

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

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

**MONTEBELLO PHARMACY INC., LEN SHLAIN,  
Pharmacy Permit No. PHY 41430**

**and**

**ALEILI BANTEGUI CENTENO,  
Pharmacist License No. RPH 48641,**

**Respondents**

**Agency Case No. 6692**

**OAH No. 2020070269**

**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 February 11, 2021.

It is so ORDERED on January 12, 2021.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Greg M. Lippe".

By

Greg Lippe  
Board President

1 XAVIER BECERRA  
Attorney General of California  
2 LINDA L. SUN  
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 Accusation Against:

Case No. 6692

13 **MONTEBELLO PHARMACY INC., LEN**  
14 **SHLAIN**

OAH No. 2020070269

15 817 W. Whittier Boulevard  
Montebello, CA 90640

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER AS TO  
PHARMACIST LICENSE NO. RPH 48641**

16 Pharmacy Permit No. PHY 41430,

17 and

18 **ALEILI BANTEGUI CENTENO**

19 817 W. Whittier Boulevard  
Montebello, CA 90640

20 Pharmacist License No. RPH 48641

21 Respondents.  
22  
23

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 prior capacity as Interim Executive Officer

1 of the Board of Pharmacy and is represented in this matter by Xavier Becerra, Attorney General  
2 of the State of California, by Kevin J. Rigley, Deputy Attorney General.

3 2. Respondent Aleili Bantegui Centeno (Respondent) is represented in this proceeding  
4 by attorney Scott Harris, whose address is: 8383 Wilshire Blvd., Suite 210, Beverley Hills, CA  
5 90211.

6 3. On or about March 20, 1996, the Board issued Pharmacist License Number RPH  
7 48641 to Respondent. The Pharmacist License, which was in full force and effect at all times  
8 relevant to the charges brought herein, expired on April 30, 2020, and has not been renewed.

### 9 **JURISDICTION**

10 4. Accusation No. 6692 was filed before the Board, and is currently pending against  
11 Respondent. The Accusation and all other statutorily required documents were properly served  
12 on Respondent on August 7, 2019. Respondent timely filed her Notice of Defense contesting the  
13 Accusation.

14 5. A copy of Accusation No. 6692 is attached as exhibit A and incorporated herein by  
15 reference.

### 16 **ADVISEMENT AND WAIVERS**

17 6. Respondent has carefully read, fully discussed with counsel, and understands the  
18 charges and allegations in Accusation No. 6692. Respondent has also carefully read, fully  
19 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary  
20 Order.

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

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

1 **CULPABILITY**

2 9. Respondent understands and agrees that the charges and allegations in Accusation  
3 No. 6692, if proven at a hearing, constitute cause for imposing discipline upon her Pharmacist  
4 License.

5 10. For the purpose of resolving the Accusation without the expense and uncertainty of  
6 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual  
7 basis for the charges in the Accusation, and that Respondent hereby gives up her right to contest  
8 those charges.

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

11 **CONTINGENCY**

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

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

24 14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
25 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
26 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
27 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
28

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.

15. 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 48641 issued to Respondent Aleili Bantegui Centeno is revoked. However, the revocation is stayed and Respondent is placed on probation for four (4) years on the following terms and conditions:

1. **Obey All Laws**

Respondent shall obey all state and federal laws and regulations.

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

an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws

a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal criminal proceeding to any criminal complaint, information or indictment

a conviction of any crime

the filing of a disciplinary pleading, issuance of a citation, or initiation of another administrative action filed by any state or federal agency which involves respondent's license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging for any drug, device or controlled substance.

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

2. **Report to the Board**

Respondent shall report to the board quarterly, on a schedule as directed by the board or its designee. The report shall be made either in person or in writing, as directed. Among other

1 requirements, Respondent shall state in each report under penalty of perjury whether there has  
2 been compliance with all the terms and conditions of probation.

