

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

In the Matter of the Accusation Against:

**MVP COMPOUNDS, INC. DBA SANTA MONICA MEDICAL PLAZA
PHARMACY, MOUIZ KOHANGHADOSH**

Permit No. PHY 51669,

and

MOUIZ KOHANGHADOSH

Pharmacist License No. RPH 62065

Respondents.

Agency Case No. 6865

OAH No. 2021120526

DECISION AND ORDER

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

This Decision shall become effective at 5:00 p.m. on October 19, 2022.

It is so ORDERED on September 19, 2022.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

A handwritten signature in black ink, appearing to read "Seung W. Oh". The signature is fluid and cursive, with the first name "Seung" and last name "Oh" clearly distinguishable.

Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
2 THOMAS L. RINALDI
Supervising Deputy Attorney General
3 LESLIE A. WALDEN
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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:

13 **MVP COMPOUNDS, INC. DBA SANTA**
14 **MONICA MEDICAL PLAZA**
15 **PHARMACY, MOUIZ**
16 **KOHANGHADOSH**
1260 15th St., Ste 100
Santa Monica, CA 90404

17 **Permit No. PHY 51669,**

18 **and**

19 **MOUIZ KOHANGHADOSH**
17810 Erwin St.
20 **Encino, CA 91316**

21 **Pharmacist License No. RPH 62065**

22 Respondents.
23
24
25

Case No. 6865

OAH No. 2021120526

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER AS TO MVP
COMPOUNDS, INC. DBA SANTA
MONICA MEDICAL PLAZA
PHARMACY**

26 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
27 entitled proceedings that the following matters are true:
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 Rob Bonta, Attorney General of the State of California, by Leslie A. Walden, Deputy Attorney
5 General.

6 2. Respondent MVP Compounds, Inc. dba Santa Monica Medical Plaza Pharmacy,
7 Mouiz Kohanghadosh (Respondent) is represented in this proceeding by attorney Ivan Petrzelka,
8 Esq., whose address is: California Pharmacy Lawyers, 9090 Irvine Center Drive, Irvine, CA
9 92618.

10 3. On or about November 25, 2013, the Board issued Pharmacy Permit No. PHY 51669
11 to Respondent. The Permit was in full force and effect at all times relevant to the charges brought
12 in Accusation No. 6865, and will expire on November 1, 2022, unless renewed.

13 **JURISDICTION**

14 4. Accusation No. 6865 was filed before the Board, and is currently pending against
15 Respondent. The Accusation and all other statutorily required documents were properly served
16 on Respondent on December 22, 2020. Respondent timely filed its Notice of Defense contesting
17 the Accusation.

18 5. A copy of Accusation No. 6865 is attached as exhibit A and incorporated herein by
19 reference.

20 **ADVISEMENT AND WAIVERS**

21 6. Respondent has carefully read, fully discussed with counsel, and understands the
22 charges and allegations in Accusation No. 6865. Respondent has also carefully read, fully
23 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
24 Order.

25 7. Respondent is fully aware of its legal rights in this matter, including the right to a
26 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
27 the witnesses against them; the right to present evidence and to testify on its own behalf; the right
28 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.

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

CULPABILITY

9. Respondent understands and agrees that the charges and allegations in Accusation No. 6865, if proven at a hearing, constitute cause for imposing discipline upon its Pharmacy Permit.

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

11. Respondent agrees that its Pharmacy Permit is subject to discipline and agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

12. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or its counsel. By signing the stipulation, Respondent understands and agrees that 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.

13. 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.

14. 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.

15. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Pharmacy Permit No. PHY 51669 issued to Respondent MVP Compounds, Inc. dba Santa Monica Medical Plaza Pharmacy, Mouiz Kohanghadosh is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions:

Definition: Respondent

For the purposes of these terms and conditions, “Respondent” shall refer to MVP Compounds, Inc. dba Santa Monica Medical Plaza Pharmacy, Mouiz Kohanghadosh. All terms and conditions stated herein shall bind and be applicable to the licensed premises and to all owners, managers, officers, administrators, members, directors, trustees, associates, or partners thereof. For purposes of compliance with any term or condition, any report, submission, filing, payment, or appearance required to be made by Respondent to or before the BBard or its designee shall be made by an owner or executive officer with authority to act on behalf of and legally bind the licensed entity.

