Golden could not recall if he had spoken to Dr. Edward Svadjian about the prescriptions, and/or yes, he had spoken to Dr. Svadjian.

61. Inspector MK reviewed the CURES report for Dr. Edward Svadjian from January 1, 2014, to February 23, 2018. She noted that during this period, Dr. Svadjian prescribed a total of 9,967 prescriptions for controlled substances (schedule II-IV). Out of 9,967, Dr. Svadjian prescribed a total of 2,169 prescriptions for oxycodone, which was the highest prescribed drug by this doctor. All of 2,169 prescriptions were prescribed for oxycodone 30 mg, one of the higher strength of oxycodone usually used for opioid tolerant patients.

62. On or about February 12, 2018, Inspector MK called Dr. Edward Svadjian's office and was informed that Dr. Svadjian was deceased.

63. On or about January 3, 2019, Inspector MK called the United States Drug Enforcement Agency (DEA) and was told that The Medicine Shoppe located at 19225 Ventura Blvd, Tarzana, CA was only registered with the DEA as a retail pharmacy and was not registered with the DEA as a collector to collect pharmaceutical controlled substances from ultimate users.

January 28, 2020 Inspection

64. On or about July 18, 2019, the Board received a complaint from Humana, a health insurance company that alleged possible misconduct by The Miracle Shoppe located at 19225 Ventura Blvd., Tarzana, CA 91356.

65. On or about January 10, 2019, Humana conducted an Onsite Audit of The Medicine Shoppe's prescriptions and identified several discrepancies. Specifically, they identified: incorrect origin code, incorrect days' supply, incorrect prescriber billed, unauthorized refill and no directions for use.

66. Humana also conducted a wholesale purchasing review and identified the following medication shortages: memantine HCL ER 7 mg capsule, Neupro 2 mg/24 hr patch and Procrit 10,000 units/ml vial.

1 67. On or about January 28, 2020, Board inspector ED conducted an inspection at The
2 Medicine Shoppe. Respondent Golden was present during the inspection. Inspector ED observed
3 a large return bin inside of the pharmacy that contained medications. Respondent Golden
4 admitted that The Medicine Shoppe had accepted unwanted prescription drugs back from patients
5 to discard and that they were not registered with the Drug Enforcement Administration as a
6 collector site for drug take-back service. Respondent Golden counted a total of one hundred and
7 thirteen (113) medications in the return bin.

8 68. At the end of the inspection, Inspector ED requested acquisition and disposition
9 records for on and between January 27, 2017, and January 27, 2020, from Respondent Golden.
10 Inspector ED also instructed Respondent Golden to destroy the medication found in the return bin
11 and to provide proof of the destruction with an invoice. Inspector ED requested that Respondent
12 Golden address the issued corrections and written notice.

13 69. On at least three occasions, on or about January 27, 2020, February 7, 2020, and
14 March 3, 2020, Inspector ED requested disposition records for the period on and between January
15 27, 2017, and January 27, 2020, from The Medicine Shoppe. Neither Respondent Golden nor The
16 Medicine Shoppe provided Inspector ED with the requested disposition records.

17 **FIRST CAUSE FOR DISCIPLINE**

18 (UnPROFESSIONAL CONDUCT - ERRONEOUS OR UNCERTAIN PRESCRIPTIONS)

19 70. Respondent is subject to disciplinary action under Code section 4301(o) and
20 California Code of Regulations section 1761 in that Respondent dispensed irregular and/or
21 uncertain prescriptions as set forth more fully in paragraphs 47 through 69 above and
22 incorporated herein by reference.

23 **SECOND CAUSE FOR DISCIPLINE**

24 (UnPROFESSIONAL CONDUCT - FILLING AND DISPENSING PRESCRIPTIONS FOR
25 CONTROLLED SUBSTANCES ON NON-COMPLIANT FORMS)

26 71. Respondent is subject to disciplinary action under Code section 4301(o), and Health
27 and Safety Code sections 11164 and 11162.1 in that Respondent filled prescriptions from non-
28

compliant prescription forms as set forth more fully in paragraphs 47 through 69 above and incorporated herein by reference.

THIRD CAUSE FOR DISCIPLINE

(UNPROFESSIONAL CONDUCT - HOLD OR OFFER FOR SALE
MISBRANDED DRUGS OR DEVICES)

72. Respondent is subject to disciplinary action under Code section 4301(o) and Health and Safety Code sections 111440 and 111395(c) in that Respondent held and offered for sale prescription manufacturing bottles which were overfilled and thus were misbranded as set forth more fully in paragraphs 47 through 69 above and incorporated herein by reference.

