

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

In the Matter of the Accusation Against:

**WESTWOOD PROFESSIONAL CORP., dba CENTRAL CARE PHARMACY;
TIHANA SKARCIC;**

Pharmacy Permit No. PHY 47333

And

TIHANA SKARCIC

Pharmacist License No. RPH 48872

Respondents

Agency Case No. 6780

DECISION AND ORDER

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

This Decision shall become effective at 5:00 p.m. on September 2, 2020.

It is so ORDERED on August 3, 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 SHAWN P. COOK
Supervising Deputy Attorney General
3 MARIO CUAHUTLE
Deputy Attorney General
4 State Bar No. 305067
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7 *Attorneys for Complainant*

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

12
13 In the Matter of the Accusation Against:

14 **WESTWOOD PROFESSIONAL CORP.,**
15 **DBA CENTRAL CARE PHARMACY,**
16 **TIHANA SKARCIC**
16260 Ventura Blvd.
Encino, CA 91436

17 **Pharmacy Permit No. PHY 47333,**

18 **and**

19 **TIHANA SKARCIC**
20 **14743 Morrison St.**
Sherman Oaks, CA 91403

21 **Registered Pharmacist License No. RPH**
22 **48872**

23 Respondents.

Case No. 6780

OAH No. 2019120561

STIPULATED SURRENDER OF
PHARMACY PERMIT AND
STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER AS TO
REGISTERED PHARMACIST LICENSE

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

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28 ///

1 **PARTIES**

2 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
3 (Board). She brought this action solely in her official capacity and is represented in this matter by
4 Xavier Becerra, Attorney General of the State of California, by Mario Cuahutle, Deputy Attorney
5 General.

6 2. Respondent Westwood Professional Corp., dba Central Care Pharmacy, Tihana
7 Skarcic (hereinafter collectively referred to as Respondents) are represented in this proceeding by
8 attorney Tony J. Park, Esq. whose address is: 55 Cetus 1st Floor, Irvine, CA 92618.

9 3. On or about November 7, 2005, the Board of Pharmacy issued Pharmacy Permit
10 Number PHY 47333 to Westwood Pharmacy Professional Corp., dba Central Care Pharmacy,
11 Tihana Skaricic (Respondent Pharmacy). The Pharmacy Permit was in full force and effect at all
12 times relevant to the charges brought herein and will expire on November 1, 2020, unless
13 renewed.

14 4. On or about August 15, 1996, the Board of Pharmacy issued Registered Pharmacist
15 License Number RPH 48872 to Tihana Skaricic (Respondent Skaricic). The Registered
16 Pharmacist License was in full force and effect at all times relevant to the charges brought herein
17 and will expire on January 31, 2022, unless renewed.

18 **JURISDICTION**

19 5. Accusation No. 6780 was filed before the Board, and is currently pending against
20 Respondents. The Accusation and all other statutorily required documents were properly served
21 on Respondents on November 21, 2019. Respondents timely filed their Notice of Defense
22 contesting the Accusation.

23 6. A copy of Accusation No. 6780 is attached as exhibit A and incorporated herein by
24 reference.

25 **ADVISEMENT AND WAIVERS**

26 7. Respondents have carefully read, fully discussed with counsel, and understand the
27 charges and allegations in Accusation No. 6780. Respondents have also carefully read, fully
28

discussed with counsel, and understand the effects of this Stipulated Surrender and Settlement and Disciplinary Order.

8. Respondents are fully aware of their legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against them; the right to present evidence and to testify on their 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.

9. Respondents voluntarily, knowingly, and intelligently waive and give up each and every right set forth above.

CULPABILITY

10. Respondent Pharmacy understand that by signing this stipulation it enables the Board to issue an order accepting the surrender of its Pharmacy Permit without further process..

11. Respondents understand and agree that the charges and allegations in Accusation No. 6780, if proven at a hearing, constitute cause for imposing discipline upon their licenses.

12. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondents agree that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation, and that Respondents hereby give up their right to contest those charges.