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

### 8 3. Interviews with the Board

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

### 14 4. Cooperate with Board Staff

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

### 21 5. Continuing Education

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

### 24 6. Reporting of Employment and Notice to Employers

25 During the period of probation, Respondent shall notify all present and prospective  
26 employers of the decision in case number 6692 and the terms, conditions and restrictions imposed  
27 on respondent by the decision, as follows:

28 ///

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

12          Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
13          Respondent undertaking any new employment, Respondent shall cause (a) her direct supervisor,  
14          (b) his pharmacist-in-charge, designated representative-in-charge, responsible manager, or other  
15          compliance supervisor, and (c) the owner or owner representative of her employer, to report to the  
16          board in writing acknowledging that the listed individual(s) has/have read the decision in case  
17          number 6692, and terms and conditions imposed thereby. If one person serves in more than one  
18          role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the Respondent's  
19          responsibility to ensure that these acknowledgment(s) are timely submitted to the board. In the  
20          event of a change in the person(s) serving the role(s) described in (a), (b), or (c) during the term  
21          of probation, Respondent shall cause the person(s) taking over the role(s) to report to the board in  
22          writing within fifteen (15) days of the change acknowledging that he or she has read the decision  
23          in case number 6692, and the terms and conditions imposed thereby.

24          If Respondent works for or is employed by or through an employment service, Respondent  
25          must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the board  
26          of the decision in case number 6692, and the terms and conditions imposed thereby in advance of  
27          Respondent commencing work at such licensed entity. A record of this notification must be  
28          provided to the board upon request.



Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen (15) days of Respondent undertaking any new employment by or through an employment service, Respondent shall cause the person(s) described in (a), (b), and (c) above at the employment service to report to the board in writing acknowledging that he or she has read the decision in case number 6692, and the terms and conditions imposed thereby. It shall be Respondent's responsibility to ensure that these acknowledgment(s) are timely submitted to the board.

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

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

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

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

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

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

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

**9. Reimbursement of Board Costs**

As a condition precedent to successful completion of probation, Respondent shall pay to the board its costs of investigation and prosecution in the amount of \$5,000.00. Respondent shall make said payments as follows:

///

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

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

**10. Probation Monitoring Costs**

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

**11. Status of License**

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

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

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

Following the effective date of this decision, should Respondent cease practice due to retirement or health, or be otherwise unable to satisfy the terms and conditions of probation, Respondent may relinquish her license, including any indicia of licensure issued by the board, along with a request to surrender the license. The board or its designee shall have the discretion whether to accept the surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, Respondent will no longer be subject to

1 the terms and conditions of probation. This surrender constitutes a record of discipline and shall  
2 become a part of the Respondent's license history with the board.

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

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

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

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

26 It is a violation of probation for Respondent's probation to be extended pursuant to the  
27 provisions of this condition for a total period, counting consecutive and non-consecutive months,  
28

1 exceeding thirty-six (36) months. The board or its designee may post a notice of the extended  
2 probation period on its website.

3 **14. Violation of Probation**

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

10 If Respondent violates probation in any respect, the board, after giving Respondent notice  
11 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that  
12 was stayed. If a petition to revoke probation or an accusation is filed against Respondent during  
13 probation, or the preparation of an accusation or petition to revoke probation is requested from  
14 the Office of the Attorney General, the board shall have continuing jurisdiction and the period of  
15 probation shall be automatically extended until the petition to revoke probation or accusation is  
16 heard and decided, and the charges and allegations in Accusation No. 6692 shall be deemed true  
17 and correct.

