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

In the Matter of the Accusation Against:

SHRI SAI R & R CORP dba VILLAGE ROAD PHARMACY,
DHANSUKHLAL B. DESAI, PIC AND PRESIDENT,
Pharmacy Permit No. PHY 36027,

and

DHANSUKHLAL B. DESAI,
Pharmacist License No. RPH 32783

Respondents.

Agency Case No. 6697

OAH No. 2020090405

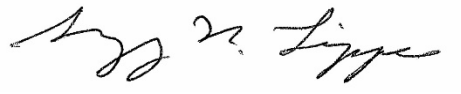
DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order for Public Reproval is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on June 9, 2021.

It is so ORDERED on May 10, 2021.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Greg Lippe
Board President

XAVIER BECERRA
Attorney General of California
SHAWN P. COOK
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Attorneys for Complainant

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

In the Matter of the Accusation Against**:** **SHRI SAI R & R CORP DBA VILLAGE ROAD PHARMACY, DHANSUKHLAL B. DESAI, PIC AND PRESIDENT** 5412 Village Road Long Beach, CA 90808 Pharmacy Permit No. PHY 36027, **and** **DHANSUKHLAL B. DESAI** 5412 Village Road Long Beach, CA 90808 Pharmacist License No. RPH 32783 Respondents.	Case No. 6697 OAH No. 2020090405 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER FOR PUBLIC REPROVAL AS TO PHARMACY PERMIT NO. 36027** **[Bus. & Prof. Code § 495]**

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

PARTIES

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

Xavier Becerra, Attorney General of the State of California, by Kevin J. Rigley, Deputy Attorney General.

2. Respondent Shri Sai R & R Corp dba Village Road Pharmacy, Dhansukhlal B. Desai, PIC and President (Respondent) is represented in this proceeding by attorney Adam B. Brown, whose address is: 3848 W. Carson Street, Suite 206, Torrance, CA 90503.

JURISDICTION

3. On or about December 22, 1989, the Board issued Pharmacy Permit No. PHY 36027 to Respondent. The Pharmacy Permit was in full force and effect at all times relevant to the charges brought in Accusation No. 6697 and will expire on December 1, 2021, unless renewed.

4. Accusation No. 6697 was filed before the Board and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on May 7, 2020. Respondent timely filed its Notice of Defense contesting the Accusation. A copy of Accusation No. 6697 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 6697. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order for Public Reproval.

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

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

CULPABILITY

8. Respondent understands and agrees that the charges and allegations in Accusation No. 6697, if proven at a hearing, constitute cause for imposing discipline upon its Pharmacy Permit

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

10. Respondent agrees that its Pharmacy Permit is subject to discipline and it agrees to be bound by the Disciplinary Order below.

CONTINGENCY

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

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

13. This Stipulated Settlement and Disciplinary Order for Public Reproval 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 for Public Reproval may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

14. 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 Pharmacy Permit No. PHY 36027 issued to Respondent Shri Sai R & R Corp dba Village Road Pharmacy, Dhansukhlal B. Desai, PIC and President (Respondent) shall be publicly reproved by the Board of Pharmacy under Business and Professions Code section 495 in resolution of Accusation No. 6697, attached as exhibit A.

Cost Recovery. No later than two years from the effective date of the Decision, Respondent shall be jointly and severally responsible to pay $15,000.88 to the Board for its costs associated with the investigation and enforcement of this matter pursuant to Business and Professions Code Section 125.3. If Respondent fails to pay the Board costs as ordered, Respondent shall not be allowed to renew its Pharmacy Permit until Respondent pays costs in full. In addition, the Board may enforce this order for payment of its costs in any appropriate court, in addition to any other rights the Board may have.

Full Compliance. As a resolution of the charges in Accusation No. 6697, this stipulated settlement is contingent upon Respondent's full compliance with all conditions of this Order. If Respondent fails to satisfy any of these conditions, such failure to comply constitutes cause for discipline, including outright revocation, of Respondent's Pharmacy Permit No. PHY 36027.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order for Public Reproval and have fully discussed it with my attorney, Adam B. Brown. I understand the stipulation and the effect it will have on my Pharmacy Permit. I enter into this Stipulated

Settlement and Disciplinary Order for Public Reproval voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: March 13, 2021

SHRI SAI R & R CORP DBA VILLAGE ROAD PHARMACY, DHANSUKHLAL B. DESAI, PIC AND PRESIDENT
Respondent

I have read and fully discussed with Respondent Shri Sai R & R Corp dba Village Road Pharmacy, Dhansukhlal B. Desai, PIC and President the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order for Public Reproval. I approve its form and content.