13. Respondent Skarcic agrees that her Registered Pharmacist License is subject to discipline and they agree to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

RESERVATION

14. The admissions made by Respondents herein are only for the purposes of this proceeding, or any other proceedings in which the Board of Pharmacy or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

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CONTINGENCY

15. This stipulation shall be subject to approval by the Board of Pharmacy. Respondents understand and agree 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 Respondents or its counsel. By signing the stipulation, Respondents understand and agree that they 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 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.

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

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

18. 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:

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DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Pharmacy Permit No. PHY 47333 issued to Respondent Westwood Professional Corp., dba Central Care Pharmacy is surrendered and accepted by the Board.

IT IS FURTHER ORDERED that the license surrender of Respondent Westwood Professional Corp., dba Central Care Pharmacy shall be stayed for one hundred and eighty (180) days from the effective date of this decision at which time the pharmacy shall be sold or closed.

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

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

3. If Respondent Pharmacy 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 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. 6780 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

4. If Respondent Pharmacy 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. 6780 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

5. Respondent Pharmacy may not apply for any license, permit, or registration from the board for three years from the effective date of this decision.

IT IS FURTHER ORDERED that Registered Pharmacist License Number RPH 48872 issued to Respondent Tihana Skarcic is revoked. However, the revocation is stayed and

Respondent is placed on probation for three (3) years on the following terms and conditions:

1. Obey All Laws

Respondent shall obey all state and federal laws and regulations.

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

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

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

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

criminal proceeding to any criminal complaint, information or indictment

a conviction of any crime

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

administrative action filed by any state or federal agency which involves

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

manufacturing, obtaining, handling, distributing, billing, or charging for any drug,

device or controlled substance.

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

2. Report to the Board

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

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

1 **3. Interview with the Board**

2 Upon receipt of reasonable prior notice, respondent shall appear in person for interviews
3 with the board or its designee, at such intervals and locations as are determined by the board or its
4 designee. Failure to appear for any scheduled interview without prior notification to board staff,
5 or failure to appear for two (2) or more scheduled interviews with the board or its designee during
6 the period of probation, shall be considered a violation of probation.
7

8 **4. Cooperate with Board Staff**

9 Respondent shall timely cooperate with the board's inspection program and with the board's
10 monitoring and investigation of respondent's compliance with the terms and conditions of Entity
11 probation, including but not limited to: timely responses to requests for information by board
12 staff; timely compliance with directives from board staff regarding requirements of any term or
13 condition of probation; and timely completion of documentation pertaining to a term or condition
14 of probation. Failure to timely cooperate shall be considered a violation of probation.
15

16 **5. Continuing Education**

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

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

20 During the period of probation, respondent shall notify all present and prospective
21 employers of the decision in case number 6780 and the terms, conditions and restrictions imposed
22 on respondent by the decision, as follows:

23 Within thirty (30) days of the effective date of this decision, and within ten (10) days of
24 undertaking any new employment, respondent shall report to the board in writing the name,
25 physical address, and mailing address of each of Entity employer(s), and the name(s) and
26 telephone number(s) of all of Entity direct supervisor(s), as well as any pharmacist(s)-in- charge,
27 designated representative(s)-in-charge, responsible manager, or other compliance supervisor(s)
28 and the work schedule, if known. Respondent shall also include the reason(s) for leaving the

1 prior employment. Respondent shall sign and return to the board a written consent authorizing
2 the board or its designee to communicate with all of respondent's employer(s) and supervisor(s),
3 and authorizing those employer(s) or supervisor(s) to communicate with the board or its designee,
4 concerning respondent's work status, performance, and monitoring. Failure to comply with the
5 requirements or deadlines of this condition shall be considered a violation of probation.

6 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
7 respondent undertaking any new employment, respondent shall cause (a) Entity direct supervisor,
8 (b) Entity pharmacist-in-charge, designated representative-in-charge, responsible manager, or
9 other compliance supervisor, and (c) the owner or owner representative of Entity employer, to
10 report to the board in writing acknowledging that the listed individual(s) has/have read the
11 decision in case number 6780, and terms and conditions imposed thereby. If one person serves in
12 more than one role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the
13 respondent's responsibility to ensure that these acknowledgment(s) are timely submitted to the
14 board. In the event of a change in the person(s) serving the role(s) described in (a), (b), or (c)
15 during the term of probation, respondent shall cause the person(s) taking over the role(s) to report
16 to the board in writing within fifteen (15) days of the change acknowledging that he or she has
17 read the decision in case number 6780, and the terms and conditions imposed thereby.

