

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

In the Matter of the Accusation Against:

**RENEE INVESTMENT INC DBA AMC PHARMACY,
STEVE MAZLIN, RENEE MAZLIN;**

Pharmacy Permit No. PHY 45993

and

STEVE MAZLIN;

Pharmacist License No. RPH 38412

Respondents

Agency Case No. 6708

DECISION AND ORDER

The attached Stipulated Surrender of License and 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 September 30, 2020.

It is so ORDERED on August 31, 2020.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Greg M. Lippe", written in a cursive style.

By

Greg Lippe
Board President

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. 6708

13 **RENEE INVESTMENT INC. DBA AMC**
PHARMACY, STEVE MAZLIN, RENEE
14 **MAZLIN**
2625 W. Alameda Avenue
Burbank, CA 91505

OAH No. 2020020658

STIPULATED SURRENDER OF
LICENSE AND ORDER AS TO
PHARMACIST LICENSE NO. RPH 38412

15 **Pharmacy Permit No. PHY 459993,**

16 **and**

17 **STEVE MAZLIN**
5323 Bellaire Avenue
18 Valley Village, CA 91607

19 **Pharmacist License No. RPH 38412**

20 Respondents.
21

22
23 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
24 entitled proceedings that the following matters are true:

25 **PARTIES**

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

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

3 2. Steve Mazlin (Respondent Mazlin) is represented in this proceeding by attorney
4 Herbert L. Weinberg, Esq., whose address is: FENTON LAW GROUP, LLP, 1990 S. Bundy
5 Drive, Suite 777, Los Angeles, CA 90025.

6 **JURISDICTION**

7 3. Accusation No. 6708 was filed before the Board, and is currently pending against
8 Respondent Mazlin. The Accusation and all other statutorily required documents were properly
9 served on Respondent Mazlin on December 16, 2019. Respondent Mazlin timely filed his Notice
10 of Defense contesting the Accusation. A copy of Accusation No. 6708 is attached as Exhibit A
11 and incorporated by reference.

12 **ADVISEMENT AND WAIVERS**

13 4. Respondent Mazlin has carefully read, fully discussed with counsel, and understands
14 the charges and allegations in Accusation No. 6708. Respondent Mazlin also has carefully read,
15 fully discussed with counsel, and understands the effects of this Stipulated Surrender of License
16 and Order.

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

23 6. Respondent Mazlin voluntarily, knowingly, and intelligently waives and gives up
24 each and every right set forth above.

25 **CULPABILITY**

26 7. Respondent Mazlin understands that the charges and allegations in Accusation No.
27 6708, if proven at a hearing, constitute cause for imposing discipline upon his Pharmacist
28 License.

8. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent Mazlin agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation and that those charges constitute cause for discipline. Respondent Mazlin hereby gives up his right to contest that cause for discipline exists based on those charges.

9. Respondent Mazlin understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Pharmacist License without further process.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board. Respondent Mazlin understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent Mazlin or his counsel. By signing the stipulation, Respondent Mazlin understands and agrees that he may not withdraw his 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 Surrender and Disciplinary Order 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.

11. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and 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.

13. 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 Order:

ORDER

IT IS HEREBY ORDERED that Pharmacist License No. RPH 38412, issued to Respondent Mazlin, is surrendered and accepted by the Board. The effective date of the Decision shall be stayed one hundred twenty days (120) after the date on which Respondent Mazlin has signed this Stipulated Surrender of License and Order, at which time AMC Pharmacy shall be sold or closed.

1. The surrender of Respondent Mazlin's Pharmacist License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent Mazlin. This stipulation constitutes a record of the discipline and shall become a part of Respondent Mazlin's license history with the Board.

2. Respondent Mazlin shall lose all rights and privileges as a pharmacist in California as of the effective date of the Board's Decision and Order.

3. Respondent Mazlin shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. If he ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent Mazlin must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 6708 shall be deemed to be true, correct and admitted by Respondent Mazlin when the Board determines whether to grant or deny the application or petition.