DATED: 3-14-21

ADAM B. BROWN
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order for Public Reproval is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: March 13, 2021

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
SHAWN P. COOK
Supervising Deputy Attorney General

KEVIN J. RIGLEY
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 6697

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

In the Matter of the Accusation Against**:** **SHRI SAI R & R CORP DBA VILLAGE ROAD PHARMACY, DHANSUKHLAL B. DESAI, PRESIDENT** 5412 Village Road Long Beach, CA 90808 Pharmacy Permit No. PHY 36027, **and** **DHANSUKHLAL B. DESAI** 5412 Village Road Long Beach, CA 90808 Pharmacist License No. RPH 32783 Respondents.	Case No. 6697 **ACCUSATION**

PARTIES

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

2. On or about December 22, 1989, the Board of Pharmacy issued Pharmacy Permit Number PHY 36027 to Shri Sai R & R Corp dba Village Road Pharmacy, Dhansukhlal B. Desai, PIC and President (Respondent Village Road Pharmacy). The Pharmacy Permit was in full force

and effect at all times relevant to the charges brought herein and will expire on December 1, 2020, unless renewed.

3. On or about March 6, 1979, the Board of Pharmacy issued Pharmacist License Number RPH 32783 to Dhansukhlal B. Desai (Respondent Desai). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2021, unless renewed.

JURISDICTION AND STATUTORY PROVISIONS

4. This Accusation is brought before the Board of Pharmacy (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

5. Section 118, subdivision (b), of the Code provides that the suspension/expiration/ surrender/cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

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.
>
> (c) The board may refuse a license to any applicant guilty of unprofessional conduct. The board may, in its sole discretion, issue a probationary license to any applicant for a license who is guilty of unprofessional conduct and who has met all other requirements for licensure. The board may issue the license subject to any terms or conditions not contrary to public policy, including, but not limited to, the following:

(1) Medical or psychiatric evaluation.

(2) Continuing medical or psychiatric treatment.

(3) Restriction of type or circumstances of practice.

(4) Continuing participation in a board-approved rehabilitation program.

(5) Abstention from the use of alcohol or drugs.

(6) Random fluid testing for alcohol or drugs.

(7) Compliance with laws and regulations governing the practice of pharmacy.

(d) The board may initiate disciplinary proceedings to revoke or suspend any probationary certificate of licensure for any violation of the terms and conditions of probation. Upon satisfactory completion of probation, the board shall convert the probationary certificate to a regular certificate, free of conditions.

(e) The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board shall have all the powers granted therein. The action shall be final, except that the propriety of the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

7. Section 4300.1 of the Code states:

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

8. Section 4307 of the Code states:

(a) Any person who has been denied a license or whose license has been revoked or is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control of any partnership, corporation, trust, firm, or association whose application for a license has been denied or revoked, is under suspension or has been placed on probation, and while acting as the manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control had knowledge of or knowingly participated in any conduct for which the license was denied, revoked, suspended, or placed on probation, shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, partner, or in any other position with management or control of a licensee as follows:

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

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

(b) "Manager, administrator, owner, member, officer, director, associate, or partner," as used in this section and Section 4308, may refer to a pharmacist or to any other person who serves in that capacity in or for a licensee.

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

STATUTORY AUTHORITY

9. Section 4301 of the Code states:

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:

(a) Procurement of a license by fraud or misrepresentation.

(b) Incompetence.

(c) Gross negligence.

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

(e) The clearly excessive furnishing of controlled substances in violation of subdivision (a) of Section 11153.5 of the Health and Safety Code. Factors to be considered in determining whether the furnishing of controlled substances is clearly excessive shall include, but not be limited to, the amount of controlled substances furnished, the previous ordering pattern of the customer (including size and frequency of orders), the type and size of the customer, and where and to whom the customer distributes its product.

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

(g) Knowingly making or signing any certificate or other document that falsely represents the existence or nonexistence of a state of facts.

(h) The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, to a person holding a license under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by the license.

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(i) Except as otherwise authorized by law, knowingly selling, furnishing, giving away, or administering, or offering to sell, furnish, give away, or administer, any controlled substance to an addict.

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

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

(*l*) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision. The board may take action when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

(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.

(n) The revocation, suspension, or other discipline by another state of a license to practice pharmacy, operate a pharmacy, or do any other act for which a license is required by this chapter that would be grounds for revocation, suspension, or other discipline under this chapter. Any disciplinary action taken by the board pursuant to this section shall be coterminous with action taken by another state, except that the term of any discipline taken by the board may exceed that of another state, consistent with the board's enforcement guidelines. The evidence of discipline by another state is conclusive proof of unprofessional conduct.

(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.

(p) Actions or conduct that would have warranted denial of a license.

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

(r) The selling, trading, transferring, or furnishing of drugs obtained pursuant to Section 256b of Title 42 of the United States Code to any person a licensee knows or reasonably should have known, not to be a patient of a covered entity, as defined in paragraph (4) of subsection (a) of Section 256b of Title 42 of the United States Code.

