

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

In the Matter of the Accusation Against:

REBECCA RAHBARAN, Respondent

Pharmacist License No. RPH 66477

Agency Case No. 6758

OAH No. 2020080481

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order for Public Repeval 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 May 12, 2021.

It is so ORDERED on April 12, 2021.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Greg Lippe
Board President

1 XAVIER BECERRA
Attorney General of California
2 SHAWN P. COOK
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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:

13 **REBECCA RAHBARAN**
5411 Penfield Ave.
14 Woodland Hills, CA 91364

15 Pharmacist License No. RPH 66477

16 Respondent.
17

Case No. 6758

OAH No. 2020080481

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC
REPROVAL**

[Bus. & Prof. Code § 495]

18
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
23 (Board). She brought this action solely in her official capacity and is represented in this matter by
24 Xavier Becerra, Attorney General of the State of California, by Kevin J. Rigley, Deputy Attorney
25 General.

26 2. Respondent Rebecca Rahbaran (Respondent) is represented in this proceeding by
27 attorney Herbert Weinberg, whose address is: 1990 South Bundy Drive, Suite 777, Los Angeles,
28 CA 90025.

1 **JURISDICTION**

2 3. On or about October 27, 2011, the Board issued Pharmacist License No. RPH 66477
3 to Rebecca Rahbaran (Respondent). The Pharmacist License was in full force and effect at all
4 times relevant to the charges brought in Accusation No. 6758 and will expire on December 31,
5 2022, unless renewed.

6 4. Accusation No. 6758 was filed before the Board of Pharmacy (Board), Department of
7 Consumer Affairs and is currently pending against Respondent. The Accusation and all other
8 statutorily required documents were properly served on Respondent on March 11, 2020.
9 Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation
10 No. 6758 is attached as exhibit A and incorporated herein by reference.

11 **ADVISEMENT AND WAIVERS**

12 5. Respondent has carefully read, fully discussed with counsel, and understands the
13 charges and allegations in Accusation No. 6758. Respondent has also carefully read, fully
14 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
15 Order for Public Reapproval.

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

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

25 **CULPABILITY**

26 8. Respondent admits the truth of each and every charge and allegation in Accusation
27 No. 6758.

28 ///

1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Pharmacist License No. RPH 66477 issued to Respondent
3 Rebecca Rahbaran (Respondent) shall be publicly reprovved by the Board of Pharmacy under
4 Business and Professions Code section 495 in resolution of Accusation No. 6758, attached as
5 exhibit A.

6 1. **Ethics Course.** Within two (2) years from the effective date of the public reproval,
7 Respondent shall enroll in and complete a course in ethics, at Respondent’s expense, approved in
8 advance by the Board or its designee that complies with California Code of Regulations, title 16,
9 section 1773.5. Respondent shall provide proof of enrollment upon request. Within five (5) days
10 of completion, Respondent shall submit a copy of the certificate of completion to the Board or its
11 designee. If Respondent fails to complete the ethics course as ordered, Respondent shall not be
12 allowed to renew her Pharmacist License until Respondent completes the ethics course and
13 provides proof thereof to the Board or its designee.

14 2. **Cost Recovery.** Within two (2) years from the effective date of the public reproval,
15 Respondent shall pay \$17,058.75 to the Board for its costs associated with the investigation and
16 enforcement of this matter pursuant to Business and Professions Code Section 125.3. If
17 Respondent fails to pay the Board costs as ordered, Respondent shall not be allowed to renew her
18 Pharmacist License until Respondent pays costs in full. In addition, the Board may enforce this
19 order for payment of its costs in any appropriate court, in addition to any other rights the Board
20 may have.

21 3. **Full Compliance.** As a resolution of the charges in Accusation No. 6758, this
22 stipulated settlement is contingent upon Respondent’s full compliance with all conditions of this
23 Order. If Respondent fails to satisfy any of these conditions, such failure to comply constitutes
24 cause for discipline, including outright revocation, of Respondent’s Pharmacist License No. RPH
25 66477.

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1 cause for discipline, including outright revocation, of Respondent's Pharmacist License No. RPH
2 66477.

3 **ACCEPTANCE**

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

9
10 DATED: _____
11 REBECCA RAHBARAN
12 *Respondent*

13 I have read and fully discussed with Respondent Rebecca Rahbaran the terms and
14 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order
15 for Public Reproval. I approve its form and content.


16
17 DATED: _____
18 HERBERT L. WEINBERG, ESQ.
19 *Attorney for Respondent*

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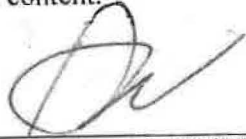
1 cause for discipline, including outright revocation, of Respondent's Pharmacist License No. RPH
2 66477.

3 ACCEPTANCE

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

9
10 DATED: 02/19/2021 
11 REBECCA RAHBARAN
12 Respondent

13 I have read and fully discussed with Respondent Rebecca Rahbaran the terms and
14 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order
15 for Public Repeval. I approve its form and content.

16
17 DATED: 2/19/21 
18 HERBERT L. WEINBERG, ESQ.
19 Attorney for Respondent

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ENDORSEMENT

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

DATED: February 19, 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

Exhibit A

Accusation No. 6758

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2 LINDA L. SUN
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3 KEVIN J. RIGLEY
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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. 6758

13 **REBECCA RAHBARAN**
5411 Penfield Ave.
14 Woodland Hills, CA 91364

ACCUSATION

15 Pharmacist License No. RPH 66477

16 Respondent.

17
18 **PARTIES**

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

21 **Rebecca Rahbaran**

22 2. On or about October 27, 2011, the Board of Pharmacy issued Pharmacist License
23 Number RPH 66477 to Rebecca Rahbaran (Respondent). The Pharmacist License was in full
24 force and effect at all times relevant to the charges brought herein and will expire on December
25 31, 2020, unless renewed.