18 If respondent works for or is employed by or through an employment service, respondent
19 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the board
20 of the decision in case number 6780, and the terms and conditions imposed thereby in advance of
21 respondent commencing work at such licensed entity. A record of this notification must be
22 provided to the board upon request.

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

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

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

8
9 **7. Notification of Change(s) in Name, Address(es), or Phone Number(s)**

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

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

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

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

19 Respondent may be the pharmacist-in-charge for Central Care Pharmacy only and only
20 during the pendency of the sale of Central Care Pharmacy.

21 **9. Reimbursement of Board Costs**

22 As a condition precedent to successful completion of probation, respondent shall pay to the
23 board its costs of investigation and prosecution in the amount of \$13,819.50. Respondent shall be
24 permitted to pay these costs in a payment plan approved by the board or its designee, so long as
25 full payment is completed no later than one (1) year prior to the end date of probation. There
26 shall be no deviation from this schedule absent prior written approval by the board or its designee.
27 Failure to pay costs by the deadline(s) as directed shall be considered a violation of probation.
28

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2 **10. Probation Monitoring Costs**

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

7 **11. Status of License**

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

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

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

17 Following the effective date of this decision, should respondent cease practice due to
18 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
19 respondent may relinquish Entity license, including any indicia of licensure issued by the board,
20 along with a request to surrender the license. The board or its designee shall have the discretion
21 whether to accept the surrender or take any other action it deems appropriate and reasonable.
22 Upon formal acceptance of the surrender of the license, respondent will no longer be subject to
23 the terms and conditions of probation. This surrender constitutes a record of discipline and shall
24 become a part of the respondent's license history with the board.

25 Upon acceptance of the surrender, respondent shall relinquish Entity pocket and/or wall
26 license, including any indicia of licensure not previously provided to the board within ten (10)
27 days of notification by the board that the surrender is accepted if not already provided.
28

Respondent may not reapply for any license from the board for three (3) years from the effective date of the surrender. Respondent shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the board, including any outstanding costs.

13. Practice Requirement – Extension of Probation

Except during periods of suspension, respondent shall, at all times while on probation, be employed as a Pharmacist in California for a minimum of 60 hours per calendar month. Any month during which this minimum is not met shall extend the period of probation by one month. During any such period of insufficient employment, respondent must nonetheless comply with all terms and conditions of probation, unless respondent receives a waiver in writing from the board or its designee.

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

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

14. Violation of Probation

If respondent has not complied with any term or condition of probation, the board shall have continuing jurisdiction over respondent, and the board shall provide notice to respondent that probation shall automatically be extended, until all terms and conditions have been satisfied

1 or the board has taken other action as deemed appropriate to treat the failure to comply as a
2 violation of probation, to terminate probation, and to impose the penalty that was stayed. The
3 board or its designee may post a notice of the extended probation period on its website.

4 If respondent violates probation in any respect, the board, after giving respondent notice
5 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
6 was stayed. If a petition to revoke probation or an accusation is filed against respondent during
7 probation, or the preparation of an accusation or petition to revoke probation is requested from
8 the Office of the Attorney General, the board shall have continuing jurisdiction and the period of
9 probation shall be automatically extended until the petition to revoke probation or accusation is
10 heard and decided, and the charges and allegations in Accusation No. 6780 shall be deemed true
11 and correct.

12 **15. Completion of Probation**

13 Upon written notice by the board or its designee indicating successful completion of
14 probation, respondent's license will be fully restored.
15

16 **16. Remedial Education**

17 Within ninety (90) days of the effective date of this decision, respondent shall submit to the
18 board or its designee, for prior approval, an appropriate program of remedial education related to
19 the grounds for discipline. The program of remedial education shall consist of at least 10 hours
20 per year of which 50% must be live webinar or in-person. All remedial education shall be
21 completed at respondent's own expense. All remedial education shall be in addition to, and shall
22 not be credited toward, continuing education (CE) courses used for license renewal purposes for
23 pharmacists.