5. Respondent Mazlin shall be jointly and severally responsible to pay the agency its costs of investigation and enforcement in the amount of \$17,204.75 prior to issuance of a new or reinstated license.

6. If Respondent Mazlin should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 6708 shall be deemed to be true, correct, and admitted by Respondent Mazlin for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

///

1 7. Respondent Mazlin may not apply, reapply, or petition for any Board-issued licensure
2 or registration for three (3) years from the effective date of the Decision and Order.

3
4 **ACCEPTANCE**

5 I have carefully read the above Stipulated Surrender of License and Order and have fully
6 discussed it with my attorney, Herbert L. Weinberg. I understand the stipulation and the effect it
7 will have on my Pharmacist License. I enter into this Stipulated Surrender of License and Order
8 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
9 Board of Pharmacy.

10
11 DATED: _____
12 STEVE MAZLIN
13 *Respondent Mazlin*

14 I have read and fully discussed with Respondent Steve Mazlin the terms and conditions and
15 other matters contained in this Stipulated Surrender of License and Order. I approve its form and
16 content.

17
18 DATED: _____
19 HERBERT L. WEINBERG
20 *Attorney for Respondent Mazlin*

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

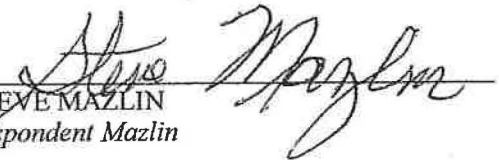
28 ///

7. Respondent Mazlin may not apply, reapply, or petition for any Board-issued licensure or registration for three (3) years from the effective date of the Decision and Order.

ACCEPTANCE


I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Herbert L. Weinberg. I understand the stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED:

July 9, 2020 
STEVE MAZLIN
Respondent Mazlin

I have read and fully discussed with Respondent Steve Mazlin the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED:

7/9/2020 
HERBERT L. WEINBERG
Attorney for Respondent Mazlin

///

///

///

///

///

///

///

///

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: _____

Respectfully submitted,

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

KEVIN J. RIGLEY
Deputy Attorney General
Attorneys for Complainant

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: July 9, 2020

Respectfully submitted,

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



KEVIN J. RIGLEY
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 6708

1 XAVIER BECERRA
Attorney General of California
2 KENT D. HARRIS
Supervising Deputy Attorney General
3 JOSHUA B. EISENBERG
Deputy Attorney General
4 State Bar No. 279323
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 210-6115
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 In the Matter of the Accusation Against:

Case No. 6708

13 **RENEE INVESTMENT INC. DBA AMC**
14 **PHARMACY**
15 **STEVE S. W. MAZLIN,**
PRESIDENT/TREASURER
16 **RENEE MAZLIN,**
VICE PRESIDENT/SECRETARY
17 **2625 W. Alameda Avenue**
Burbank, CA 91505

ACCUSATION

18 **Pharmacy Permit No. PHY 45993,**

19 **and**

20 **STEVE S. W. MAZLIN**
5323 Bellaire Avenue
21 **Valley Village, CA 91607**

22 **Pharmacist License No. RPH 38412**

23 Respondents.

24
25 **PARTIES**

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

28 ///

2. On or about July 15, 2002, the Board of Pharmacy issued Pharmacy Permit Number PHY 45993 to Renee Investment Inc. dba AMC Pharmacy, with Steve S. W. Mazlin as President/Treasurer and Renee Mazlin as Vice President/Secretary (Respondent Pharmacy). From July 15, 2002 through the present, Steve S. W. Mazlin (Respondent Steve S. W. Mazlin) has been the pharmacist-in-charge. The Pharmacy Permit was in full force and effect at all times relevant to the charges brought herein and will expire on July 1, 2020, unless renewed.

3. On or about March 22, 1984, the Board of Pharmacy issued Pharmacist License Number RPH 38412 to Respondent Steve S. W. Mazlin. The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2021, unless renewed.