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; or
- discipline, citation, or other administrative action filed by any state or federal agency which involves Respondent's Pharmacy Permit or which is related to the practice of pharmacy or the manufacturing, obtaining, handling or distributing, billing, or charging for any dangerous drug, and/or dangerous device or controlled substance.

Failure to timely report any 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.

3. Interview with the Board

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

4. Cooperate with Board Staff

Respondent shall timely cooperate with the board's inspection program and with the Board's monitoring and investigation of Respondent's compliance with the terms and conditions of the

1 probation, including but not limited to: timely responses to requests for information by Board
2 staff; timely compliance with directives from Board staff regarding requirements of any term or
3 condition of probation; and timely completion of documentation pertaining to a term or condition
4 of probation. Failure to timely cooperate shall be considered a violation of probation.

5 **5. Reimbursement of Board Costs**

6 As a condition precedent to successful completion of probation, Respondent shall pay to the
7 Board its costs of investigation and prosecution in the amount of \$15,000, joint and severally with
8 Mouiz Kohanghadosh.

9 Respondent shall be permitted to pay these costs in a payment plan approved by the Board
10 or its designee, so long as full payment is completed no later than one (1) year prior to the end
11 date of probation. Failure to pay costs by the deadline(s) as directed shall be considered a
12 violation of probation.

13 **6. Probation Monitoring Costs**

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

18 **7. Status of License**

19 Respondent shall, at all times while on probation, maintain current its Pharmacy Permit
20 with the Board. Failure to maintain current licensure shall be considered a violation of probation.

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

25 **8. License Surrender While on Probation/Suspension**

26 Following the effective date of this decision, should owner discontinue business,
27 Respondent owner may tender the premises license to the Board for surrender. The Board or its
28 designee shall have the discretion whether to grant the request for surrender or take any other

1 action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the
2 license, Respondent will no longer be subject to the terms and conditions of probation.

3 Upon acceptance of the surrender, Respondent owner shall relinquish the premises wall and
4 renewal license to the Board within ten (10) days of notification by the Board that the surrender is
5 accepted. Respondent owner shall further submit a completed Discontinuance of Business form
6 according to Board guidelines and shall notify the Board of the records inventory transfer.
7 Respondent owner shall also, by the effective date of this decision, arrange for the continuation of
8 care for ongoing patients of the pharmacy by, at minimum, providing a written notice to ongoing
9 patients that specifies the anticipated closing date of the pharmacy and that identifies one or more
10 area pharmacies capable of taking up the patients' care, and by cooperating as may be necessary
11 in the transfer of records or prescriptions for ongoing patients. Within five days of its provision
12 to the pharmacy's ongoing patients, Respondent owner shall provide a copy of the written notice
13 to the Board. For the purposes of this provision, "ongoing patients" means those patients for
14 whom the pharmacy has on file a prescription with one or more refills outstanding, or for whom
15 the pharmacy has filled a prescription within the preceding sixty (60) days.

16 Respondent owner may not apply for any new licensure from the Board for three (3) years
17 from the effective date of the surrender. Respondent owner shall meet all requirements applicable
18 to the license sought as of the date the application for that license is submitted to the Board.

19 Respondent owner further stipulates that he or she shall reimburse the Board for its costs of
20 investigation and prosecution prior to the acceptance of the surrender.

21 **9. Sale or Discontinuance of Business**

22 During the period of probation, should Respondent sell, trade or transfer all or part of the
23 ownership of the licensed entity, discontinue doing business under the license issued to
24 Respondent, or should practice at that location be assumed by another full or partial owner,
25 person, firm, business, or entity, under the same or a different premises license number, the Board
26 or its designee shall have the sole discretion to determine whether to exercise continuing
27 jurisdiction over the licensed location, under the current or new premises license number, and/or
28 carry the remaining period of probation forward to be applicable to the current or new premises

1 license number of the new owner.