24 Failure to timely submit for approval or complete the approved remedial education shall be
25 considered a violation of probation. The period of probation will be automatically extended until
26 such remedial education is successfully completed and written proof, in a form acceptable to the
27 board, is provided to the board or its designee.
28

1 Following the completion of each course, the board or its designee may require the
2 respondent, at Entity own expense, to take an approved examination to test the respondent's
3 knowledge of the course. If the respondent does not achieve a passing score on the examination
4 that course shall not count towards satisfaction of this term. Respondent shall take another course
5 approved by the board in the same subject area.

6
7 **17. No Ownership or Management of Licensed Premises**

8 Respondent shall not own, have any legal or beneficial interest in, nor serve as a manager,
9 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
10 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell
11 or transfer any legal or beneficial interest in any entity licensed by the board within one hundred
12 and eighty (180) days following the effective date of this decision and shall immediately
13 thereafter provide written proof thereof to the board. Failure to timely divest any legal or
14 beneficial interest(s) or provide documentation thereof shall be considered a violation of
15 probation.

16 **ACCEPTANCE**

17 I have carefully read the above Stipulated Surrender and Settlement and Disciplinary Order
18 and have fully discussed it with my attorney, Tony J. Park. I understand the stipulation and the
19 effect it will have on my Pharmacy Permit. I enter into this Stipulated Surrender and Settlement
20 and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
21 Decision and Order of the Board of Pharmacy.

22 DATED: 6-5-20

23 
24 WESTWOOD PROFESSIONAL CORP., DBA
CENTRAL CARE PHARMACY
Respondent Pharmacy

25 I have read and fully discussed with Respondent Westwood Professional Corp., dba Central
26 Care Pharmacy the terms and conditions and other matters contained in the above Stipulated
27 Settlement and Disciplinary Order. I approve its form and content.
28

1 DATED: _____

2 TONY J. PARK
3 *Attorney for Respondent Pharmacy*

4 I have carefully read the above Stipulated Surrender and Settlement and Disciplinary Order
5 and have fully discussed it with my attorney, Tony J. Park. I understand the stipulation and the
6 effect it will have on my Pharmacy Permit. I enter into this Stipulated Surrender Settlement and
7 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
8 Decision and Order of the Board of Pharmacy.

9 DATED: 6-5-20

10 
11 TIHANA SKARCIC
12 *Respondent Skarcic*

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

16 DATED: _____

17 TONY J. PARK
18 *Attorney for Respondent Skarcic*

19 **ENDORSEMENT**

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

22 DATED: _____

23 Respectfully submitted,

24 XAVIER BECERRA
25 Attorney General of California
26 SHAWN P. COOK
27 Supervising Deputy Attorney General

28 MARIO CUAHUTLE
Deputy Attorney General
Attorneys for Complainant

1 DATED: 06/08/2020

2 TONY J. PARK

3 *Attorney for Respondent Pharmacy*

4 I have carefully read the above Stipulated Surrender and Settlement and Disciplinary Order
5 and have fully discussed it with my attorney, Tony J. Park. I understand the stipulation and the
6 effect it will have on my Pharmacy Permit. I enter into this Stipulated Surrender Settlement and
7 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
8 Decision and Order of the Board of Pharmacy.

9 DATED: _____

10 TIHANA SKARCIC

11 *Respondent Skarcic*

12 I have read and fully discussed with Respondent Tihana Skarcic the terms and conditions
13 and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve
14 its form and content.

15 DATED: 06/08/2020

16 TONY J. PARK

17 *Attorney for Respondent Skarcic*

18 **ENDORSEMENT**

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

21 DATED: 6/8/20

22 Respectfully submitted,

23 XAVIER BECERRA

24 Attorney General of California

25 SHAWN P. COOK

26 Supervising Deputy Attorney General

27 /s/Mario Cuahutle

28 MARIO CUAHUTLE

Deputy Attorney General

Attorneys for Complainant

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Exhibit A

Accusation No. 6780

1 XAVIER BECERRA
Attorney General of California
2 SHAWN P. COOK
Supervising Deputy Attorney General
3 MARIO CUAHUTLE
Deputy Attorney General
4 State Bar No. 305067
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
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6 Facsimile: (916) 731-2126
Attorneys for Complainant
7