JURISDICTION

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

5. Code section 4300 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.

...

(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.

6. Code section 4300.1 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.

STATUTORY AND REGULATORY PROVISIONS

7. Code section 4022 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.

8. Code section 4113 states in pertinent part, (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. . .

9. Code section 4301 states in pertinent part:

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

(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.

...

(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.

...

(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.

...

10. Code section 4306.5 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. Code section 4307(a) states:

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, or partner of any partnership, corporation, 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, or partner had knowledge 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, or partner 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.

12. Title 16, CCR, 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.

13. California Health and Safety (H&S) 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.

...

14. H&S Code section 11162.1 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."

...

15. H&S Code section 11164 states in pertinent part:

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

1 substance prescription form as specified in Section 11162.1 and shall meet the
2 following requirements:

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

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

16 ...

17 16. H&S Code section 11167 states in pertinent part:

18 Notwithstanding subdivision (a) of Section 11164, in an emergency where failure
19 to issue a prescription may result in loss of life or intense suffering, an order for
20 a controlled substance may be dispensed on an oral order, an electronic data
21 transmission order, or a written order not made on a controlled substance form
22 as specified in Section 11162.1, subject to all of the following requirements:

23 (a) The order contains all information required by subdivision (a) of Section
24 11164.

25 (b) Any written order is signed and dated by the prescriber in ink, and the
26 pharmacy reduces any oral or electronic data transmission order to hard copy
27 form prior to dispensing the controlled substance.

28 (c) The prescriber provides a written prescription on a controlled substance
prescription form that meets the requirements of Section 11162.1, by the seventh
day following the transmission of the initial order; a postmark by the seventh day
following transmission of the initial order shall constitute compliance.

(d) If the prescriber fails to comply with subdivision (c), the pharmacy shall so
notify the Department of Justice in writing within 144 hours of the prescriber's
failure to do so and shall make and retain a hard copy, readily retrievable record
of the prescription, including the date and method of notification of the
Department of Justice.

(e) This section shall become operative on January 1, 2005.

COST RECOVERY

17. Section 125.3 of the Code states, 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

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

3 **DRUGS**

4 18. *Oxycodone*, sold under the brand name Roxicodone, is a dangerous drug as defined
5 by Code section 4022 and is a Schedule II controlled substance pursuant to Health & Safety Code
6 section 11055(b)(1)(M). It is used to treat pain.

7 19. *Hydromorphone*, sold under the brand name Dilaudid, is a dangerous drug as defined
8 by Code section 4022 and is a Schedule II controlled substance pursuant to Health & Safety Code
9 section 11055(b)(1)(J). It is used to treat pain.

10 20. *Promethazine-Codeine Syrup* is a dangerous drug as defined by Code section 4022
11 and is a Schedule V controlled substance pursuant to Health and Safety Code section 11058(c)(1).
12 It is used as a cough suppressant.

13 21. *Amphetamine salts*, sold under the brand name Adderall, is a dangerous drug as
14 defined by Code section 4022 and is a Schedule II controlled substance pursuant to Health &
15 Safety Code section 11055(d)(1). It is used to treat Attention Deficit Disorder

16 **FACTS**

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

24 **FIRST CAUSE FOR DISCIPLINE**

25 **AS TO ALL RESPONDENTS**

26 **(Dispensed Controlled Substance Prescriptions on Noncompliant Forms)**

27 23. Respondents are subject to disciplinary action under Code section 4301(j) and (o), in
28 conjunction with Health and Safety Code section 11164, for unprofessional conduct for

1 dispensing controlled substance prescriptions written on prescription forms that do not conform to
2 Health and Safety Code section 11162.1. From the period between July 18, 2015 and July 18,
3 2018, Respondents dispensed 96 controlled substance prescriptions written on 63 forms from Dr.
4 G.S. and dispensed 22 controlled substance prescriptions written on 13 forms from Dr. K.S. that
5 did not conform to Health and Safety Code section 11162.1, in that they lacked a “California
6 Security Prescription” watermark. Instead, the watermark on each prescription document read,
7 “Docugard.”