2
3 **10. Notice to Employees**

4 Respondent shall, upon or before the effective date of this decision, ensure that all
5 employees involved in permit operations are made aware of all the terms and conditions of
6 probation, either by posting a notice of the terms and conditions, circulating such notice, or both.
7 If the notice required by this provision is posted, it shall be posted in a prominent place and shall
8 remain posted throughout the probation period. Respondent shall ensure that any employees hired
9 or used after the effective date of this decision are made aware of the terms and conditions of
10 probation by posting a notice, circulating a notice, or both. Additionally, Respondent shall submit
11 written notification to the Board, within fifteen (15) days of the effective date of this decision,
12 that this term has been satisfied. Failure to timely provide such notification to employees, or to
13 timely submit such notification to the Board shall be considered a violation of probation.

14 "Employees" as used in this provision includes all full-time, part-time,
15 volunteer, temporary and relief employees and independent contractors employed or
16 hired at any time during probation.

17 **11. Owners and Officers: Knowledge of the Law**

18 Respondent shall provide, within thirty (30) days after the effective date of this decision,
19 signed and dated statements from its owners, including any owner or holder of ten percent (10%)
20 or more of the interest in Respondent or Respondent's stock, and all of its officer, stating under
21 penalty of perjury that said individuals have read and are familiar with state and federal laws and
22 regulations governing the practice of pharmacy. The failure to timely provide said statements
23 under penalty of perjury shall be considered a violation of probation.

24 **12. Premises Open for Business**

25 Respondent shall remain open and engaged in its ordinary business as a Pharmacy in
26 California for a minimum of 120 hours per calendar month. Any month during which this
27 minimum is not met shall toll the period of probation, i.e., the period of probation shall be
28 extended by one month for each month during with this minimum is not met. During any such

1 period of tolling of probation, Respondent must nonetheless comply with all terms and conditions
2 of probation, unless Respondent is informed otherwise in writing by the Board or its designee. If
3 Respondent is not open and engaged in its ordinary business as a Pharmacy for a minimum of 120
4 hours in any calendar month, for any reason (including vacation), Respondent shall notify the
5 Board in writing within ten (10) days of the conclusion of that calendar month. This notification
6 shall include at minimum all of the following: the date(s) and hours Respondent was open; the
7 reason(s) for the interruption or why business was not conducted; and the anticipated date(s) on
8 which Respondent will resume business as required. Respondent shall further notify the Board in
9 writing with ten (10) days following the next calendar month during which Respondent is open
10 and engaged in its ordinary business as a Pharmacy in California for a minimum of 120 hours.
11 Any failure to timely provide such notification(s) shall be considered a violation of probation.

12 13. **Posted Notice of Probation**

13 Respondent shall prominently post a probation notice provided by the Board or its designee
14 in a place conspicuous to and readable by the public within two (2) days of receipt thereof from
15 the Board or its designee. Failure to timely post such notice, or to maintain the posting during the
16 entire period of probation, shall be considered a violation of probation.

17 Respondent shall not, directly or indirectly, engage in any conduct or make any statement
18 which is intended to mislead or is likely to have the effect of misleading any patient, customer,
19 member of the public, or other person(s) as to the nature of and reason for the probation of the
20 licensed entity.

21 14. **Violation of Probation**

22 If a Respondent has not complied with any term or condition of probation, the Board shall
23 have continuing jurisdiction over Respondent, and probation shall be automatically extended,
24 until all terms and conditions have been satisfied or the Board has taken other action as deemed
25 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and
26 to impose the penalty that was stayed.

27 If Respondent violates probation in any respect, the Board, after giving Respondent notice
28 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that

1 was stayed. If a petition to revoke probation or an accusation is filed against Respondent during
2 probation, or the preparation of an accusation or petition to revoke probation is requested from
3 the Office of the Attorney General, the Board shall have continuing jurisdiction and the period of
4 probation shall be automatically extended until the petition to revoke probation or accusation is
5 heard and decided, and the charges and allegations in Accusation No. 6865 shall be deemed true
6 and correct.

7 **15. Completion of Probation**

8 Upon written notice by the Board or its designee indicating successful completion of
9 probation, Respondent's license will be fully restored.

10 **16. No Additional Ownership or Management of Licensed Premises**

11 Respondent shall not acquire any additional ownership, legal or beneficial interest in, nor
12 serve as a manager, administrator, member, officer, director, associate, partner or any business,
13 firm, partnership, or corporation currently or hereinafter licensed by the Board except as
14 approved by the Board or its designee. Violations of this restriction shall be considered a
15 violation of probation.