(s) The clearly excessive furnishing of dangerous drugs by a wholesaler to a pharmacy that primarily or solely dispenses prescription drugs to patients of long-term care facilities. Factors to be considered in determining whether the furnishing of dangerous drugs is clearly excessive shall include, but not be limited to, the amount of dangerous drugs furnished to a pharmacy that primarily or solely dispenses prescription drugs to patients of long-term care facilities, the previous ordering pattern of the pharmacy, and the general patient population to whom the pharmacy distributes the dangerous drugs. That a wholesaler has established, and employs, a tracking system that complies with the requirements of subdivision (b) of Section 4164 shall be considered in determining whether there has been a violation of this subdivision. This provision shall not be interpreted to require a wholesaler to obtain personal medical information or be authorized to permit a wholesaler to have access to personal medical information except as otherwise authorized by Section 56 and following of the Civil Code. For purposes of this section, long-term care facility shall have the same meaning given the term in Section 1418 of the Health and Safety Code.

10. Section 4306.5 of the Code states:

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

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

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

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

(d) Acts or omissions that involve, in whole or in part, the failure to fully maintain and retain appropriate patient-specific information pertaining to the performance of any pharmacy function.

11. Section 4022 of the Code states

“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 device that bears the statement: "Caution: federal law restricts this device to sale by or on the order of a ____," "Rx only," or words of similar import, the blank to be filled in with the designation of the practitioner licensed to use or order use of the device.

(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.

12. Section 4059 of the Code states:

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

(b) This section does not apply to the furnishing of any dangerous drug or dangerous device by a manufacturer, wholesaler, or pharmacy to each other or to a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7, or to a laboratory under sales and purchase records that correctly give the date, the names and addresses of the supplier and the buyer, the drug or device, and its quantity. This section does not apply to the furnishing of any dangerous device by a manufacturer, wholesaler, or pharmacy to a physical therapist acting within the scope of his or her license under sales and purchase records that correctly provide the date the device is provided, the names and addresses of the supplier and the buyer, a description of the device, and the quantity supplied.

(c) A pharmacist, or a person exempted pursuant to Section 4054, may distribute dangerous drugs and dangerous devices directly to dialysis patients pursuant to regulations adopted by the board. The board shall adopt any regulations as are necessary to ensure the safe distribution of these drugs and devices to dialysis patients without interruption thereof. A person who violates a regulation adopted pursuant to this subdivision shall be liable upon order of the board to surrender his or her personal license. These penalties shall be in addition to penalties that may be imposed pursuant to Section 4301. If the board finds any dialysis drugs or devices distributed pursuant to this subdivision to be ineffective or unsafe for the intended use, the board may institute immediate recall of any or all of the drugs or devices distributed to individual patients.

13. Section 4081 of the Code states:

(a) All records of manufacture and of sale, acquisition, receipt, shipment, 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, third-party logistics provider, pharmacy, veterinary food-animal drug retailer, outsourcing facility, physician, dentist, 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.

(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.

. . . .

14. Section 4105 of the Code states:

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

. . . .

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

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

. . .

(f) When requested by an authorized officer of the law or by an authorized representative of the board, the owner, corporate officer, or manager of an entity licensed by the board shall provide the board with the requested records within three business days of the time the request was made. The entity may request in writing an extension of this timeframe for a period not to exceed 14 calendar days from the date the records were requested. A request for an extension of time is subject to the approval of the board. An extension shall be deemed approved if the board fails to deny the extension request within two business days of the time the extension request was made directly to the board.

15. Section 4169 of the Code states:

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

. . .

(5) Fail to maintain records of the acquisition or disposition of dangerous drugs or dangerous devices for at least three years.

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16. Section 4332 of the Code states:

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

17. Section 4333 of the Code states:

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

. . .

18. Health and Safety Code section 11153 states in pertinent part:

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

(b) Any person who knowingly violates this section shall be punished by imprisonment in the state prison or in the county jail not exceeding one year, or by a fine not exceeding twenty thousand dollars ($20,000), or by both a fine and imprisonment.

(c) No provision of the amendments to this section enacted during the second year of the 1981-82 Regular Session shall be construed as expanding the scope of practice of a pharmacist.

19. Section 11162.1 of the Health and Safety Code states, in pertinent part:

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

. . . .

"(2) A watermark shall be printed on the backside of the prescription blank; the watermark shall consist of the words "California Security Prescription."

. . . .

"(7) (A) Six quantity check off boxes shall be printed on the form so that the prescriber may indicate the quantity by checking the applicable box where the following quantities shall appear:

1–24

25–49

50–74

75–100

101–150

151 and over.

"(B) In conjunction with the quantity boxes, a space shall be provided to designate the units referenced in the quantity boxes when the drug is not in tablet or capsule form.

. . . .

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

. . . .

"(13) An identifying number assigned to the approved security printer by the Department of Justice.

. . . .

"(b) Each batch of controlled substance prescription forms shall have the lot number printed on the form and each form within that batch shall be numbered sequentially beginning with the numeral one."

20. Section 11164 of the Health and Safety Code states:

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

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

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

(b) (1) Notwithstanding paragraph (1) of subdivision (a) of Section 11162.1, any controlled substance classified in Schedule III, IV, or V may be dispensed upon an oral or electronically transmitted prescription, which shall be produced in hard copy form and signed and dated by the pharmacist filling the prescription or by any other person expressly authorized by provisions of the Business and Professions Code. Any person who transmits, maintains, or receives any electronically transmitted prescription shall ensure the security, integrity, authority, and confidentiality of the prescription.