18 **15. Completion of Probation**

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

21 **16. Supervised Practice**

22 Within thirty (30) days of the effective date of this decision, Respondent shall submit to the  
23 board or its designee, for prior approval, the name of a pharmacist by and not on probation with  
24 the board, to serve as respondent's practice supervisor. As part of the documentation submitted,  
25 respondent shall cause the proposed practice supervisor to report to the board in writing  
26 acknowledging that he or she has read the decision in case number 6692, and is familiar with the  
27 terms and conditions imposed thereby, including the level of supervision required by the board or  
28

1 its designee. This level will be determined by the board or its designee, will be communicated to  
2 the Respondent on or before the effective date of this decision and shall be one of the following:

3 Continuous – At least 75% of a work week

4 Substantial - At least 50% of a work week

5 Partial - At least 25% of a work week

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

7 Respondent may practice only under the required level of supervision by an approved  
8 practice supervisor. If, for any reason, including change of employment, Respondent is no longer  
9 supervised at the required level by an approved practice supervisor, within ten (10) days of this  
10 change in supervision Respondent shall submit to the board or its designee, for prior approval, the  
11 name of a pharmacist by and not on probation with the board, to serve as Respondent's  
12 replacement practice supervisor. As part of the documentation submitted, Respondent shall cause  
13 the proposed replacement practice supervisor to report to the board in writing acknowledging that  
14 he or she has read the decision in case number 6692, and is familiar with the terms and conditions  
15 imposed thereby, including the level of supervision required.

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

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

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

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

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

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

28 ///

1 During any suspension, Respondent shall not enter any pharmacy area or any portion of the  
2 licensed premises of a wholesaler, third-party logistics provider, veterinary food-animal drug  
3 retailer or any other distributor of drugs which is licensed by the board, or any manufacturer, or  
4 any area where dangerous drugs and/or dangerous devices or controlled substances are  
5 maintained. Respondent shall not practice pharmacy nor do any act involving drug selection,  
6 selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall  
7 respondent manage, administer, or be a consultant to any licensee of the board, or have access to  
8 or control the ordering, distributing, manufacturing or dispensing of dangerous drugs and/or  
9 dangerous devices or controlled substances.

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

14 **17. Remedial Education**

15 Within sixty (60) days of the effective date of this decision, Respondent shall submit to the  
16 board or its designee, for prior approval, an appropriate program of remedial education related to  
17 the grounds for discipline, in such areas which may include but is not limited to Pharmacy Law,  
18 drug supply chain, and security. The program of remedial education shall consist of at least 10  
19 hours per year of probation at Respondent's own expense (50% which is live/in-person/webinar).  
20 All remedial education shall be in addition to, and shall not be credited toward, continuing  
21 education (CE) courses used for license renewal purposes for pharmacists.

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

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

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

18. **Ethics Course**

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

19. **No Ownership or Management of Licensed Premises**

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

**ACCEPTANCE**

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Scott Harris. I understand the stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary Order

///

///

///

///

1 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the  
2 Board of Pharmacy.

3  
4 DATED: \_\_\_\_\_

\_\_\_\_\_  
ALEILI BANTEGUI CENTENO  
*Respondent*

6  
7 I have read and fully discussed with Respondent Aleili Bantegui Centeno the terms and  
8 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
9 I approve its form and content.

10  
11 DATED: \_\_\_\_\_

\_\_\_\_\_  
SCOTT HARRIS, ESQ.  
*Attorney for Respondent*

13  
14 **ENDORSEMENT**

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

17  
18 DATED: \_\_\_\_\_


Respectfully submitted,

19 XAVIER BECERRA  
20 Attorney General of California  
21 LINDA L. SUN  
Supervising Deputy Attorney General


22  
23 KEVIN J. RIGLEY  
24 Deputy Attorney General  
Attorneys for Complainant



1 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the  
2 Board of Pharmacy.

3  
4 DATED: 11/18/2020   
5 ALEILI BANTEGUI CENTENO  
6 Respondent

7 I have read and fully discussed with Respondent Aleili Bantegui Centeno the terms and  
8 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
9 I approve its form and content.