16 **17. Consultant Review of Pharmacy Operations**

17 During the period of probation, Respondent shall retain, at its own expense, an independent
18 consultant who shall be responsible for conducting an on-site physical inspection to review the
19 operations of the pharmacy on a monthly basis for compliance by Respondent with state and
20 federal laws and regulations governing the practice of the pharmacy, and compliance by
21 Respondent. During the period of probation, the Board or its designee, retains discretion to
22 reduce the frequency and/or form of inspection of the pharmacist consultant's review.

23 The consultant shall be a pharmacist licensed by and not on probation with the Board, who
24 has been approved by the Board or its designee to serve in this position. Respondent shall submit
25 the name of the proposed consultant to the Board or its designee for approval within thirty (30)
26 days of the effective date of the decision. Assumption of any unauthorized supervision
27 responsibilities shall be considered a violation of probation.

28 Failure to timely seek approval for, timely retain, or ensure timely reporting by the

consultant shall be considered a violation of probation.

18. Community Services Program

Within sixty (60) days of the effective date of this decision, Respondent owner shall submit to the Board or its designee, for prior approval, a community service program valued in the amount of \$15,000, which shall consist of monetary donations and free services related to distribution of Naloxone. Within thirty (30) days of Board approval thereof, Respondent owner shall submit documentation to the Board demonstrating commencement of the community service program. Respondent owner shall report on progress with the community service program in the quarterly reports. The payment of any monetary donations pursuant to the approved community service program shall be spread over course of Respondent's probation period of three (3) years. Failure to timely submit, commence, or comply with the program shall be considered a violation of probation.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order as to MVP Compounds, Inc. dba Santa Monica Medical Plaza Pharmacy, Mouiz Kohanghadosh and have fully discussed it with my attorney, Ivan Petrzeka, Esq. I understand the stipulation and the effect it will have on my Permit. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: _____

MVP COMPOUNDS, INC. DBA SANTA MONICA
MEDICAL PLAZA PHARMACY, MOUIZ
KOHANGHADOSH
Respondent

////

////

consultant shall be considered a violation of probation.

18. Community Services Program

Within sixty (60) days of the effective date of this decision, Respondent owner shall submit to the Board or its designee, for prior approval, a community service program valued in the amount of \$15,000, which shall consist of monetary donations and free services related to distribution of Naloxone. Within thirty (30) days of Board approval thereof, Respondent owner shall submit documentation to the Board demonstrating commencement of the community service program. Respondent owner shall report on progress with the community service program in the quarterly reports. The payment of any monetary donations pursuant to the approved community service program shall be spread over course of Respondent's probation period of three (3) years. Failure to timely submit, commence, or comply with the program shall be considered a violation of probation.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order as to MVP Compounds, Inc. dba Santa Monica Medical Plaza Pharmacy, Mouiz Kohanghadosh and have fully discussed it with my attorney, Ivan Petrzeka, Esq. I understand the stipulation and the effect it will have on my Permit. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 06/10/2022

Mouiz Kohanghadosh

MVP COMPOUNDS, INC. DBA SANTA MONICA
MEDICAL PLAZA PHARMACY, MOUIZ
KOHANGHADOSH
Respondent

////

////

1 I have read and fully discussed with Respondent MVP Compounds, Inc. dba Santa Monica
2 Medical Plaza Pharmacy, Mouiz Kohanghadosh the terms and conditions and other matters
3 contained in the above Stipulated Settlement and Disciplinary Order as to MVP Compounds, Inc.
4 dba Santa Monica Medical Plaza Pharmacy, Mouiz Kohanghadosh. I approve its form and
5 content.

6 DATED: _____

ESQ. IVAN PETRZELKA, ESQ.
Attorney for Respondent

8
9 **ENDORSEMENT**

10 The foregoing Stipulated Settlement and Disciplinary Order as to MVP Compounds, Inc.
11 dba Santa Monica Medical Plaza Pharmacy, Mouiz Kohanghadosh is hereby respectfully
12 submitted for consideration by the Board of Pharmacy.