(2) The date of issue of the prescription and all the information required for a written prescription by subdivision (a) shall be included in the written record of the prescription; the pharmacist need not include the address, telephone number, license classification, or federal registry number of the prescriber or the address of the patient on the hard copy, if that information is readily retrievable in the pharmacy.

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(3) Pursuant to an authorization of the prescriber, any agent of the prescriber on behalf of the prescriber may orally or electronically transmit a prescription for a controlled substance classified in Schedule III, IV, or V, if in these cases the written record of the prescription required by this subdivision specifies the name of the agent of the prescriber transmitting the prescription.

(c) The use of commonly used abbreviations shall not invalidate an otherwise valid prescription.

(d) Notwithstanding subdivisions (a) and (b), prescriptions for a controlled substance classified in Schedule V may be for more than one person in the same family with the same medical need.

(e) (1) Notwithstanding any other law, a prescription written on a prescription form that was otherwise valid prior to January 1, 2019, but that does not comply with paragraph (15) of subdivision (a) of Section 11162.1, or a valid controlled substance prescription form approved by the Department of Justice as of January 1, 2019, is a valid prescription that may be filled, compounded, or dispensed until January 1, 2021.

(2) If the Department of Justice determines that there is an inadequate availability of compliant prescription forms to meet demand on or before the date described in paragraph (1), the department may extend the period during which prescriptions written on noncompliant prescription forms remain valid for a period no longer than an additional six months.

21. Section 11165 of the Health and Safety Code states, in pertinent part:

. . . .

"(d) For each prescription for a Schedule II, Schedule III, or Schedule IV controlled substance, as defined in the controlled substances schedules in federal law and regulations, specifically Sections 1308.12, 1308.13, and 1308.14, and respectively, of Title 21 of the Code of Federal Regulations, the dispensing pharmacy, clinic, or other dispenser shall report the following information to the Department of Justice as soon as reasonably

possible, but not more than seven days after the date a controlled substance is dispensed, in a format specified by the Department of Justice:

"(1) Full name, address, and, if available, telephone number of the ultimate user or research subject, or contact information as determined by the Secretary of the United States Department of Health and Human Services, and the gender, and date of birth of the ultimate user.

"(2) The prescriber's category of licensure, license number, national provider identifier (NPI) number, the federal controlled substance registration number, and the state medical license number of any prescriber using the federal controlled substance registration number of a government-exempt facility, if provided.

"(3) Pharmacy prescription number, license number, NPI number, and federal controlled substance registration number.

"(4) National Drug Code (NDC) number of the controlled substance dispensed.

"(5) Quantity of the controlled substance dispensed.

"(6) International Statistical Classification of Diseases, 9th revision (ICD-9) or 10th revision (ICD-10) Code, if available.

"(7) Number of refills ordered.

"(8) Whether the drug was dispensed as a refill of a prescription or as a first-time request.

"(9) Date of origin of the prescription.

"(10) Date of dispensing of the prescription.

"(11) The serial number for the corresponding prescription form, if applicable."

22. Section 11165.2 of the Health and Safety Code states:

(a) The Department of Justice may conduct audits of the CURES Prescription Drug Monitoring Program system and its users.

(b) The Department of Justice may establish, by regulation, a system for the issuance to a CURES Prescription Drug Monitoring Program subscriber of a citation which may contain an order of abatement, or an order to pay an administrative fine assessed by the Department of Justice if the subscriber is in violation of any provision of this chapter or any regulation adopted by the Department of Justice pursuant to this chapter.

(c) The system shall contain the following provisions:

(1) Citations shall be in writing and shall describe with particularity the nature of the violation, including specific reference to the provision of law or regulation of the department determined to have been violated.

(2) Whenever appropriate, the citation shall contain an order of abatement establishing a reasonable time for abatement of the violation.

(3) In no event shall the administrative fine assessed by the department exceed two thousand five hundred dollars ($2,500) for each violation. In assessing a fine, due consideration shall be given to the appropriateness of the amount of the fine with respect to such factors as the gravity of the violation, the good faith of the subscribers, and the history of previous violations.

(4) An order of abatement or a fine assessment issued pursuant to a citation shall inform the subscriber that if the subscriber desires a hearing to contest the finding of a violation, a hearing shall be requested by written notice to the CURES Prescription Drug Monitoring Program within 30 days of the date of issuance of the citation or assessment. Hearings shall be held pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(5) In addition to requesting a hearing, the subscriber may, within 10 days after service of the citation, request in writing an opportunity for an informal conference with department regarding the citation. At the conclusion of the informal conference, the department may affirm, modify, or dismiss the citation, including any fine levied or order of abatement issued. The decision shall be deemed to be a final order with regard to the citation issued, including the fine levied or order of abatement issued. The decision shall be deemed to be a final order with regard to the citation issued, including the fine levied or the order of abatement which could include permanent suspension to the system, a monetary fine, or both, depending on the gravity of the violation. However, the subscriber does not waive its right to request a hearing to contest a citation by requesting an informal conference. If the citation is affirmed, a formal hearing may be requested within 30 days of the date the citation was affirmed. If the citation is dismissed after the informal conference, the request for a hearing on the matter of the citation shall be deemed to be withdrawn. If the citation, including any fine levied or order of abatement, is modified, the citation originally issued shall be considered withdrawn and a new citation issued. If a hearing is requested for a subsequent citation, it shall be considered withdrawn and a new citation issued. If a hearing is requested for a subsequent citation, it shall be requested within 30 days of service of that subsequent citation.