10  
11 DATED: 11/18/2020   
12 SCOTT HARRIS, ESQ.  
13 Attorney for Respondent

14 **ENDORSEMENT**

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

17  
18 DATED: November 16, 2020

Respectfully submitted,

19 XAVIER BECERRA  
20 Attorney General of California  
21 LINDA L. SUN  
22 Supervising Deputy Attorney General

23   
24 KEVIN J. RIGLEY  
25 Deputy Attorney General  
26 Attorneys for Complainant  
27  
28

**Exhibit A**

**Accusation No. 6692**

1 XAVIER BECERRA  
Attorney General of California  
2 DAVID BRICE  
Supervising Deputy Attorney General  
3 ELENA L. ALMANZO  
Deputy Attorney General  
4 State Bar No. 131058  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 210-7902  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

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

12  
13 In the Matter of the Accusation Against:

Case No. 6692

14 **MONTEBELLO PHARMACY INC.,**  
**LEN SHLAIN**  
15 **CEO AND PRESIDENT**  
16 **MIKHAIL GOLDENSHTEIN,**  
**TREASURER AND CFO**  
17 **DMITRY NABEDRIK**  
**50 PERCENT SHAREHOLDER**  
18 **ALEILI BANTEGUI CENTENO, PIC**  
**817 W. Whittier Boulevard**  
19 **Montebello, CA 90640**

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

20 **Pharmacy Permit No. PHY 41430,**

21 **and**

22 **ALEILI BANTEGUI CENTENO**  
23 **817 W. Whittier Boulevard**  
24 **Montebello, CA 90640**

25 **Pharmacist License No. RPH 48641**

26 Respondents.

27 Complainant alleges:  
28

1 **PARTIES**

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

5 **Pharmacy Permit**

6 2. On or about November 26, 1996, the Board issued Pharmacy Permit Number PHY  
7 41430 to Montebello Pharmacy Inc., with Len Shlain, as its President and CEO, Mikhail  
8 Goldenshtein as its Treasurer and CFO and Dmitry Nabedrick as a 50 percent shareholder. On or  
9 about September 14, 2018, Aleili Bantegui Centeno was the Pharmacist-in-Charge. On or about  
10 September 17, 2018, Christine N. Eskandar became the Pharmacist-in-Charge. The Pharmacy  
11 Permit was in full force and effect at all times relevant to the charges brought herein and will  
12 expire on November 1, 2019, unless renewed.

13 **Pharmacist License**

14 3. On or about March 20, 1996, the Board issued Pharmacist License Number RPH  
15 48641 to Aleili Bantegui Centeno (Respondent Centeno). The Pharmacist License was in full  
16 force and effect at all times relevant to the charges brought herein and will expire on April 30,  
17 2020, unless renewed.

18 **JURISDICTION**

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

21 5. Section 4300 of the Code states, in pertinent part:

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

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

25 (1) Suspending judgment.

26 (2) Placing him or her upon probation.

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

28 (4) Revoking his or her license.

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

3 6. Section 4300.1 of the Code states:

4 The expiration, cancellation, forfeiture, or suspension of a board-issued license by  
5 operation of law or by order or decision of the board or a court of law, the placement  
6 of a license on a retired status, or the voluntary surrender of a license by a licensee  
7 shall not deprive the board of jurisdiction to commence or proceed with any  
8 investigation of, or action or disciplinary proceeding against, the licensee or to render  
9 a decision suspending or revoking the license.

### 10 **STATUTORY PROVISIONS**

11 7. Section 4301 of the Code states, in pertinent part:

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

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

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

20 (k) The conviction of more than one misdemeanor or any felony involving the use,  
21 consumption, or self-administration of any dangerous drug or alcoholic beverage, or  
22 any combination of those substances.

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

28 8. Section 4022 of the Code states, in pertinent part:

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

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

...

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

9. Section 4076 of the Code states:

(a) A pharmacist shall not dispense any prescription except in a container that meets  
the requirements of state and federal law and is correctly labeled with all of the  
following:

(1) Except when the prescriber or the certified nurse-midwife who functions pursuant to a standardized procedure or protocol described in Section 2746.51, the nurse practitioner who functions pursuant to a standardized procedure described in Section 2836.1 or protocol, the physician assistant who functions pursuant to Section 3502.1, the naturopathic doctor who functions pursuant to a standardized procedure or protocol described in Section 3640.5, or the pharmacist who functions pursuant to a policy, procedure, or protocol pursuant to Section 4052.1 4052.2, or 4052.6 orders otherwise, either the manufacturer's trade name of the drug or the generic name and the name of the manufacturer. Commonly used abbreviations may be used. Preparations containing two or more active ingredients may be identified by the manufacturer's trade name or the commonly used name or the principal active ingredients.