13 DATED: _____

Respectfully submitted,


14
15 ROB BONTA
Attorney General of California
16 THOMAS L. RINALDI
Supervising Deputy Attorney General

17
18 LESLIE A. WALDEN
Deputy Attorney General
19 *Attorneys for Complainant*
20

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1 I have read and fully discussed with Respondent MVP Compounds, Inc. dba Santa Monica
2 Medical Plaza Pharmacy, Mouiz Kohanghadosh the terms and conditions and other matters
3 contained in the above Stipulated Settlement and Disciplinary Order as to MVP Compounds, Inc.
4 dba Santa Monica Medical Plaza Pharmacy, Mouiz Kohanghadosh. I approve its form and
5 content.

6 DATED: June 10, 2022



ESQ. IVAN PETRZELKA, ESQ.
Attorney for Respondent


8
9 **ENDORSEMENT**

10 The foregoing Stipulated Settlement and Disciplinary Order as to MVP Compounds, Inc.
11 dba Santa Monica Medical Plaza Pharmacy, Mouiz Kohanghadosh is hereby respectfully
12 submitted for consideration by the Board of Pharmacy.

13 DATED: 6/13/22

14 Respectfully submitted,

15 ROB BONTA
16 Attorney General of California
17 THOMAS L. RINALDI
18 Supervising Deputy Attorney General



19 LESLIE A. WALDEN
20 Deputy Attorney General
21 *Attorneys for Complainant*

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Exhibit A

Accusation No. 6865

1 XAVIER BECERRA
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 LESLIE A. WALDEN
Deputy Attorney General
4 State Bar No. 196882
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6293
6 Facsimile: (916) 731-2126
Attorneys for Complainant
7

8 **BEFORE THE**
9 **BOARD OF PHARMACY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
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12 In the Matter of the Accusation Against:

Case No. 6865

13 **MVP COMPOUNDS, INC. DBA SANTA**
14 **MONICA MEDICAL PLAZA**
15 **PHARMACY, MOUIZ**
16 **KOHANGHADOSH, OWNER,**
17 **PRESIDENT, CEO, CFO, AND**
18 **PHARMACIST IN CHARGE**
19 **1260 15th St., Ste 100**
20 **Santa Monica, CA 90404**

ACCUSATION

21 **Permit No. PHY 51669,**

22 **and**

23 **MOUIZ KOHANGHADOSH**
24 **1260 15th St.**
25 **Santa Monica, CA 90404**

26 **Pharmacist License No. RPH 62065**

27 Respondents.
28

1
2 **PARTIES**

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

5 2. On or about November 25, 2013, the Board of Pharmacy issued Permit Number PHY
6 51669 to MVP Compounds, Inc. dba Santa Monica Medical Plaza Pharmacy, Mouiz
7 Kohanghadosh, Owner, President, CEO, CFO, and Pharmacist in Charge. The Permit was in full
8 force and effect at all times relevant to the charges brought herein and will expire on November 1,
9 2022, unless renewed.

10 3. On or about December 26, 2008, the Board of Pharmacy issued Pharmacist License
11 Number RPH 62065 to Mouiz Kohanghadosh. The Pharmacist License was in full force and
12 effect at all times relevant to the charges brought herein and will expire on August 31, 2022,
13 unless renewed.

14 **JURISDICTION**

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

18 5. Section 22 of the Code states:

19 “Board” as used in any provisions of this code, refers to the board in which the
20 administration of the provision is vested, and unless otherwise expressly provided, shall include
21 “bureau,” “commission,” “committee,” “department,” “division,” “examining committee,”
22 “program,” and “agency.”

23 6. Section 4300.1 of the Code states:

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

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

8. Section 4307 subdivision (a) of the Code states:

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

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

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

(b) “Manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control of a license” as used in this section and Section 4308, may refer to a pharmacist or to any other person who serves in such capacity in or for a licensee..

STATUTORY PROVISIONS

9. Section 4022 of the Code states

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

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

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

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

8 10. Section 4301 of the Code states:

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

12 . . .

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

15 ...

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

18 ...