FOURTH CAUSE FOR DISCIPLINE

(UNPROFESSIONAL CONDUCT- HOLD OR OFFER FOR SALE ADULTERATED DRUGS)

73. Respondent is subject to disciplinary action under Code section 4301(o) and Health and Safety Code sections 111255 and 111295, in that Respondent held or offered for sale adulterated drugs as set forth more fully in paragraph 47 through 69 above and incorporated by herein reference.

FIFTH CAUSE FOR DISCIPLINE

(UNPROFESSIONAL CONDUCT - UNAUTHORIZED POSSESSION OF RETURNED
CONTROLLED SUBSTANCES)

74. Respondent is subject to disciplinary action under Code section 4301(o) and Title 21, Code of Federal Regulations sections 1317.30(a) and 1317.40(a) in that Respondent was in possession of controlled substance prescription medications, which were returned from customers, without being registered as an authorized collector as set forth more fully in paragraphs 47 through 69 above and incorporated herein by reference.

SIXTH CAUSE FOR DISCIPLINE

(UNPROFESSIONAL CONDUCT - FAILURE TO MAINTAIN
OPERATIONAL STANDARDS AND SECURITY)

75. Respondent is subject to disciplinary action under Code sections 4301(o) and 4113(c), in conjunction with California Code of Regulations section 1714(b) and (d), in that Respondent

1 failed to maintain operational standards and security of prescription drugs as set forth more fully
2 in paragraphs 47 through 69 above and incorporated herein by reference.

3 **SEVENTH CAUSE FOR DISCIPLINE**

4 (UNPROFESSIONAL CONDUCT – CASH COMPROMISE)

5 76. Respondent is subject to disciplinary action under Code section 4301(m) in that
6 Respondent was subject to a cash compromise of \$206,800.85 for Medi-Cal reimbursement
7 overpayments in violation of Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions
8 Code relating to the Medi-Cal program as set forth more fully in paragraphs 47 through 69 above
9 and incorporated herein by reference.

10 **EIGHTH CAUSE FOR DISCIPLINE**

11 (UNPROFESSIONAL CONDUCT – REVERSE DISTRIBUTORS)

12 77. Respondent is subject to disciplinary action under Code section 4301(o) and
13 California Code of Regulations section 1776, in that as of January 27, 2020, Respondent had
14 accepted one hundred and thirteen (113) unwanted prescription drugs back from patients to
15 discard without being registered with the Drug Enforcement Administration as a collector site for
16 drug take-back service drugs as set forth more fully in paragraphs 47 through 69 above and
17 incorporated herein by reference.

18 **NINTH CAUSE FOR DISCIPLINE**

19 (UNPROFESSIONAL CONDUCT – SUBVERTING AN INVESTIGATION)

20 78. Respondent is subject to disciplinary action under Code section 4301(q), in that
21 Respondent knowingly subverted or attempted to subvert an investigation by failing to provide
22 the Board with The Medicine Shoppe's disposition records for the dates between January 27,
23 2017 and January 27, 2020, as set forth more fully in paragraphs 47 through 69 above and
24 incorporated herein by reference.

25 **TENTH CAUSE FOR DISCIPLINE**

26 (UNPROFESSIONAL CONDUCT – RECORDS OF ACQUISITION AND DISPOSITION)

27 79. Respondent is subject to disciplinary action under Code sections 4301(j) and (o), in
28 conjunction with 4081(a), 4332, and California Code of Regulations section 1718, in that

Respondent failed, neglected, or refused to maintain the required disposition records between January 27, 2017, and January 27, 2020 and failed to provide the Board with the records as set forth more fully in paragraphs 47 through 69 above and incorporated herein by reference.

OTHER MATTERS

80. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License Number RPH 30157 issued to Respondent, Respondent shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacist License Number PHY 30157 is placed on probation or until Pharmacist License number PHY 30157 is reinstated if it is revoked.

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 Pharmacist License Number RPH 30157, issued to Laurence K. Golden;

2. Prohibiting Laurence K. Golden from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacist License Number RPH 30157 is placed on probation or until Pharmacist License Number RPH 30157 or is reinstated if it is revoked;

3. Ordering Laurence K. Golden 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,

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

DATED: 8/23/2021

Signature on File

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

LA2019500732
64465163.docx