(6) Failure of a subscriber to pay a fine within 30 days of the date of assessment or comply with an order of abatement within the fixed time, unless the citation is being appealed, may result in disciplinary action taken by the department. If a citation is not contested and a fine is not paid, the subscriber account will be terminated:

(A) A citation may be issued without the assessment of an administrative fine.

(B) Assessment of administrative fines may be limited to only particular violations of law or department regulations.

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(d) Notwithstanding any other provision of law, if a fine is paid to satisfy an assessment based on the finding of a violation, payment of the fine shall be represented as a satisfactory resolution of the matter for purposed of public disclosure.

(e) Administrative fines collected pursuant to this section shall be deposited in the CURES Program Special Fund, available upon appropriation by the Legislature. These special funds shall provide support for costs associated with informal and formal hearings, maintenance, and updates to the CURES Prescription Drug Monitoring Program.

(f) The sanctions authorized under this section shall be separate from, and in addition to, any other administrative, civil, or criminal remedies; however, a criminal action may not be initiated for a specific offense if a citation has been issued pursuant to this section for that offense, and a citation may not be issued pursuant to this section for a specific offense if a criminal action for that offense has been filed.

(g) Nothing in this section shall be deemed to prevent the department from serving and prosecuting an accusation to suspend or revoke a subscriber if grounds for that suspension or revocation exist.

23. Section 11165.6 of the Health and Safety Code states:

A prescriber shall be allowed to access the CURES database for a list of patients for whom that prescriber is listed as a prescriber in the CURES database.

REGULATORY PROVISIONS

24. California Code of Regulations, title 16, section 1716, states:

Pharmacists shall not deviate from the requirements of a prescription except upon the prior consent of the prescriber or to select the drug product in accordance with Section 4073 of the Business and Professions Code.

Nothing in this regulation is intended to prohibit a pharmacist from exercising commonly-accepted pharmaceutical practice in the compounding or dispensing of a prescription.

25. California Code of Regulations, title 16, 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.

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COST RECOVERY

26. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to 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, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

DRUG CLASSIFICATIONS

27. Adderall, sold under the generic name Dextroamphetamine/Amphetamine salts, is a Schedule II controlled substance pursuant to Health and Safety Code section 11055, subdivision (d)(1), and a dangerous drug pursuant to Business and Professions Code section 4022.

28. Norco, sold under the generic name hydrocodone/acetaminophen, is a Schedule III controlled substance pursuant to Health and Safety Code section 11056, subdivision (e)(4), a Schedule II controlled substance pursuant to Title 21, Code of Federal Regulations, section 1308.12, subdivision (b)(1)(vi), and a dangerous drug pursuant to Business and Professions Code section 4022.

29. Roxicodone, sold under the generic name Oxycodone, is a Schedule II controlled substance pursuant to Health and Safety Code section 11055, subdivision (b)(1)(M) and a dangerous drug pursuant to Business and Professions Code section 4022.

30. Phenergan with Codeine Syrup, sold under the generic name Promethazine with Codeine Syrup, is a Schedule V controlled substance pursuant to Health and Safety Code section 11058, subdivision (c)(1), and a dangerous drug pursuant to Business and Professions Code section 4022.

31. Soma, sold under the generic name Carisoprodol, is a Schedule IV controlled substance pursuant to Title 21, Code of Federal Regulations, section 1308.14, subdivision (c)(6), and a dangerous drug pursuant to Business and Professions Code section 4022.

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32. Xanax, sold under the generic name Alprazolam, is a Schedule IV controlled substance under Health and Safety Code section 11057, subdivision (d)(1), and a dangerous drug under Business and Professions Code Section 4022.

BOARD INVESTIGATION REPORT DATED FEBRUARY 14, 2019

33. The Controlled Substance Utilization Review and Evaluation System (CURES) is California's Prescription Drug Monitoring Program (PDMP). Pharmacies in California are required to report all filled prescriptions for Schedule II-IV controlled substances (CII-IV) to the database every week. The data is collected statewide and can be used by healthcare professionals to evaluate and determine whether their patients are utilizing controlled substances correctly, or if a patient has used multiple prescribers and multiple pharmacies to fill controlled substance prescriptions.