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

23 11. Health and Safety Code section 11153 provides:

24 "(a) A prescription for a controlled substance shall only be issued for a legitimate medical
25 purpose by an individual practitioner acting in the usual course of his or her professional practice.
26 The responsibility for the proper prescribing and dispensing of controlled substances is upon the
27 prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the
28

1 prescription. Except as authorized by this division, the following are not legal prescriptions: (1)
2 an order purporting to be a prescription which is issued not in the usual course of professional
3 treatment or in legitimate and authorized research; or (2) an order for an addict or habitual user of
4 controlled substances, which is issued not in the course of professional treatment or as part of an
5 authorized narcotic treatment program, for the purpose of providing the user with controlled
6 substances, sufficient to keep him or her comfortable by maintaining customary use."

7 **REGULATORY PROVISIONS**

8 12. Section 1761 of the title 16 of the California Code of Regulations states:

9 (a) No pharmacist shall compound or dispense any prescription which contains any
10 significant error, omission, irregularity, uncertainty, ambiguity or alteration. Upon receipt of any
11 such prescription, the pharmacist shall contact the prescriber to obtain the information needed to
12 validate the prescription.

13 (b) Even after conferring with the prescriber, a pharmacist shall not compound or dispense
14 a controlled substance prescription where the pharmacist knows or has objective reason to know
15 that said prescription was not issued for a legitimate medical purpose.

16 **COST RECOVERY**

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

21 **DEFINITION**

22 14. Roxicodone 30mg, the brand name for oxycodone 30 mg, is a dangerous drug
23 pursuant to Business and Professions Code section 4022, and is a Schedule II Controlled
24 Substance pursuant to Health and Safety Code section 11055 subdivision (b)(1)(M). It is
25 commonly used to treat pain.

26 **FACTUAL ALLEGATIONS**

27 15. On or about December 17, 2018, a Board Inspector conducted an inspection of
28 Respondents MVP Compounds Inc. (MVP), doing business as Santa Monica Medical Plaza

1 Pharmacy (SMMP) and Pharmacist In Charge (PIC) Mouiz Kohanghadosh (MK). SMMP was an
2 independent pharmacy in a medical building and PIC MK, was present and assisted in the
3 inspection. The investigation was conducted in response to the suspicious order report, where the
4 Board reviewed a Controlled Substance Utilization Review and Evaluation System (CURES)
5 report for SMMP. In reviewing the CURES report, the Board identified an irregular controlled
6 substance dispensing profile for Dr. YY¹. Specifically, the CURES report indicated between
7 approximately June 23, 2015 and June 1, 2018, SMMP dispensed 599 controlled substance
8 prescriptions written by Dr. YY and 574 (or 95.83%) of these were written for oxycodone 30 mg.

9 **FIRST CAUSE FOR DISCIPLINE**

10 (Irregular or Uncertain Prescriptions against Respondent MVP dba SMMP, MK)

11
12 16. Respondent MVP dba SMMP is subject to disciplinary action under Code section
13 4301, subdivisions (d), (j), and (o), in conjunction with Health and Safety Code section 11153,
14 subdivision (a) and California Code of Regulations sections 1761, in that Respondent MVP dba
15 SMMP, MK dispensed at least 543 prescriptions under the prescribing authority of Dr. YY in the
16 presence of significant factors of irregularity from approximately December 8, 2015 to November
17 26, 2018.

18 17. The circumstances are as follows:

19 a. From approximately October 03, 2016 to November 26, 2018, oxycodone 30
20 mg tablets accounted for over 93% of Dr. YY's total prescribing. Additionally, from December
21 08, 2015 to October 02, 2016, oxycodone 30 mg represented 94.17% of Dr. YY's Schedule II to
22 Schedule IV controlled substance prescribing.

23 b. From approximately October 03, 2016 to November 26, 2018, oxycodone 30
24 mg and promethazine/codeine syrup combined to account for over 96% of Dr. YY's total
25 prescribing at SMMP.

26
27
28 ¹ Initials are used in lieu of real names in order to protect the privacy interests of said
individuals.

1 c. Eighty (80) patients received prescriptions from Dr. YY at SMMP from
2 approximately October 03, 2016 to November 26, 2018. All of these patients received at least one
3 prescription for oxycodone 30 mg tablets.