(2) The directions for the use of the drug.

(3) The name of the patient or patients.

(4) The name of the prescriber or, if applicable, the name of the certified nurse-midwife who functions pursuant to a standardized procedure or protocol described in Section 2746.51, the nurse practitioner who functions pursuant to a standardized procedure described in Section 2836.1 or protocol, the physician assistant who functions pursuant to Section 3052.1, the naturopathic doctor who functions pursuant to a standardized procedure or protocol described in Section 3640.5, or the pharmacist who functions pursuant to a policy, procedure, or protocol pursuant to Section 4052.1, 4052.2, or 4052.6.

(5) The date of issue.

(6) The name and address of the pharmacy, and prescription number or other means of identifying the prescription.

(7) The strength of the drug or drugs dispensed.

(8) The quantity of the drug or drugs dispensed.

(9) The expiration date of the effectiveness of the drug dispensed.

(10) The condition or purpose for which the drug was prescribed if the condition or purpose is indicated on the prescription.

(11)(A) Commencing January 1, 2006, the physical description of the dispensed medication, including its color, shape, and any identification code that appears on the tablets or capsules, except as follows:

(i) Prescriptions dispensed by a veterinarian.

(ii) An exemption from the requirements of this paragraph shall be granted to a new drug for the first 120 days that the drug is on the market and for the 90 days during which the national reference file has no description on file.

(iii) Dispensed medications for which no physical description exists in any commercially available database.

(B) This paragraph applies to outpatient pharmacies only.

(C) The information required by this paragraph may be printed on an auxiliary label

that is affixed to the prescription container.

(D) This paragraph shall not become operative if the board, prior to January 1, 2006, adopt regulations that mandate the same labeling requirements set forth in this paragraph.

(b) If a pharmacist dispenses a prescribed drug by means of a unit dose medication system, as defined by administrative regulation, for a patient in a skilled nursing, intermediate care, or other health care facility, the requirements of this section will be satisfied if the unit dose medication system contains the aforementioned information or the information is otherwise readily available at the time of drug administration.

(c) If a pharmacist dispenses a dangerous drug or device in a facility licensed pursuant to Section 1250 of the Health and Safety Code, it is not necessary to include on individual unit dose containers for a specific patient, the name of the certified nurse-midwife who functions pursuant to a standardized procedure or protocol described in Section 2746.51, the nurse practitioner who functions pursuant to a standardized procedure described in Section 2836.1 or protocol, the physician assistant who functions pursuant to Section 3502.1, the naturopathic doctor who functions pursuant to a standardized procedure or protocol described in Section 3640.5, or the pharmacist who functions pursuant to a policy, procedure, or protocol pursuant to Section 4052.1, 4052.2, or 4052.6.

(d) If a pharmacist dispenses a prescription drug for use in a facility licensed pursuant to Section 1250 of the Health and Safety Code, it is not necessary to include the information required in paragraph (11) of subdivision (a) when the prescription drug is administered to a patient by a person licensed under the Medical Practice Act (Chapter 5 (commencing with Section 2000)), the Nursing Practice Act (Chapter 6 (commencing with Section 2700)), or the Vocational Nursing Practice Act (Chapter 6.5 (commencing with Section 2840)), who is acting within his or her scope of practice.

(e) A pharmacist shall use professional judgement to provide a patient with directions for use that enhance the patients understanding of those directions, consistent with the prescribers instruction

10. Section 4081 of the Code states, in pertinent part:

(a) All records of manufacture and of sale, acquisition, or disposition of dangerous drugs or dangerous devices shall be at all times during business hours open to inspection by authorized officers of the law, and shall be preserved for at least three years from the date of making. A current inventory shall be kept by every manufacturer, wholesaler, pharmacy,...who maintains a stock of dangerous drugs or dangerous devices.