34. The following factors are some that have been determined to constitute red flags that should give a pharmacy and pharmacist the inkling of a potential problem with prescriptions for drugs of common abuse and invoke in them a duty of inquiry:

- Irregularities on the face of the prescription itself
- Nervous patient demeanor
- Age or presentation of patient (e.g. youthful patients seeking chronic pain medications)
- Multiple patients at the same address
- Cash payments
- Requests for early refills of prescriptions
- Prescriptions written for an unusually large quantity of drugs
- Prescriptions written for potentially duplicative drugs
- The same combinations of drugs prescribed for multiple patients
- Initial prescriptions written for strong opiates (e.g. OxyContin 80mg)
- Long distances traveled from the patient's home, to the prescriber's office or pharmacy

- Irregularities in the prescriber's qualifications in relation to the medication(s) prescribed
- Prescriptions that are written outside of the prescriber's medical specialty
- Prescriptions for medications with no logical connection to diagnosis or treatment

35. The Board analyzed controlled substance dispensing data from Respondent Village Road Pharmacy and determined a need for an investigation to evaluate the pharmacy's dispensing of potentially fraudulent prescriptions. Previous investigations identified controlled substance prescriptions from Dr. G and Dr. A which did not conform to the requirements of Health and Safety Code Section 11162.1. The Board initiated an investigation at Respondent Village Road based on this information.

36. On September 11, 2018, a Board Inspector conducted an inspection at Respondent Village Road Pharmacy, during which Respondent Desai, the Pharmacist-in-Charge, was present and assisted in the inspection. The inspection and investigation determined Respondent Village Road Pharmacy and Respondent Desai failed to fulfill their corresponding responsibility to fill only medically legitimate controlled substance prescriptions, and filled controlled substance prescriptions written on forms which did not comply with the requirements for controlled substance prescription documents. Additionally, other violations of pharmacy law were discovered, in that Respondent Village Road Pharmacy and Respondent Desai failed to report dispensed controlled substances to the Department of Justice within the required timeframe, and Respondent Desai dispensed prescriptions which deviated from the prescription.

37. In regard to the September 11, 2018 inspection, the Board Inspector reviewed the dispensing profiles for several prescribers at Respondent Village Road Pharmacy using the electronic dispensing data provided by PIC Respondent Desai. The data included all non-controlled and controlled substances dispensed from September 11, 2015 to September 11, 2018. **It should be noted that Respondent Desai was directly involved in all of the dispensed medications in connection with the instant investigation.** The Board Inspector identified irregularities in the prescribing profiles of Drs. G, H, K, and A. The Board Inspector also reviewed the original prescription documents and its associated documents, if any, collected from

Respondent Village Road Pharmacy. The associated documents may have included related information, such as a CURES report.

Board Inspector's findings contained in February 14, 2019 Investigation Report

38. From September 11, 2015 through September 11, 2018, Respondent Village Road Pharmacy and Respondent Desai dispensed approximately 237 prescriptions under the prescribing authority of Drs. G, H, K, and A. The investigation determined Respondent Village Road Pharmacy and Respondent Desai failed to fulfill their corresponding responsibility in filling prescriptions written by these prescribers in the presence of the following objective factors suggesting the prescriptions were not written for legitimate purposes.

39. There were approximately 170 controlled substance prescriptions written on 107 prescription documents which did not conform to the requirements of Health and Safety Code Section 11162.1.

40. The majority of the prescriptions written by the listed prescribers were purchased in "cash," meaning without the financial aid of prescription insurance or discount card. About 60% of Dr. G's prescriptions, about 75% of Dr. H's prescriptions, and 100% of Dr. A's prescriptions were purchased in cash. Approximately 39% of Dr. K's prescriptions were purchased in cash. Three out of the six patients involved were 100% "cash."

41. The prescribing profiles of the listed prescribers were unusually limited with a small number of controlled substances accounting for a relatively large percentage of their total prescribing, as follows:

Dr. G:

- About 30% were oxycodone 30 mg prescriptions
- About 31% were amphetamine 30 mg prescriptions
- About 15% were alprazolam 2 mg prescriptions

Dr. H:

- About 35% were oxycodone 30 mg prescriptions
- About 32% were amphetamine 30 mg prescriptions
- About 17% were alprazolam 2 mg prescriptions

Dr. K:

- About 20% were oxycodone 30 mg prescriptions
- About 18% were amphetamine 30 mg prescriptions
- About 13% were alprazolam 2 mg prescriptions

Dr. A:

- About 50% were oxycodone 30 mg prescriptions

42. There were multiple instances when Respondent Village Road Pharmacy and Respondent Desai verified and dispensed multiple prescriptions for amphetamine 30 mg and oxycodone 30 mg from Dr. G on the same day. Despite any relationship between the 3 patients, it is a factor of irregularity for multiple patients to each receive the highest dose available for amphetamine and oxycodone from the same doctor.

43. One patient had no history of any other strengths of amphetamine, oxycodone, and alprazolam reported to CURES from any other pharmacies since September 13, 2015, until Respondent Village Road Pharmacy and Respondent Desai first dispensed each of these prescriptions. This patient seemed to be potentially naïve to these medications, yet the starting dosages were high.

44. The prescribing of oxycodone with promethazine/codeine syrup was duplicative and unusual since both medications have an opioid, which could suppress a cough. There were approximately four (4) instances of this potential duplicate therapy.