4 d. Dr. YY prescribed immediate release oxycodone tablets exclusively in the
5 highest available strength. Dr. YY's prescribing included 508 prescriptions for oxycodone 30 mg
6 tablets and no prescriptions for any lower strength.

7 e. At least eight (8) patients of Dr. YY paid between \$300 and \$450 for 80 to 120
8 oxycodone 30 mg tablets.

9 f. A CURES report for SMMP indicated all of Dr. YY's Schedule II-IV
10 prescriptions processed before approximately June 13, 2016 were purchased in cash, without the
11 aid of prescription insurance.

12 g. From approximately October 03, 2016 to November 26, 2018, there were
13 numerous instances when SMMP processed multiple similar prescriptions from Dr. YY on the
14 same day and assigned these prescription consecutive prescription numbers.

15 18. Additional facts and circumstances in support of these allegations are set forth in
16 paragraph 15, above, and are incorporated herein as set forth in full.

17 **SECOND CAUSE FOR DISCIPLINE**

18 (Irregular or Uncertain Prescriptions against Respondent MK)

19 19. Respondent MK is subject to disciplinary action under Code section 4301,
20 subdivisions (d), (j), and (o), in conjunction with Health and Safety Code section 11153,
21 subdivision (a) and California Code of Regulations sections 1761, in that Respondent MK
22 dispensed at least 543 prescriptions under the prescribing authority of Dr. Young YY in the
23 presence of significant factors of irregularity from approximately December 8, 2015 to November
24 26, 2018.

25 20. The circumstances are as follows:

26 a. From approximately October 03, 2016 to November 26, 2018, oxycodone 30
27 mg tablets accounted for over 93% of Dr. YY's total prescribing. Additionally, from December
28

08, 2015 to October 02, 2016, oxycodone 30 mg represented 94.17% of Dr. YY' s Schedule II to Schedule IV controlled substance prescribing.

b. From approximately October 03, 2016 to November 26, 2018, oxycodone 30 mg and promethazine/codeine syrup combined to account for over 96% of Dr. YY's total prescribing at SMMP.

c. Eighty (80) patients received prescriptions from Dr. YY at SMMP from approximately October 03, 2016 to November 26, 2018. All of these patients received at least one prescription for oxycodone 30 mg tablets.

d. Dr. YY prescribed immediate release oxycodone tablets exclusively in the highest available strength. Dr. YY's prescribing included 508 prescriptions for oxycodone 30 mg tablets and no prescriptions for any lower strength.

e. At least eight (8) patients of Dr. YY paid between \$300 and \$450 for 80 to 120 oxycodone 30 mg tablets.

f. A CURES report for SMMP indicated all of Dr. YY's Schedule II-IV prescriptions processed before approximately June 13, 2016 were purchased in cash, without the aid of prescription insurance.

g. From approximately October 03, 2016 to November 26, 2018, there were numerous instances when SMMP processed multiple similar prescriptions from Dr. YY on the same day and assigned these prescription consecutive prescription numbers.

21. Additional facts and circumstances in support of these allegations are set forth in paragraph 15, above, and are incorporated herein as set forth in full.

OTHER MATTERS

22. Pursuant to Code section 4307, if discipline is imposed on PHY 51669, issued to Respondent MVP Compounds, Inc. dba Santa Monica Medical Plaza Pharmacy, while Mouiz Kohanghadosh had been an officer and owner and had knowledge of or knowingly participated in any conduct for which the licensee was disciplined, Mouiz Kohanghadosh 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 51669 is placed on probation or until Pharmacy Permit Number PHY 51669 is reinstated if it is revoked.

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 Permit Number PHY 51669, issued to Respondent MVP Compounds, Inc. dba Santa Monica Medical Plaza Pharmacy, Mouiz Kohanghadosh;

2. Revoking or suspending Pharmacist License Number RPH 62065, issued to Respondent Mouiz Kohanghadosh;

3. Prohibiting Respondent Mouiz Kohanghadosh from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 51669 is placed on probation or until Pharmacy Permit Number PHY 51669 is reinstated if it is revoked

4. Ordering Respondents MVP Compounds, Inc. dba Santa Monica Medical Plaza Pharmacy and Mouiz Kohanghadosh 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,

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

DATED: 11/23/2020

Signature on File

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

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