(b) The owner, officer, and partner of any pharmacy...shall be jointly responsible, with the pharmacist-in-charge or representative-in-charge, for maintaining the records and inventory described in this section.

11. Section 4113 states, in pertinent part:

(a) Every pharmacy shall designate a pharmacist-in-charge and within 30 days thereof, shall notify the board in writing of the identity and license number of that pharmacists and the date he or she was designated.

...

(c) The 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 4342 states:

(a) The board may institute any action or actions as may be provided by law and that, in its discretion, are necessary, to prevent the sale of pharmaceutical preparations and drugs that do not conform to the standard and tests as to quality and strength, provided in the latest edition of the United States Pharmacopoeia or the National Formulary, or that violate any provision of the Sherman Food, Drug, and Cosmetic Law (Part 5 (commencing with Section 109875) of Division 104 of the Health and Safety Code).

(b) Any knowing or willful violation of any regulation adopted pursuant to Section 4006 shall be subject to punishment in the same manner as is provided in Section 4321 and 4336.

13. Section 4169 states in pertinent part:

(a) A person or entity shall not do any of the following:

(3) Purchase, trade, sell, or transfer dangerous drugs that the person knew or reasonably should have known were misbranded, as defined in Section 111335 of the Health and Safety Code.

14. Section 111335 of the Health and Safety Code states:

Any drug or device is misbranded if its labeling or packaging does not conform to the requirements of Chapter 4 (commencing with Section 110290).

### **REGULATORY PROVISIONS**

15. California Code of Regulations Section 1718 provides:

"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

16. California Code of Regulations Section 1776 provides:

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



1 registered with the DEA as collectors and licensed in good standing with the board  
2 may host a pharmaceutical take-back receptacle as authorized under this article.

3 17. California Code of Regulations Section 1793.7 (c) provides:

4 (c) A pharmacy technician must wear identification clearly identifying him or her as a  
5 pharmacy technician.

### 6 **DRUGS**

7 18. “Abilify” is a brand name for Aripiprazole and is a dangerous drug within the  
8 meaning of Business and Professions Code section 4022.

9 19. “Latuda” is a brand name for Lurasidone and is a dangerous drug within the meaning  
10 of Business and Professions Code section 4022.

11 20. “Risperdal” is a brand name for Risperidone and is a dangerous drug within the  
12 meaning of Business and Professions Code section 4022.

13 21. “Zyprexa” is a brand name for Olanzapine and is a dangerous drug within the  
14 meaning of Business and Professions Code section 4022.

15 22. “Pepcid” is a brand name for Famotidine and is a dangerous drug within the meaning  
16 of Business and Professions Code section 4022.

17 23. “Vistaril” is a brand name for Hydroxyzine and is a dangerous drug within the  
18 meaning of Business and Professions Code section 4022.

19 24. “Zestril” is a brand name for Lisinopril and is a dangerous drug within the meaning of  
20 Business and Professions Code section 4022.

21 25. “TriCor” is a brand name for Fenofibrate and is a dangerous drug within the meaning  
22 of Business and Professions Code section 4022.

### 23 **COST RECOVERY**

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

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

### 3 **BACKGROUND**

4 27. On or about January 9, 2018, Board Inspector K. conducted a routine on-site  
5 inspection at Montebello Pharmacy located at 817 W. Whittier Boulevard, Montebello,  
6 California. The inspection was conducted in conjunction with the Department of Health Care  
7 Services Investigation Unit. Montebello Pharmacy services approximately 30-35 board care  
8 facilities with about 300 to 350 total beds. The pharmacy is not open to the public. The staff at  
9 Montebello Pharmacy uses stock bottles to fill bubble cards with the patient prescriptions.

10 During the inspection, Inspector K. and Y. discovered stock bottles which were overfilled  
11 and unlabeled amber vials. The staff at Montebello pharmacy reported that when a patient's  
12 prescription orders were changed or discontinued they were returned to the pharmacy. The full  
13 bubble cards were punched out and placed back into the manufacturer's stock bottle, and the  
14 partial bubble cards that were returned were punched out and placed in a bag for destruction.  
15 Following the inspection, Inspector K. performed an audit of the following four drugs: Abilify 15  
16 mg, Abilify 30 mg, Latuda 80 mg, and Olanzapine ODT 10 mg.

### 17 **RESPONDENT MONTEBELLO PHARMACY**

#### 18 **FIRST CAUSE FOR DISCIPLINE** 19 **(Records Maintenance)**

20 28. Respondent Montebello Pharmacy is subject to disciplinary action under Code section  
21 4081 (a) and (b), in conjunction with title 16, California Code of Regulations, section 1718, by  
22 and through 4301 (o), for failure to maintain accurate records of acquisition and disposition for  
23 the period of January 1, 2017 to January 9, 2018. The circumstances are as follows:

24 29. Inspector K. performed an audit of acquisition and disposition for the period of  
25 January 1, 2017 to January 9, 2018, and discovered that there was an inventory overage for  
26 Abilify 15 mg and Abilify 30 mg. The audit also uncovered a shortage of Latuda 80 mg and  
27 Olanzapine ODT 10 mg.

**SECOND CAUSE FOR DISCIPLINE  
(Misbranded drugs)**

30. Respondent Montebello Pharmacy is subject to disciplinary action under Code section 4342 in conjunction with Code section 4169(a)(3) , by and through 4301 (o), for misbranded drugs in that they maintained drugs in the pharmacy stock which were misbranded. The circumstances are as follows:

31. On or about January 9, 2018, Inspector K. and Y. discovered six amber vials in the stock shelf which contained prescription medications and which were not labelled with an expiration date.

32. The pharmacy staff punched out returned bubble cards for re-dispensing resulting in misbranded drugs. The following medication stock bottles were overfilled and therefore did not properly identify the prescription medication expiration dates:

Drug	Manufacturer's bottle count	Actual count in stock bottle
Olanzapine 2.5 mg	30	180
Olanzapine 5 mg	30	55
Olanzapine 10 mg	30	232
Olanzapine 15 mg	30	131
Olanzapine 20 mg	30	283
Risperidone	500	524

**THIRD CAUSE FOR DISCIPLINE  
(Improper Labelling-Expiration Date)**

33. Respondent Montebello Pharmacy is subject to disciplinary action under section 4076 (a) , by and through Code section 4301 (o), of the Code in that during the inspection on January 9, 2018, Inspector Y. found bubble cards labelled with expiration dates beyond the actual expiration dose of the medication. The following bubble cards were found with improperly labeled expiration dates:

RX Number	Drug name	Date filled	Exp. Date on the label	Stock bottle Exp. Date
328518	Hydroxyzine 25 mg	01/08/2018	Jan 2019	05/2018
329267	Olanzapine 20 mg	01/08/2018	Jan 2019	12/2018
328509	Famotidine 20 mg	01/08/2018	Jan 2019	04/2018
328506	Lisinopril 10 mg	01/08/2018	Jan 2019	05/2018
329190	Fenofibrate 54 mg	01/04/2018	Jan 2019	10/2018

**FOURTH CAUSE FOR DISCIPLINE**  
**(Failure to Meet Take Back Services Regulations)**

34. Respondent Montebello Pharmacy is subject to disciplinary action pursuant to title 16, California Code of Regulations, section 1776, , by and through Code section 4301 (o), in that Montebello Pharmacy accepted returned dispensed prescription bubble cards from the board and care facilities they serviced without meeting the requirements for take back services. Specifically Respondent Montebello was not registered with the DEA and did not have an appropriate receptacle for the returned medications.

**FIFTH CAUSE FOR DISCIPLINE**  
**(Name Tag Missing on the Pharmacy Technician)**

35. Respondent Montebello Pharmacy is subject to disciplinary action pursuant to section 1793.7, subdivision (c) of the California Code of Regulations, , by and through Code section 4301 (o), in that during the inspection on January 2018, the Board Inspector found a technician working at the pharmacy who did not have a name tag identifying herself as a pharmacy technician in violation of section 1793.7, subdivision (c) of the California Code of Regulations.

**RESPONDENT CENTENO**

**SIXTH CAUSE FOR DISCIPLINE**  
**(Records Maintenance)**

36. Under Code section 4113, the pharmacist-in-charge is responsible for a pharmacy's compliance with all state and federal laws and regulations pertaining to the practice of pharmacy. Respondent Centeno, the Pharmacist-in-Charge of Respondent Montebello Pharmacy, is subject to disciplinary action under Code section 4081 (a) and (b), in conjunction with title 16 , California Code of Regulations, section 1718, , by and through Code section 4301 (o), for the failure to maintain accurate records of acquisition and disposition for the period of January 1, 2017 to January 9, 2018, as set forth more specifically above in paragraphs 25 and 26, and incorporated herein by reference.

**SEVENTH CAUSE FOR DISCIPLINE  
(Misbranded drugs)**

37. Respondent Centeno is subject to disciplinary action under Code section 4342 in conjunction with Code section 4169(a)(3) , by and through Code section 4301 (o), for misbranded drugs in that they maintained drugs in the pharmacy stock which were misbranded, as set forth in paragraphs 28 and 29 above, and which is incorporated herein by reference.

**EIGHTH CAUSE FOR DISCIPLINE  
(Improper Labelling-Expiration Date)**

38. Respondent Centeno is subject to disciplinary action under section 4076 (a) , by and through 4301 (o), of the Code in that during the inspection on January 9, 2018, Inspector Y. found bubble cards labelled with expiration dates beyond the actual expiration dose of the medication, as set forth in paragraph 30 above, and which is incorporated herein by reference.

**NINTH CAUSE FOR DISCIPLINE  
(Failure to Meet Take Back Services Regulations)**

39. Respondent Centeno is subject to disciplinary action pursuant to title 16, California Code of Regulations, section 1776, , by and through code section 4301 (o), in that during the time Respondent Centeno was the Pharmacist in Charge, Montebello Pharmacy accepted returned dispensed prescription bubble cards from the board and care facilities they serviced without meeting the requirements for take back services. Specifically Respondent Montebello Pharmacy was not registered with the DEA and did not have an appropriate receptacle for the returned medications.

**TENTH CAUSE FOR DISCIPLINE  
(Name Tag Missing on the Pharmacy Technician)**

40. Respondent Centeno is subject to disciplinary action pursuant to section 1793.7, subdivision (c) of the California Code of Regulations, by and through Code section 4301 (o), in that when Centeno was the Pharmacist in Charge and during the inspection on January 2018, the

1 Board Inspector found a technician working at the pharmacy who did not have a name tag  
2 identifying herself as a pharmacy technician in violation of section 1793.7, subdivision (c) of the  
3 California Code of Regulations.

4 **PRAYER**

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

- 7 1. Revoking or suspending Pharmacy Permit Number PHY 41430, issued to Montebello  
8 Pharmacy Inc., Len Shlain, Mikhail Goldenshtein, and Dmitry Nabedrick;  
9 2. Revoking or suspending Pharmacist License Number RPH 48641, issued to Aleili  
10 Bantegui Centeno;  
11 3. Ordering Montebello Pharmacy and Aleili Bantegui Centeno to pay the Board of  
12 Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to  
13 Business and Professions Code section 125.3; and,  
14 4. Taking such other and further action as deemed necessary and proper.  
15

16  
17  
18 DATED: August 1, 2019



19 ANNE SODERGREN  
20 Interim Executive Officer  
21 Board of Pharmacy  
22 Department of Consumer Affairs  
23 State of California  
24 Complainant

25 LA2019500999  
26 13912325.docx  
27  
28