45. Based on these 170 controlled substance prescriptions collected, Respondent Village Road Pharmacy and Respondent Desai dispensed a total of approximately: 8,610 tablets of oxycodone 30 mg, 6,510 tablets of amphetamine 30 mg, 1,920 ml of promethazine/codeine, 2,490 tablets of alprazolam 2 mg, 870 tablets of carisoprodol 350 mg, 240 tablets of oxycodone 20 mg, and 120 tablets of hydrocodone/acetaminophen 10/325mg. Respondent Village Road Pharmacy and Respondent Desai did not produce any documentation regarding the efforts of a pharmacist conferring with the prescribers to discuss the irregularities or objective factors described above. Additionally, Dr. K denied prescribing any of the prescriptions dispensed by Respondent Village Road Pharmacy and Respondent Desai, which included controlled and non-controlled substances.

Of note, there were a total of four (4) patients involved with all of the prescriptions under Drs. G, H, and K. And there were a total of two (2) patients involved with all of the prescriptions under Dr. A.

46. The investigation also determined that Respondent Village Road Pharmacy and Respondent Desai failed to report all CII-CIV dispensed prescriptions to the Department of Justice for the PDMP/CURES database. In this regard, approximately 978 prescription fills were not so reported by Respondent Village Road Pharmacy and Respondent Desai.

47. The investigation also determined Respondent Village Road Pharmacy and Respondent Desai dispensed 6 controlled substance prescriptions which deviated from the original prescriptions. These prescriptions were typed and dispensed under the incorrect prescriber.

48. In reviewing Dr. G's prescriptions, the Board inspector noted multiple instances when Respondent Village Road Pharmacy and Respondent Desai processed multiple prescriptions for amphetamine 30 mg and oxycodone 30 mg from Dr. G on the same day issued to the same 3 patients (PM, JC, and CO). Despite any relationship between these 3 patients, it is a factor of irregularity for these 3 patients to each receive the highest dose available for amphetamine and oxycodone from the same doctor. This pattern of irregularity would be noted by a prudent pharmacist, especially when these prescriptions were verified and dispensed on the same day.

49. Respondent Village Road Pharmacy and Respondent Desai dispensed approximately 170 controlled substance prescriptions written on 107 prescription documents which did not conform to the requirements of Health and Safety Code section 11164.

50. Pursuant to the requirements of Health and Safety Code section 11164, several of Dr. G's prescriptions that were filled by Respondent Village Road Pharmacy and Respondent Desai *lacked at least one of the following security features*:

- A watermark printed on the backside of the prescription document consisting of the words "California Security Prescription." Whereas, the watermark printed on the back erroneously stated "DocuGard."

- Six (6) quantity check-off boxes printed on the form where the following quantities shall appear: 1-24, 25-49, 50-74, 75-100, 101-150, 151 and over. Whereas, the six quantity check off boxes were actually erroneously printed as follows:
    - 1-24, 25-50, 50-74, 75-100, 101-150, 151 and over
    - 1-24, 25-50, 51-74, 75-100, 101-150, 151 and over

Check boxes for the prescriber to indicate the number of refills ordered. Whereas, the prescription documents erroneously listed refill numbers to be circled or written in by the prescriber.

An identifying number assigned to the approved security printer by the Department of Justice.

The lot number printed on the prescription document for each batch of controlled substance prescription forms.

51. Pursuant to the requirements of Health and Safety Code section 11164, several of Dr. H's prescriptions that were filled by Respondent Village Road Pharmacy and Respondent Desai *lacked the following security feature*:

- A watermark printed on the backside of the prescription document consisting of the words "California Security Prescription." Whereas, the watermark printed on the back erroneously stated "DocuGard."

52. Pursuant to the requirements of Health and Safety Code section 11164, several of Dr. K's prescriptions that were filled by Respondent Village Road Pharmacy and Respondent Desai *lacked at least one of the following security features*:

- A watermark printed on the backside of the prescription document consisting of the words "California Security Prescription." Whereas, the watermark printed on the back erroneously stated "DocuGard."

53. Pursuant to the requirements of Health and Safety Code section 11164, several of Dr. A's prescriptions that were filled by Respondent Village Road Pharmacy and Respondent Desai *lacked at least one of the following security features*:

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A watermark printed on the backside of the prescription document consisting of the words "California Security Prescription." Whereas, the watermark printed on the back erroneously stated "DocuGard."

Check boxes for the prescriber to indicate the number of refills ordered. Whereas, the prescription documents erroneously listed refill numbers to be circled or written in by the prescriber.

- The lot number printed on the prescription document for each batch of controlled substance prescription forms.

54. Respondent Village Road Pharmacy and Respondent Desai failed to report the required information regarding prescriptions filled from September 11, 2015 through September 11, 2018 to the Department of Justice at least weekly, in violation of Health and Safety Code section 11165, subdivision (d). Specifically, the Pharmacy Compliance Report indicated a total of approximately 1,394 prescriptions were filled from September 11, 2015 through September 11, 2018 as reported by and from Respondent Village Road Pharmacy, however, the dispensing data from Respondent Village Road Pharmacy indicated approximately 2,372 Schedule II-IV prescriptions were filled and dispensed during the same query date range. This showed approximately 978 prescription fills were not reported.