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1 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board
2 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary
3 proceeding against, the licensee or to render a decision suspending or revoking the license."

4 8. Section 4307 of the Code states, in pertinent part:

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

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

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

20 9. Section 4022 of the Code states:

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

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

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

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

3 10. Section 4129.1 of the Code states, in pertinent part:

4 "(a) An outsourcing facility that is licensed with the federal Food and Drug Administration
5 (FDA) and with an address in this state shall also be licensed by the board as an outsourcing
6 facility before doing business within this state. The license shall be renewed annually and is not
7 transferable."

8 11. Section 4169 of the Code states, in pertinent part:

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

10 "(1) Purchase, trade, sell, warehouse, distribute, or transfer dangerous drugs or
11 dangerous devices at wholesale with a person or entity that is not licensed with the board as a
12 wholesaler, third-party logistics provider, or pharmacy.

13 "(2) Purchase, trade, sell, or transfer dangerous drugs that the person knew or
14 reasonably should have known were adulterated, as set forth in Article 2 (commencing with
15 Section 111250) of Chapter 6 of Part 5 of Division 104 of the Health and Safety Code.

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

19 "(4) Purchase, trade, sell, or transfer dangerous drugs or dangerous devices after the
20 beyond use date on the label.

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

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

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

27 ...

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1 19. In fact, BMD was not licensed by the Board as an outsourcing facility at such time,
2 nor had BMD ever been so licensed.

3 20. Thereafter, on February 12, 2019, a Board Inspector, accompanied by two Consumer
4 Officers with the Food and Drug Administration (FDA Officers), conducted an inspection at
5 BMD at its address referenced above in Canoga Park, CA. During this inspection at BMD, the
6 Board Inspector and FDA Officers discovered that several individuals at the BMD facility were in
7 the process of actively engaging in the unlicensed outsourcing of substantial quantities of multiple
8 dangerous drugs at that time, to wit: Tretinoin, Hydroquinone, and Betamethasone valerate. The
9 observations and evidence obtained by the Board Inspector and FDA Officers during that
10 inspection also showed these dangerous drugs being shipped by BMD to various addresses in
11 California and several other states. Accordingly, a determination that BMD was actively
12 engaging in unlicensed outsourcing was made, and a cease and desist order was issued to BMD at
13 such time.

14 21. In addition, dangerous drugs purchased by BrandMD, a licensed pharmacy, were
15 found during this same inspection at BMD, an unlicensed location.

16 22. The Board also discovered during its investigation of BMD that from on or about
17 August 18, 2018, through on or about February 1, 2019, Respondent was employed as the
18 supervising pharmacist at BMD while it was engaging in unlicensed outsourcing activities.
19 During the investigation of BMD, according to a letter dated February 15, 2019 that was sent to
20 the Board Inspector by BMD's attorney on behalf of BMD, Respondent was engaged as a
21 pharmacist by BMD to supervise its (BMD's) activities from August 8, 2018 through February 1,
22 2019. Furthermore, according to an email dated April 3, 2019 that was sent to the Board
23 Inspector by Respondent's own attorney on behalf of Respondent, she (Respondent) was
24 employed by BMD as a pharmacist from August 2018 through the beginning of January 2019.

25 23. The information referenced in paragraphs 13 through 18 above were memorialized by
26 the Board Inspector in a Board Investigation Report dated April 12, 2019 and the accompanying
27 documentary exhibits referenced in that report.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct - Aiding and Abetting Unlicensed Activity)**

3 24. Respondent is subject to disciplinary action under Code section 4301, subdivision (o),
4 in that Respondent aided and abetted unlicensed outsourcing while employed as the supervising
5 pharmacist at BMD, an unlicensed location. Complainant hereby further incorporates paragraphs
6 18 through 23 above as though set forth fully herein.

7 **SECOND CAUSE FOR DISCIPLINE**

8 **(Unprofessional Conduct - Inappropriate Exercise of Education, Training, or Experience)**

9 25. Respondent is subject to disciplinary action under Code section 4306.5, subdivision
10 (a), in that Respondent engaged in the inappropriate exercise of her education, training, or
11 experience by allowing unlicensed outsourcing to occur at BMD while employed as the
12 supervising pharmacist at BMD, an unlicensed location. Complainant hereby further incorporates
13 paragraphs 18 through 23 above as though set forth fully herein.

14 **THIRD CAUSE FOR DISCIPLINE**

15 **(Unprofessional Conduct - Failure to Exercise or Implement Best Professional Judgment)**

16 26. Respondent is subject to disciplinary action under Code section 4306.5, subdivision
17 (b), in that Respondent failed to exercise or implement her best professional judgment by
18 allowing unlicensed outsourcing to occur at BMD while employed as the supervising pharmacist
19 at BMD, an unlicensed location. Complainant hereby further incorporates paragraphs 18 through
20 23 above as though set forth fully herein.

21 **OTHER MATTERS**

22 27. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License
23 Number RPH 66477 issued to Rebecca Rahbaran, Rebecca Rahbaran shall be prohibited from
24 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a
25 licensee for five years if Pharmacist License Number RPH 66477 is placed on probation.

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PRAYER

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

1 Revoking or suspending Pharmacist License Number RPH 66477, issued to Rebecca Rahbaran;

2 Prohibiting Rebecca Rahbaran from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacist License Number RPH 66477 issued to Rebecca Rahbaran is placed on probation;

3 Ordering Rebecca Rahbaran to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED: March 2, 2020



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

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