8 **SECOND CAUSE FOR DISCIPLINE**

9 **AS TO ALL RESPONDENTS**

10 **(Failure to Comply with Corresponding Responsibility)**

11 24. Respondents are subject to disciplinary action under Code section 4301(j) and (o), in
12 conjunction with Health and Safety Code section 11153(a) and Cal. Code of Regs., title 16,
13 section 1761, for unprofessional conduct in that Respondents failed to comply with their
14 corresponding responsibility to ensure that controlled substances are dispensed for a legitimate
15 medical purpose. The circumstances are as follows:

16 a. Between July 18, 2015 and July 18, 2018, Respondents dispensed 2,635 prescriptions
17 under the prescribing authority of Drs. G.S., M.S., and K.S. in the presence of significant factors
18 of irregularity. Objective factors indicating the prescriptions in question were not written for
19 legitimate medical purposes include the following:

20 1. Oxycodone 30 mg tablets accounted for an unusually large percentage of each
21 physician’s total prescribed medications at Respondent Pharmacy during the query period.

22 i. Oxycodone 30 mg was Dr. G.S.’s most commonly prescribed medication,
23 accounting for over 33% of his total prescribed medications at Respondent Pharmacy.

24 ii. Oxycodone 30 mg was Dr. M.S.’s most commonly prescribed
25 medication, accounting for 27% of his total prescribed medications at Respondent Pharmacy.

26 iii. Oxycodone 30 mg was Dr. K.S.’s most commonly prescribed medication,
27 accounting for over 53% of his total prescribed medications at Respondent Pharmacy.

28 ///

2. Each prescriber's dispensing history was unusually limited, with a small number of commonly abused controlled substances accounting for a relatively large percent of his total prescribed medications at Respondent Pharmacy during the query period.

i. Oxycodone 30 mg, amphetamine 30 mg, and hydromorphone 8 mg represented 68.59% of Dr. G.S.'s total prescribed medications at Respondent Pharmacy.

ii. Dr. M.S.'s four most commonly prescribed medications, oxycodone 30 mg, amphetamine 30 mg, hydromorphone 8 mg, and promethazine/codeine syrup, represented 69.08% of his total prescribed medications at Respondent Pharmacy.

iii. Oxycodone 30 mg and amphetamine salts 30 mg combined to account for 89.36% of Dr. K.S.'s total prescribed medications at Respondent Pharmacy.

3. Each physician's prescribed medications were purchased exclusively or almost exclusively without the aid of prescription insurance, either in cash or with a prescription discount card. Additionally, patients paid high out-of-pocket prices for oxycodone 30 mg - between \$613 and \$646 for 180 tablets.

4. All three physicians prescribed oxycodone and amphetamine salts exclusively or almost exclusively in the highest available strength.

i. Dr. G.S.'s prescribing history included 611 prescriptions for oxycodone 30 mg, one prescription for oxycodone 20 mg, and one prescription for oxycodone 15 mg. Dr. G.S.'s prescribing history included 379 prescriptions for amphetamine salts 30 mg tablets and one prescription for amphetamine salts 20 mg tablets.

ii. Dr. M.S.'s prescribing history included 213 prescriptions for oxycodone 30 mg and no prescriptions for a lower strength of immediate release oxycodone tablets. Dr. M.S. also wrote 176 prescriptions for amphetamine salts 30 mg and no prescriptions for any lower strength.

iii. Dr. K.S.'s prescribing included 25 prescriptions for oxycodone 30 mg tablets and one prescription for oxycodone 20 mg tablets. Likewise, Dr. K.S.'s prescribing included 17 prescriptions for amphetamine 30 mg tablets and no prescriptions for any lower strength.

5. Each prescriber treated the majority of his patients with oxycodone and amphetamine salts, medications to treat pain and Attention Deficit Disorder respectively.

i. 107 patients received prescriptions from Dr. G.S. during the query period.
92 of Dr. G.S.'s patients received at least one prescription for oxycodone 30 mg and
amphetamine 30 mg.

ii. 88 patients received prescriptions from Dr. M.S. during the query period.
73 of those patients received at least one prescription for both oxycodone 30 mg and
amphetamine 30 mg.

6. There were numerous instances when Respondents processed similar or identical prescriptions from each prescriber consecutively, within minutes of each other.

7. The prescription documents collected from Drs. G.S. and K.S. did not conform to the requirements of Health and Safety Code section 11162.1 in that they lacked a “California Security Printer” watermark.

8. There were misspellings on several of the prescriptions form Drs. G.S. and K.S.

THIRD CAUSE FOR DISCIPLINE

AS TO ALL RESPONDENTS

(Unprofessional Conduct – Gross Negligence)

25. Respondents are subject to disciplinary action under Code section 4301(c) and (o), in conjunction with Health and Safety Code section 11153(a) and Cal. Code of Regs., title 16, section 1761, for gross negligence in that Respondents failed to comply with their corresponding responsibility to ensure that controlled substances are dispensed for a legitimate medical purpose when Respondents dispensed 2,635 prescriptions under the prescribing authority of Drs. G.S., M.S., and K.S. in the presence of significant objective factors of irregularity that suggested the medical illegitimacy of the prescriptions, as set forth in paragraph 24 and its subparagraphs above, and incorporated herein as though set forth in full.

///

///

///

1 **FOURTH CAUSE FOR DISCIPLINE**

2 **AS TO ALL RESPONDENTS**

3 **(Clearly Excessive Furnishing of Controlled Substances)**

4 26. Respondents are subject to disciplinary action for engaging in unprofessional conduct
5 pursuant to Code section 4301(c) for the clearly excessive furnishing of controlled substances, as
6 set forth in paragraphs 24 and its subparagraphs above, and incorporated herein as though set
7 forth in full.

8 **FIFTH CAUSE FOR DISCIPLINE**

9 **AS TO RESPONDENT STEVE S. W. MAZLIN ONLY**

10 **(Unprofessional Conduct – Failure to Exercise, or Inappropriate Exercise, of Professional**
11 **Education, Training, or Experience)**

12 27. Respondent Steve S. W. Mazlin is subject to disciplinary action for unprofessional
13 conduct pursuant to Code section 4301, as defined by Code section 4306.5, for the inappropriate
14 exercise of his education, training, or experience as a pharmacist when Respondent Steve S. W.
15 Mazlin failed to take steps to determine the legitimacy of prescriptions dispensed between July
16 18, 2015 and July 18, 2018, in light of significant objective factors of irregularity, as set forth in
17 paragraphs 24 and its subparagraphs above, and incorporated herein as though set forth in full.

18 **MATTERS IN AGGRAVATION**

19 28. To determine the degree of discipline, if any, to be imposed against Respondent
20 Pharmacy, Complainant alleges the following prior citations issued against Respondent
21 Pharmacy:

22 a. On or about January 15, 2015, the Board of Pharmacy issued Citation No. CI 2013 59561
23 and ordered Respondent Pharmacy to pay a fine in the amount of \$750. The cause for the citation
24 was based on Respondent Pharmacy's failure to comply with California Code of Regulations, title
25 16, section 1735.7, subds. (a) (failure to maintain written documentation demonstrating that
26 pharmacy personnel have the skills and training to properly and accurately perform their assigned
27 responsibilities relating to compounding), (b) (failure to maintain an ongoing competency
28

1 evaluation process, and (c) (failure of pharmacy personnel assigned to compounding duties to
2 demonstrate knowledge about compounding processes and procedures).

3 b. On or about May 13, 2017, the Board of Pharmacy issued Citation No. CI 2015
4 68681 to Respondent Pharmacy for a violation of California Code of Regulations, title 16, section
5 1716 (variation from prescription). The circumstances are that on or about October 8, 2015
6 (original) and October 30, 2015 (refill), Respondent Pharmacy dispensed zolpidem 10 mg with
7 the incorrect directions to take three times a day (1 po tid) instead of the prescriber's written
8 direction to take by mouth at bedtime (po qhs).

9 29. To determine the degree of discipline, if any, to be imposed against Respondent Steve
10 S. W. Mazlin, Complainant alleges the following prior citations issued against Respondent S. W.
11 Mazlin:

12 a. On or about February 14, 2015, the Board of Pharmacy issued Citation No. CI 2014
13 63932 and ordered Respondent Pharmacy to pay a fine in the amount of \$750. The cause for the
14 citation was based on Respondent Steve S. W. Mazlin's failure to comply with California Code of
15 Regulations, title 16, section 1735.7, subds. (a) (failure to maintain written documentation
16 demonstrating that pharmacy personnel have the skills and training to properly and accurately
17 perform their assigned responsibilities relating to compounding), (b) (failure to maintain an
18 ongoing competency evaluation process, and (c) (failure of pharmacy personnel assigned to
19 compounding duties to demonstrate knowledge about compounding processes and procedures).

20 b. On or about April 12, 2017, the Board of Pharmacy issued Citation No. CI 2016
21 74442 and ordered Respondent Steve S. W. Mazlin to pay a fine in the amount of \$1,000.00. The
22 cause for the citation was based on Respondent Pharmacy's failure to comply with of California
23 Code of Regulations, title 16, section 1716 (variation from prescription). The circumstances are
24 that on or about October 8, 2015 (original) and October 30, 2015 (refill) Respondent Steve S. W.
25 Mazlin, while working at Respondent Pharmacy dispensed zolpidem 10 mg with the incorrect
26 directions to take three times a day (1 po tid) instead of the prescriber's written direction to take
27 by mouth at bedtime (po qhs).

28 ///

OTHER MATTERS

30. Pursuant to Code section 4307, if Pharmacy Permit Number PHY 45993 issued to Renee Investment Inc., dba, AMC Pharmacy is suspended, revoked, or placed on probation, and Renee Mazlin, while acting as the manager, administrator, owner, member, officer, director, associate, or partner, had knowledge of or knowingly participated in any conduct for which Pharmacy Permit Number PHY 45993 was revoked, suspended, or placed on probation, Renee Mazlin shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee of the Board.

31. Pursuant to Code section 4307, if Pharmacy Permit Number PHY 45993 issued to Renee Investment Inc., dba, AMC Pharmacy is suspended, revoked, or placed on probation, and Steve Mazlin, while acting as the manager, administrator, owner, member, officer, director, associate, or partner, had knowledge of or knowingly participated in any conduct for which Pharmacy Permit Number PHY 45993 was revoked, suspended, or placed on probation, Steve Mazlin shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee of the Board.

32. Pursuant to Code section 4307, if Pharmacist License Number RPH 38412 issued to Respondent Steve S. W. Mazlin is suspended or revoked, he shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee.

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 45993 issued to Renee Investment Inc., dba, AMC Pharmacy;

2. Revoking or suspending Pharmacist License Number RPH 38412 issued to Steve S. W. Mazlin;

3. Prohibiting Steve S. W. Mazlin from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee of the Board.

///

1 4. Prohibiting Renee Mazlin from serving as a manager, administrator, owner, member,
2 officer, director, associate, or partner of a licensee of the Board.

3 5. Ordering Renee Investment Inc., dba, AMC Pharmacy and Steve S. W. Mazlin,
4 jointly and severally, to pay the Board of Pharmacy the reasonable costs of the investigation and
5 enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

7
8 DATED: December 12, 2019



9 ANNE SODERGREN
10 Interim Executive Officer
11 Board of Pharmacy
12 Department of Consumer Affairs
13 State of California
14 *Complainant*

15 LA2019501238
16 14098308.docx