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

11 In the Matter of the Accusation Against:

Case No. 6780

12 **WESTWOOD PHARMACY**
13 **PROFESSIONAL CORP., DBA CENTRAL**
14 **CARE PHARMACY, TIHANA SKARICIC**
16260 Ventura Blvd. #100
Encino, CA 91436

ACCUSATION

15 **Pharmacy Permit No. PHY 47333,**

16 **and**

17 **TIHANA SKARICIC**
14743 Morrison St.
18 Sherman Oaks, CA 91403

19 **Registered Pharmacist License No. RPH**
48872

20 Respondents.
21

22
23 **PARTIES**

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

26 2. On or about November 7, 2005, the Board of Pharmacy issued Pharmacy Permit
27 Number PHY 47333 to Westwood Pharmacy Professional Corp., dba Central Care Pharmacy,
28 Tihana Skaricic (Respondent Pharmacy). The Pharmacy Permit was in full force and effect at all

1 times relevant to the charges brought herein and will expire on November 1, 2019, unless
2 renewed.

3 3. On or about August 15, 1996, the Board of Pharmacy issued Registered Pharmacist
4 License Number RPH 48872 to Tihana Skaricic (Respondent Skaricic and hereinafter collectively
5 referred to as Respondents). The Registered Pharmacist License was in full force and effect at all
6 times relevant to the charges brought herein and will expire on January 31, 2020, unless renewed.

7 **JURISDICTION**

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

11 5. Section 4300 provides, in pertinent part, that every license issued by the Board is
12 subject to discipline, including suspension or revocation.

13 6. Section 4300.1 states:

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

19 **STATUTORY PROVISIONS**

20 7. Section 4022 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 8. Section 4036.5 states: "Pharmacist-in-charge" means a pharmacist proposed by a
26 pharmacy and approved by the board as the supervisor or manager responsible for ensuring the
27 pharmacy's compliance with all state and federal laws and regulations pertaining to the practice of
28 pharmacy."

1 9. Section 4113 states, in pertinent part:

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

5

6 “(c) The pharmacist-in-charge shall be responsible for a pharmacy’s compliance with all
7 state and federal laws and regulations pertaining to the practice of pharmacy.

8 “(d) Every pharmacy shall notify the board in writing, on a form designed by the board,
9 within 30 days of the date when a pharmacist-in-charge ceases to act as the pharmacist-in-charge,
10 and shall on the same form propose another pharmacist to take over as the pharmacist-in-charge.
11 The proposed replacement pharmacist-in-charge shall be subject to approval by the board. If
12 disapproved, the pharmacy shall propose another replacement within 15 days of the date of
13 disapproval and shall continue to name proposed replacements until a pharmacist-in-charge is
14 approved by the board.”

15 10. Section 4300 of the Code provides in pertinent part:

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

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

20 “(1) Suspending judgment.

21 “(2) Placing him or her upon probation.

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

23 “(4) Revoking his or her license.

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

26 11. Section 4301 of the Code states:

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“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:

• • •

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

12. 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.”

13. Section 4307 states, in pertinent part:

"(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, 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 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, 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.”

14. Section 4081 of the Code states:

(a) All records of manufacture and of sale, acquisition, or disposition of

dangerous drugs or dangerous devices shall be at all times during business hours open to inspection by authorized officers of the law, and shall be preserved for at least three years from the date of making. A current inventory shall be kept by every manufacturer, wholesaler, pharmacy, veterinary food-animal drug retailer, physician, dentist, podiatrist, veterinarian, laboratory, 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 any pharmacy, wholesaler, or veterinary food-animal drug retailer shall be jointly responsible, with the pharmacist-in-charge or representative-in-charge, for maintaining the records and inventory described in this section.

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

15. Section 4332 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."

16. Health & Saf. Code Section 11208 states in a prosecution under this division, proof that a defendant received or has had in his possession at any time a greater amount of controlled substances than is accounted for by any record required by law or that the amount of controlled substances possessed by the defendant is a lesser amount than is accounted for by any record required by law is prima facie evidence of guilt.

STATE REGULATORY PROVISIONS

17. California Code of Regulations, title 16, section 1714 states, in pertinent part:

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

18. California Code of Regulations, title 16, section 1718, states:

"Current Inventory" as used in Sections 4081 and 4332 of the Business and Professions

1 Code shall be considered to include complete accountability for all dangerous drugs handled by
2 every licensee enumerated in Sections 4081 and 4332. The controlled substances inventories
3 required by Title 21, CFR, Section 1304 shall be available for inspection upon request for at least
4 3 years after the date of the inventory.

5 **FEDERAL REGULATORY PROVISIONS**

6 19. Code of Federal Regulations, title 21, section 1301.75, states, in pertinent part:

7 “(b) Controlled substances listed in Schedules II, III, IV, V shall be stored in a securely
8 locked, substantially constructed cabinet. However, pharmacies and institutional practitioners
9 may disperse such substances throughout the stock of noncontrolled substances in such a manner
10 as to obstruct the theft or diversion of the controlled substances.

11 **COST RECOVERY**

12 20. Section 125.3 of the Code states, in pertinent part, that the Board may request the
13 administrative law judge to direct a licensee found to have committed a violation or violations of
14 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
15 enforcement of the case.

16 **DANGEROUS DRUGS**

17 21. Oxycodone, brand name Roxicodone, is a dangerous drug pursuant to Business and
18 Professions Code Section 4022.

19 **FACTUAL ALLEGATIONS**

20 22. At all times relevant herein, Respondent Skaricic was the Chief Executive Officer of
21 Westwood Pharmacy Professional Corporation dba Central Care Pharmacy, as well as
22 Pharmacist-in-Charge of Central Care Pharmacy, a retail pharmacy located in the city of Encino,
23 CA.

24 23. On or about March 14, 2018, the Board received a suspicious order report from
25 Cardinal Health pursuant to Code section 4169.1 and regarding customer Respondent Pharmacy.

26 24. The chart below is a summary of the suspicious order report from Cardinal Health:

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Suspicious Order Information	
Customer Name	CENTRAL CARE PHARMACY
Customer Address	16260 VENTURA BLVD #100, ENCINO, CA 91436
Suspicious Order Product Description	OXYCODONE HCL 30MG 100 IR C2
Suspicious Order Product Drug Class	Oxycodone Hydrochloride
Suspicious Order Quantity in Dosage Units	300
Date of Suspicious Order	3/13/2018

25. Next, the Board analyzed controlled substance dispensing data from Respondent Pharmacy from September 10, 2015 to September 10, 2018 as reported by the Controlled Substance Utilization Review and Evaluation System (CURES)¹. In response to this information, the Board initiated an investigation and drug audit of Respondent Pharmacy.

26. For an audit period of March 15, 2016 to February 4, 2019, Respondent Pharmacy could not account for an inventory shortage of approximately 20,389 generic oxycodone immediate-release 30 mg tablets. Further, Respondent Pharmacy did not maintain its space so that drugs were properly secured from possible internal theft.

27. The chart below is a summary of the Board's audit of oxycodone 30 mg at Respondent Pharmacy from March 15, 2016 to February 4, 2019:

Drug Name and Strength	Initial Amount (I)	Amount Received (A)	Total Amount (I+A=T)	Amount Dispensed or Otherwise Disposed (D)	Amount to be Accounted for (T-D)	Stock on Hand (S) Date: 2/4/19	Amount Short S<T-D (X)	Percent of Unaccounted Amount over Disposed (X/D)
Oxycodone IR 30 mg	632	101,400	102,032	81,228	20,804	415	-20,389	-25.10%

28. On or about February 4, 2019 and as part of the investigation, a Board inspector also inspected Respondent Pharmacy. The inspection revealed that Schedule II Controlled Substance

¹ The California Utilization Review and Evaluation System contains over 100 million entries of controlled substance drugs that were dispensed in California. Pharmacists and prescribers can register with the Department of Justice to obtain access to the CURES data through the California Prescription Drug Monitoring Program (PDMP). Patient Activity Reports (PARs) are provided and reflect all controlled substances dispensed to an individual. CURES herein refers to CURES in general and PARs. Pharmacies are required to report to the California Department of Justice every schedule II, II and IV drug prescription under Health and Safety Code section 11165, subdivision (d).

1 medications were stored in a couple of drawers under the pharmacy countertop without any
2 locking mechanism.

3 29. On or about February 4, 2019 and in response to the Board's request, Respondent
4 Pharmacy provided a controlled substance inventory list with Schedule II controlled substance
5 medications, dated March 15, 2016 and an inventory list for Schedule III—V controlled substance
6 medication, dated March 16, 2016.

7 **FIRST CAUSE FOR DISCIPLINE**

8 (Failed to Preserve Records of Dangerous Drugs)

9 30. Respondents are subject to disciplinary action under Code section 4081, subdivision
10 (a), in that they failed to comply with recordkeeping of dangerous drugs. The allegations of
11 paragraphs 22 through 29 above are realleged as though fully set forth.

12 **SECOND CAUSE FOR DISCIPLINE**

13 (Failed to Maintain a Secure Facility)

14 31. Respondents are subject to disciplinary action under section 4300 for unprofessional
15 conduct as defined in section 4301, subdivisions (j), in conjunction with California Code of
16 Regulations, title 16, section 1714(b) and Code of Federal Regulations, title 21, section
17 1301.75(b), in that they failed to maintain its space so that Schedule II controlled substance were
18 properly stored in a securely locked cabinet to obstruct the diversion of this dangerous drug. The
19 allegations of paragraphs 22 through 29 above are realleged as though fully set forth.

20 **THIRD CAUSE FOR DISCIPLINE**

21 (Failed to Account for All Dangerous Drugs)

22 32. Respondents are subject to disciplinary action under section 4300 for unprofessional
23 conduct as defined in section 4301, subdivisions (j), in conjunction with California Code of
24 Regulations, title 16, section 1718 in that they failed to keep complete accountability for all
25 dangerous drugs handled. The allegations of paragraphs 22 through 29 above are realleged as
26 though fully set forth.

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DISCIPLINARY CONSIDERATIONS

33. To determine the degree of discipline, if any, to be imposed on Respondents, Complainant alleges that on or about April 24, 2018, in a prior action, the Board issued Citation Number CI 2015 68233 to Respondent Pharmacy. On or about November 16, 2016, in a prior action, the Board issued Citation Number CI 2015 68152 and ordered Respondent Pharmacy to pay a \$2000 fine. On or about November 16, 2016, in a prior action, the Board issued Citation Number CI 2016 72827 and ordered Respondent Skaricic to pay a \$2000 fine. On or about April 24, 2018, in a prior action, the Board issued Citation Number CI 2017 79582 and ordered Respondent Pharmacy to pay a \$1250 fine. Those Citations are now final and non-appealable.

OTHER MATTERS

34. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number PHY 47333 issued to Westwood Pharmacy Professional Corp., dba Central Care Pharmacy, Westwood Pharmacy Professional Corp. shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 47333 is placed on probation or until Pharmacy Permit Number PHY 47333 is reinstated if it is revoked.

35. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number PHY 47333 issued to Westwood Pharmacy Professional Corp., dba Central Care Pharmacy, while Tihana Skaricic has been an officer and/or owner and had knowledge of or knowingly participated in any conduct for which the licensee was disciplined, she shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 47333 is placed on probation or until Pharmacy Permit Number PHY 47333 is reinstated if it is revoked.

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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 Pharmacy Permit Number PHY 47333, issued to Westwood Pharmacy Professional Corp., dba Central Care Pharmacy, Tihana Skaricic;

2. Revoking or suspending Registered Pharmacist License Number RPH 48872, issued to Tihana Skaricic;

3. Prohibiting Respondent Westwood Pharmacy Professional Corp. from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 47333 is placed on probation or until Pharmacy Permit Number PHY 47333 is reinstated if Pharmacy Permit Number PHY 47333 issued to Westwood Pharmacy Professional Corp. is revoked;

4. Prohibiting Respondent Tihana Skaricic from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 47333 is placed on probation or until Pharmacy Permit Number PHY 47333 is reinstated if Pharmacy Permit Number PHY 47333 issued to Westwood Pharmacy Professional Corp. is revoked;

5. Ordering Respondents 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: November 7, 2018



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

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