55. Respondent Village Road Pharmacy and Respondent Desai dispensed multiple prescriptions under the incorrect prescriber, deviating from the original prescriptions, in violation of California Code of Regulations, title 16, section 1761.

FIRST CAUSE FOR DISCIPLINE

(Violation of Corresponding Responsibility to Verify Prescriptions)

56. Respondent Village Road Pharmacy is subject to disciplinary action under Health and Safety Code section 11153, subdivision (a), and California Code of Regulations, title 16, section 1761, subdivisions (a) and (b). Complainant hereby incorporates paragraphs 33 through 55 above as though set forth in full herein.

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SECOND CAUSE FOR DISCIPLINE

(Requirements for Dispensing Controlled Substance Prescriptions)

57. Respondent Village Road Pharmacy is subject to disciplinary action under Code section 4301, subdivisions (j) and (o), for violating Health and Safety Code sections 11164 and 11162.1, subdivisions (a)(2)(7)(10)(13), and (b). Complainant hereby incorporates paragraphs 33 through 55 above as though set forth in full herein.

THIRD CAUSE FOR DISCIPLINE

(Reporting Controlled Substance Prescriptions to CURES)

58. Respondent Village Road Pharmacy is subject to disciplinary action under Code section 4301, subdivisions (j) and (o), for violating Health and Safety Code section 11165, subdivision (d). Complainant hereby incorporates paragraphs 33 through 55 above as though set forth in full herein.

FOURTH CAUSE FOR DISCIPLINE

(Variation From Prescriptions)

59. Respondent Village Road Pharmacy is subject to disciplinary action under Code section 4301, subdivision (o), for violating California Code of Regulations, title 16, section 1716, in conjunction with Code section 4073. Complainant hereby incorporates paragraphs 33 through 55 above as though set forth in full herein.

FIFTH CAUSE FOR DISCIPLINE

(Violation of Corresponding Responsibility to Verify Prescriptions)

60. Respondent Desai is subject to disciplinary action under Code section 4301, subdivisions (j) and (o), for violating Health and Safety Code section 11153 subdivision (a), and California Code of Regulations, title 16, section 1761, subdivisions (a) and (b). Complainant hereby incorporates paragraphs 33 through 55 above as though set forth in full herein.

SIXTH CAUSE FOR DISCIPLINE

(Requirements for Dispensing Controlled Substance Prescriptions)

61. Respondent Desai is subject to disciplinary action under Code section 4301, subdivisions (j) and (o), for violating Health and Safety Code sections 11164 and 11162.1,

subdivisions (a)(2)(7)(10)(13), and (b). Complainant hereby incorporates paragraphs 33 through 55 above as though set forth in full herein.

SEVENTH CAUSE FOR DISCIPLINE

(Reporting Controlled Substance Prescriptions to CURES)

62. Respondent Desai is subject to disciplinary action under Code section 4301, subdivisions (j) and (o), for violating Health and Safety Code section 11165, subdivision (d). Complainant hereby incorporates paragraphs 33 through 55 above as though set forth in full herein.

EIGHTH CAUSE FOR DISCIPLINE

(Variation From Prescriptions)

63. Respondent Desai is subject to disciplinary action under Code section 4301, subdivision (o), for violating California Code of Regulations, title 16, section 1716, in conjunction with Code section 4073. Complainant hereby incorporates paragraphs 33 through 55 above as though set forth in full herein.

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 Pharmacy Permit Number PHY 36027, issued to Shri Sai R & R Corp dba Village Road Pharmacy, Dhansukhlal B. Desai, PIC and President;

2. Prohibiting Dhansukhlal B. Desai from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 36027, issued to Shri Sai R & R Corp dba Village Road Pharmacy, Dhansukhlal B. Desai, PIC and President is placed on probation;

3. Revoking or suspending Pharmacist License Number RPH 32783, issued to Dhansukhlal B. Desai;

4. Prohibiting Dhansukhlal B. Desai from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacist License Number RPH 32783, issued to Dhansukhlal B. Desai is placed on probation;

5. Ordering Village Road Pharmacy and Dhansukhlal B. Desai 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,

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

DATED: April 30, 2020

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

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

In the Matter of the Accusation Against**:** **SHRI SAI R & R CORP DBA VILLAGE ROAD PHARMACY, DHANSUKHLAL B. DESAI, PIC AND PRESIDENT** **5412 Village Road** **Long Veach, CA 90808** **Pharmacy Permit No. PHY 36027,** **and** **DHANSUKHLAL B. DESAI** **5412 Village Road** **Long Beach, CA 90808** **Pharmacist License No. RPH 32783** Respondents.	Case No. 6697 OAH No. 2020090405

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order for Public Reproval is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on _____.

It is so ORDERED.

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FOR THE BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS