

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

In the Matter of the Accusation Against:

**SOCAL PHARMACY, INC. DBA
GROVE HARBOR MEDICAL CENTER PHARMACY,
Pharmacy Permit No. PHY 55281;**

and

**SEID AMIR FARZAN TAVAKKOLI ISFAHANI
Pharmacist License No. RPH 72910,**

Respondents

Agency Case No. 6907

OAH No. 2020050628

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 January 20, 2021.

It is so ORDERED on December 21, 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 THEODORE S. DRCAR
Supervising Deputy Attorney General
3 DESIREE I. KELLOGG
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Attorneys for Complainant

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

13 In the Matter of the Accusation Against:

14 **SOCAL PHARMACY, INC.**
15 **DBA GROVE HARBOR MEDICAL**
16 **CENTER PHARMACY**
17 **12555 Garden Grove Blvd., Ste. 102**
18 **Garden Grove, CA 92843**

19 **Pharmacy Permit Number PHY 55281,**

20 **and**

21 **SEID AMIR FARZAN TAVAKKOLI**
22 **ISFAHANI**
23 **194 Bishop Landing**
24 **Irvine, CA 92620**

25 **Pharmacist License Number RPH 72910**

26 Respondents.

Case Number 6907

OAH Number 2020050628

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

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

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 Desiree I. Kellogg, Deputy
5 Attorney General.

6 2. Respondent Socal Pharmacy, Inc., dba Grove Harbor Medical Center Pharmacy
7 (Respondent Grove Harbor Medical Center Pharmacy), and Seid Amir Farzan Tavakkoli Isfahani
8 (Respondent Isfahani) (collectively Respondents) are represented in this proceeding by attorneys
9 Tony J. Park and Luis Andre P. Vizcocho of California Pharmacy Lawyers, whose address is:
10 California Pharmacy Lawyers, 55 Cetus 1st Floor, Irvine, CA 92618.

11 3. On or about November 22, 2016, the Board of Pharmacy (Board) issued Pharmacy
12 Permit Number PHY 55281 to Respondent Grove Harbor. The Pharmacy Permit was in full force
13 and effect at all times relevant to the charges brought in Accusation Number 6907, and will expire
14 on November 1, 2021, unless renewed.

15 4. On or about August 5, 2015, the Board of Pharmacy issued Pharmacist License
16 Number RPH 72910 to Respondent Isfahani. The Pharmacist License was in full force and effect
17 at all times relevant to the charges brought herein and will expire on September 30, 2022, unless
18 renewed.

19 **JURISDICTION**

20 5. Accusation Number 6907 was filed before the Board, and is currently pending against
21 Respondents. The Accusation and all other statutorily required documents were properly served
22 on Respondents on March 27, 2020. Respondents timely filed their Notices of Defense
23 contesting the Accusation.

24 6. A copy of Accusation Number 6907 is attached as Exhibit A and incorporated herein
25 by reference.

26 **ADVISEMENT AND WAIVERS**

27 7. Respondents have carefully read, fully discussed with counsel, and understand the
28 charges and allegations in Accusation Number 6907. Respondents have also carefully read, fully

discussed with counsel, and understand the effects of this Stipulated 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. Respondents admit the truth of each and every charge and allegation in Accusation Number 6907.

11. Respondents agree that their respective Pharmacy Permit and Pharmacist License are subject to discipline and agree to be bound by the Board's Disciplinary Order and probationary terms set forth below.

CONTINGENCY

12. 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 their counsel. By signing the stipulation, Respondents understand and agree that they may not withdraw their 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 Pharmacist License Number RPH 72910 issued to Respondent Seid Amir Farzan Tavakkoli Isfahani is revoked. However, the revocation is stayed and Respondent Seid Amir Farzan Tavakkoli Isfahani is placed on probation for 18 months on the following terms and conditions.

1. Obey All Laws

Respondent Isfahani shall obey all state and federal laws and regulations.

Respondent Isfahani shall report any of the following occurrences to the Board, in writing, within 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, and

- 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 Isfahani'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 any such occurrence shall be considered a violation of probation.

2. Report to the Board

Respondent Isfahani 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 Isfahani 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 Isfahani 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 Isfahani shall timely cooperate with the Board's inspection program and with the Board's monitoring and investigation of Respondent Isfahani's compliance with the terms and conditions of his probation, including but not limited to: timely responses to requests for information by Board staff; timely compliance with directives from Board staff regarding requirements of any term or condition of probation; and timely completion of documentation

1 pertaining to a term or condition of probation. Failure to timely cooperate shall be considered a
2 violation of probation.

3 **5. Continuing Education**

4 Respondent Isfahani shall provide evidence of efforts to maintain skill and knowledge as a
5 pharmacist as directed by the Board or its designee.

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

7 During the period of probation, Respondent Isfahani shall notify all present and prospective
8 employers of the decision in case number 6907 and the terms, conditions and restrictions imposed
9 on Respondent Isfahani by the decision, as follows:

10 Within 30 days of the effective date of this decision, and within ten (10) days of
11 undertaking any new employment, Respondent Isfahani shall report to the Board in writing the
12 name, physical address, and mailing address of each of his employer(s), and the name(s) and
13 telephone number(s) of all of his direct supervisor(s), as well as any pharmacist(s)-in-charge,
14 designated representative(s)-in-charge, responsible manager, or other compliance supervisor(s)
15 and the work schedule, if known. Respondent Isfahani shall also include the reason(s) for leaving
16 the prior employment. Respondent Isfahani shall sign and return to the Board a written consent
17 authorizing the Board or its designee to communicate with all of Respondent Isfahani's
18 employer(s) and supervisor(s), and authorizing those employer(s) or supervisor(s) to
19 communicate with the Board or its designee, concerning Respondent Isfahani's work status,
20 performance, and monitoring. Failure to comply with the requirements or deadlines of this
21 condition shall be considered a violation of probation.

22 Within 30 days of the effective date of this decision, and within 15 days of Respondent
23 Isfahani undertaking any new employment, Respondent Isfahani shall cause (a) his direct
24 supervisor, (b) his pharmacist-in-charge, designated representative-in-charge, responsible
25 manager, or other compliance supervisor, and (c) the owner or owner representative of his
26 employer, to report to the Board in writing acknowledging that the listed individual(s) has/have
27 read the decision in Case Number 6907, and terms and conditions imposed thereby. If one person
28 serves in more than one role described in (a), (b), or (c), the acknowledgment shall so state. It

1 shall be Respondent Isfahani's responsibility to ensure that these acknowledgment(s) are timely
2 submitted to the Board. In the event of a change in the person(s) serving the role(s) described in
3 (a), (b), or (c) during the term of probation, Respondent Isfahani shall cause the person(s) taking
4 over the role(s) to report to the Board in writing within fifteen (15) days of the change
5 acknowledging that he or she has read the decision in case number 6907, and the terms and
6 conditions imposed thereby.

7 If Respondent Isfahani works for or is employed by or through an employment service,
8 Respondent Isfahani must notify the person(s) described in (a), (b), and (c) above at every entity
9 licensed by the Board of the decision in Case Number 6907, and the terms and conditions
10 imposed thereby in advance of Respondent Isfahani commencing work at such licensed entity. A
11 record of this notification must be provided to the Board upon request.

12 Furthermore, within 30 days of the effective date of this decision, and within 15 days of
13 Respondent Isfahani undertaking any new employment by or through an employment service,
14 Respondent Isfahani shall cause the person(s) described in (a), (b), and (c) above at the
15 employment service to report to the Board in writing acknowledging that he or she has read the
16 decision in case number, and the terms and conditions imposed thereby. It shall be Respondent
17 Isfahani's responsibility to ensure that these acknowledgment(s) are timely submitted to the
18 Board.

19 Failure to timely notify present or prospective employer(s) or failure to cause the identified
20 person(s) with that/those employer(s) to submit timely written acknowledgments to the Board
21 shall be considered a violation of probation.

22 "Employment" within the meaning of this provision includes any full-time, part-time,
23 temporary, relief, or employment/management service position as a pharmacist, or any position
24 for which a pharmacist is a requirement or criterion for employment, whether Respondent
25 Isfahani is an employee, independent contractor or volunteer.

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

27 Respondent Isfahani shall further notify the Board in writing within 10 days of any change
28 in name, residence address, mailing address, e-mail address or phone number.

1 Failure to timely notify the Board of any change in employer, name, address, or phone
2 number shall be considered a violation of probation.

3 **8. Restrictions on Supervision and Oversight of Licensed Facilities**

4 During the period of probation, Respondent Isfahani shall not supervise any intern
5 pharmacist or serve as a consultant to any entity licensed by the Board. Respondent Isfahani may
6 be a pharmacist-in-charge, designated representative-in-charge, responsible manager or other
7 compliance supervisor of any single entity licensed by the Board, but only if Respondent Isfahani
8 or that entity retains, at his expense, an independent consultant who shall be responsible for
9 reviewing the operations of the entity on a quarterly basis for compliance by Respondent Isfahani
10 and the entity with state and federal laws and regulations governing the practice of the entity, and
11 compliance by Respondent Isfahani with the obligations of his supervisory position. Respondent
12 Isfahani may serve in such a position at only one entity licensed by the Board, only upon approval
13 by the Board or its designee. Any such approval shall be site specific. The consultant shall be a
14 pharmacist licensed by and not on probation with the Board, who has been approved by the Board
15 or its designee to serve in this position and shall not be the consultant already retained by
16 Respondent Isfahani in Case Number 6907. Respondent Isfahani shall submit the name of the
17 proposed consultant to the Board or its designee for approval within 30 days of the effective date
18 of the decision or prior to assumption of duties allowed in this term. Assumption of any
19 unauthorized supervision responsibilities shall be considered a violation of probation. In addition,
20 failure to timely seek approval for, timely retain, or ensure timely reporting by the consultant
21 shall be considered a violation of probation.

22 **9. Reimbursement of Board Costs**

23 As a condition precedent to successful completion of probation, Respondent Isfahani shall
24 pay to the Board its costs of investigation and prosecution in the amount of \$9,797.25.
25 Respondent Isfahani shall be jointly and severally liable for said costs with Respondent Grove
26 Harbor. Respondent Isfahani shall make said payments as follows:
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28

Respondent Isfahani shall be permitted to pay these costs in a payment plan approved by the Board or its designee, so long as full payment is completed no later than 1 year prior to the end date of probation.

There shall be no deviation from this schedule absent prior written approval by the Board or its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of probation.

10. Probation Monitoring Costs

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

11. Status of License

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

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

12. License Surrender While on Probation/Suspension

Following the effective date of this decision, should Respondent Isfahani cease practice due to retirement or health, or be otherwise unable to satisfy the terms and conditions of probation, Respondent Isfahani may relinquish his license, including any indicia of licensure issued by the Board, along with a request to surrender the license. The Board or its designee shall have the discretion whether to accept the surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, Respondent Isfahani will no

1 longer be subject to the terms and conditions of probation. This surrender constitutes a record of
2 discipline and shall become a part of Respondent Isfahani's license history with the Board.

3 Upon acceptance of the surrender, Respondent Isfahani shall relinquish his pocket and/or
4 wall license, including any indicia of licensure not previously provided to the Board within ten
5 (10) days of notification by the Board that the surrender is accepted if not already provided.

6 Respondent Isfahani may not reapply for any license from the Board for 3 years from the
7 effective date of the surrender. Respondent Isfahani shall meet all requirements applicable to the
8 license sought as of the date the application for that license is submitted to the Board, including
9 any outstanding costs.

10 **13. Practice Requirement – Extension of Probation**

11 Except during periods of suspension, Respondent Isfahani shall, at all times while on
12 probation, be employed as a pharmacist in California for a minimum of 80 hours per calendar
13 month. Any month during which this minimum is not met shall extend the period of probation by
14 one month. During any such period of insufficient employment, Respondent Isfahani must
15 nonetheless comply with all terms and conditions of probation, unless Respondent Isfahani
16 receives a waiver in writing from the Board or its designee.

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

26 It is a violation of probation for Respondent Isfahani's probation to be extended pursuant to
27 the provisions of this condition for a total period, counting consecutive and non-consecutive
28

1 months, exceeding 36 months. The Board or its designee may post a notice of the extended
2 probation period on its website.

3 **14. Violation of Probation**

4 If Respondent Isfahani has not complied with any term or condition of probation, the Board
5 shall have continuing jurisdiction over respondent, and the Board shall provide notice to
6 Respondent Isfahani that probation shall automatically be extended, until all terms and conditions
7 have been satisfied or the Board has taken other action as deemed appropriate to treat the failure
8 to comply as a violation of probation, to terminate probation, and to impose the penalty that was
9 stayed. The Board or its designee may post a notice of the extended probation period on its
10 website.

11 If Respondent Isfahani violates probation in any respect, the Board, after giving Respondent
12 Isfahani notice and an opportunity to be heard, may revoke probation and carry out the
13 disciplinary order that was stayed. If a petition to revoke probation or an accusation is filed
14 against Respondent Isfahani during probation, or the preparation of an accusation or petition to
15 revoke probation is requested from the Office of the Attorney General, the Board shall have
16 continuing jurisdiction and the period of probation shall be automatically extended until the
17 petition to revoke probation or accusation is heard and decided.

18 **15. Completion of Probation**

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

21 **16. Remedial Education**

22 Within 90 days of the effective date of this decision, Respondent Isfahani shall submit to
23 the Board or its designee, for prior approval, an appropriate program of remedial education
24 related to pharmacy laws, controlled substances, the opioid crisis, controlled substances security
25 and regulatory compliance. The program of remedial education shall consist of at least 20 hours,
26 which shall be completed by the end of the first year at Respondent Isfahani's own expense. All
27 remedial education shall be in addition to, and shall not be credited toward, continuing education
28 (CE) courses used for license renewal purposes for pharmacists.

1 Failure to timely submit for approval or complete the approved remedial education shall be
2 considered a violation of probation. The period of probation will be automatically extended until
3 such remedial education is successfully completed and written proof, in a form acceptable to the
4 Board, is provided to the Board or its designee.

5 Following the completion of each course, the Board or its designee may require
6 Respondent Isfahani, at his own expense, to take an approved examination to test Respondent
7 Isfahani's knowledge of the course. If Respondent Isfahani does not achieve a passing score on
8 the examination that course shall not count towards satisfaction of this term. Respondent Isfahani
9 shall take another course approved by the Board in the same subject area.

10 **17. Ethics Course**

11 Within 60 calendar days of the effective date of this decision, Respondent Isfahani shall
12 enroll in a course in ethics, at Respondent Isfahani's expense, approved in advance by the Board
13 or its designee that complies with Title 16 California Code of Regulations section 1773.5.
14 Respondent Isfahani shall provide proof of enrollment upon request. Within 5 days of
15 completion, Respondent Isfahani shall submit a copy of the certificate of completion to the Board
16 or its designee. Failure to timely enroll in an approved ethics course, to initiate the course during
17 the first year of probation, to successfully complete it before the conclusion of probation, or to
18 timely submit proof of completion to the Board or its designee, shall be considered a violation of
19 probation.

20 **18. No Ownership or Management of Licensed Premises**

21 Respondent Isfahani shall not acquire any new ownership, legal or beneficial interest nor
22 serve as a manager, administrator, member, officer, director, trustee, associate, or partner of any
23 additional business, firm, partnership, or corporation licensed by the Board. If Respondent
24 Isfahani currently owns or has any legal or beneficial interest in, or serves as a manager,
25 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
26 partnership, or corporation currently or hereinafter licensed by the Board, Respondent Isfahani
27 may continue to serve in such capacity or hold that interest, but only to the extent of that position
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1 or interest as of the effective date of this decision. Violation of this restriction shall be considered
2 a violation of probation.

3 **19. Acknowledgment of Importance of Laws and Regulations at Issue**

4 Within 5 days from the effective date of the Decision and Order, Respondent Isfahani shall
5 submit a letter to the Board in the format and language of the draft letter attached hereto as
6 Exhibit B, for the Board's educational purposes.

7 **IT IS ALSO HEREBY ORDERED** that Pharmacy Permit Number PHY 55281 issued to
8 Respondent Socal Pharmacy, Inc., dba Grove Harbor Medical Center Pharmacy shall be publicly
9 reprovved by the Board of Pharmacy under Business and Professions Code section 495 in
10 resolution of Accusation Number 6907, attached as Exhibit A.

11 **Cost Recovery.** Respondent Grove Harbor shall pay \$9,797.25 to the Board for its costs
12 associated with the investigation and enforcement of this matter. Respondent Grove Harbor shall
13 be permitted to pay these costs in a payment plan approved by the Board and shall be jointly and
14 severally liable for said costs with Respondent Isfahani. If Respondent Grove Harbor fails to pay
15 the Board costs as ordered, Respondent Grove Harbor shall not be allowed to renew its Pharmacy
16 Permit until the costs are paid in full.

17 **Full Compliance.** As a resolution of the charges in Accusation Number 6907, this
18 stipulated settlement is contingent upon Respondent Grove Harbor's full compliance with all
19 conditions of this Order. If Respondent Grove Harbor fails to satisfy any of these conditions,
20 such failure to comply constitutes cause for discipline, including outright revocation, of
21 Respondent Grove Harbor's Pharmacy Permit Number PHY 55281.

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ACCEPTANCE

We have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorneys, Tony J. Park and Luis Andre P. Vizcocho. We understand the stipulation and the effect it will have on our Pharmacy Permit and Pharmacist License. We 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: _____

SEID AMIR FARZAN TAVAKKOLI ISFAHANI,
individually, and as the authorized agent on behalf of
SOCAL PHARMACY, INC., DBA GROVE
HARBOR MEDICAL CENTER PHARMACY
Respondents

I have read and fully discussed with Respondent Socal Pharmacy, Inc., dba Grove Harbor Medical Center Pharmacy and Seid Amir Farzan Tavakkoli Isfahani the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: _____

TONY J. PARK
Attorney for Respondents

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ACCEPTANCE

We have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorneys, Tony J. Park and Luis Andre P. Vizcocho. We understand the stipulation and the effect it will have on our Pharmacy Permit and Pharmacist License. We 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:

10/1/20

SEID AMIR FARZAN TAVAKKOLI ISFAHANI,
individually, and as the authorized agent on behalf of
SOCAL PHARMACY, INC., DBA GROVE
HARBOR MEDICAL CENTER PHARMACY
Respondents

I have read and fully discussed with Respondent Socal Pharmacy, Inc., dba Grove Harbor Medical Center Pharmacy and Seid Amir Farzan Tavakkoli Isfahani the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED:

TONY J. PARK
Attorney for Respondents

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DATED:

I have read and fully discussed with Respondent Social Pharmacy, Inc., dba Grove Harbor
cal Center Pharmacy and Seid Amir Farzan Tavakkoli Isfahani the terms and conditions and
matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its
and content.

TONY J. PARK
Attorney for Respondents

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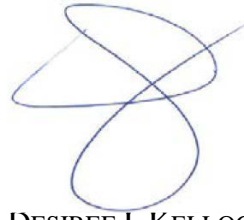
ENDORSEMENT

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

DATED: October 5, 2020

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
THEODORE S. DRCAR
Supervising Deputy Attorney General



DESIREE I. KELLOGG
Deputy Attorney General
Attorneys for Complainant

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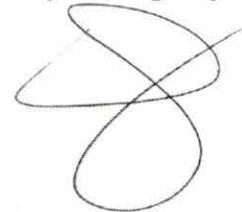
ENDORSEMENT

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

DATED: October 5, 2020

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
THEODORE S. DRCAR
Supervising Deputy Attorney General

A handwritten signature in black ink, appearing to read 'DESIREE I. KELLOGG', written over the printed name.

DESIREE I. KELLOGG
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation Number 6907

1 XAVIER BECERRA
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 DESIREE I. KELLOGG
Deputy Attorney General
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7 Facsimile: (619) 645-2061
Attorneys for Complainant

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Garden Grove, CA 92843

ACCUSATION

17 **Pharmacy Permit No. PHY 55281,**

18 **and**

19 **SEID AMIR FARZAN TAVAKKOLI**
20 **ISFAHANI**
194 Bishop Landing
Irvine, CA 92620

21 **Pharmacist License No. RPH 72910**

22 Respondents.
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24
25 **PARTIES**

26 1. Anne Sodergren (Complainant) brings this Accusation solely in her official capacity
27 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
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2. On or about November 22, 2016, the Board of Pharmacy issued Pharmacy Permit Number PHY 55281 to Socal Pharmacy, Inc., dba Grove Harbor Medical Center Pharmacy (Respondent Grove Harbor Medical Center Pharmacy). The Pharmacy Permit was in full force and effect at all times relevant to the charges brought herein and will expire on November 1, 2020, unless renewed.

3. On or about August 5, 2015, the Board of Pharmacy issued Pharmacist License Number RPH 72910 to Seid Amir Farzan Tavakkoli Isfahani (Respondent Isfahani). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2020, unless renewed.

JURISDICTION

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

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

6. Section 4011 of the Code provides that the Board shall administer and enforce both the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances Act [Health & Safety Code, § 11000 et seq.].

7. Section 4300, subdivision (a) of the Code provides that every license issued by the Board may be suspended or revoked.

8. Section 4300.1 of the Code states:

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

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:

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

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

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

10. Section 4113, subdivision (c) of the Code states:

The pharmacist-in-charge shall be responsible for a pharmacy's compliance with all state and federal laws, and regulations pertaining to the practice of pharmacy.

11. Section 4301 of the Code states in pertinent part:

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

...

(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.

...

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

12. Sections 4306.5, subdivisions (a) and (b) of the Code state:

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

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

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

dangerous devices, or with regard to the provision of services.

13. Section 4307, subdivision (a) of the Code states that:

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 manger, administrator, owner, member, officer, director, associate, or partner had knowledge or knowingly participated in any conduct for which the license was denied, revoked, suspended, or placed on probation, shall be prohibited from serving as a manger, 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. Health and Safety Code section 11162.1, subdivision (a) states:

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

(1) A latent, repetitive 'void' pattern shall be printed across the entire front of the prescription blank; if a prescription is scanned or photocopied, the word "void" shall appear in a pattern across the entire front of the prescription.

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

(3) A chemical void protection that prevents alteration by chemical washing.

(4) A feature printed in thermochromic ink.

(5) An area of opaque writing so that the writing disappears if the prescription is lightened.

(6) A description of the security features included on each prescription form.

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

1-24
25-49
50-74
75-100
101-150
151 and over.

(B) In conjunction with the quantity boxes, a space shall be provided to

1 designate the units referenced in the quantity boxes when the drug is not in tablet or
2 capsule form.

3 (8) Prescription blanks shall contain a statement printed on the bottom of the
4 prescription blank that the "Prescription is void if the number of drugs prescribed is
5 not noted."

6 (9) The preprinted name, category of licensure, license number, federal
7 controlled substance registration number, and address of the prescribing practitioner.

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

10 (11) The date of origin of the prescription.

11 (12) A check box indicating the prescriber's order not to substitute.

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

14 (14) (A) A check box by the name of each prescriber when a prescription form
15 lists multiple prescribers.

16 (B) Each prescriber who signs the prescription form shall identify himself or
17 herself as the prescriber by checking the box by his or her name.

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

21

22 15. Health and Safety Code section 11164 states:

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

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

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

(2) The prescription shall also contain the address of the person for whom
the controlled substance is prescribed. If the prescriber does not specify this
address on the prescription, the pharmacist filling the prescription or an employee
acting under the direction of the pharmacist shall write or type the address on the

1 prescription or maintain this information in a readily retrievable form in the
2 pharmacy.

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4 **REGULATORY PROVISIONS**

5 16. California Code of Regulations, title 16, section 1761, subdivision (a) states:

6 No pharmacist shall compound or dispense any prescription which contains any
7 significant error, omission, irregularity, uncertainty, ambiguity or alteration. Upon
8 receipt of any such prescription, the pharmacist shall contact the prescriber to obtain
9 the information needed to validate the prescription.

10 **COST RECOVERY**

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

15 **DEFINITIONS**

16 18. Roxicodone is a brand name for oxycodone, a Schedule II controlled substance
17 pursuant to Health and Safety Code section 11055, subdivision (b)(1)(M) and a dangerous drug
18 pursuant to Business and Professions Code section 4022.

19 19. Soma is the brand name for carisoprodol, a Schedule IV controlled substance
20 pursuant to title 21, Code of Federal Regulations section 1308.14, subdivision (c)(6) and a
21 dangerous drug pursuant to Business and Professions Code section 4022.

22 **FACTUAL ALLEGATIONS**

23 20. At all relevant times herein, Respondent Grove Harbor Medical Center Pharmacy was
24 a community pharmacy located in Garden Grove, California. Respondent Isfahani was the owner
25 and pharmacist-in-charge of Respondent Grove Harbor Medical Center Pharmacy (collectively
26 Respondents).

27 21. From March 29, 2017 through August 26, 2017, Respondents dispensed a controlled
28 substance, oxycodone 30mg pursuant to 69 prescriptions allegedly written by Dr. R.K. Those 69
prescriptions were written on forms that were not compliant with the Health and Safety Code.

1 Namely, there was no watermark consisting of the words, "California Security Prescription"
2 printed on the backside of the prescriptions.

3 22. From January 18, 2017 through March 15, 2017, Respondents dispensed controlled
4 substances, oxycodone 30mg and carisoprodol 350mg pursuant to 43 prescriptions allegedly
5 written by Dr. R.G. Those 43 prescriptions were written on forms that were not compliant with
6 the Health and Safety Code. Namely, there was no watermark consisting of the words,
7 "California Security Prescription" printed on the backside of the prescriptions and there were no
8 lot numbers for each batch of controlled substance prescription forms printed on the prescriptions.

9 **FIRST CAUSE FOR DISCIPLINE**

10 **(Dispensing Controlled Substance Prescriptions with Significant Errors, Omissions,
11 Irregularities, Uncertainties, Ambiguities or Alterations)**

12 23. Respondents are subject to disciplinary action under Code section 4301, subdivision
13 (o), for violating title 16, California Code of Regulations, section 1761, subdivision (a), in that
14 they dispensed prescriptions for controlled substances, which contained significant errors,
15 omissions, irregularities, uncertainties, ambiguities or alterations, as set forth in paragraphs 20
16 through 22 above, which are incorporated herein by reference.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Failing to Exercise or Implement Best Professional Judgment when Dispensing Controlled
19 Substances)**

20 24. Respondent Isfahani is subject to disciplinary action under Code section 4301,
21 subdivision (o), for violating Business and Professions Code sections 4306.5, subdivisions (a) and
22 (b), in that he failed to exercise or implement his best professional judgment when dispensing
23 controlled substances on non-compliant forms, as set forth in paragraphs 20 through 22 above,
24 which are incorporated herein by reference.

25 **THIRD CAUSE FOR DISCIPLINE**

26 **(Dispensing Controlled Substance Prescriptions Written on Unauthorized Forms)**

27 25. Respondents are subject to disciplinary action under Code sections 4301, subdivisions
28 (j) and (o), for violating Health and Safety Code section 11164, subdivision (a), in that they filled

1 and dispensed controlled substances from prescription forms that did not comply with the
2 requirements of Health and Safety Code section 11162.1, as set forth in paragraphs 20 through 22
3 above, which are incorporated herein by reference.

4 **FOURTH CAUSE FOR DISCIPLINE**

5 **(Unprofessional Conduct)**

6 26. Respondents are subject to disciplinary action under Code section 4301 for
7 unprofessional conduct in that they engaged in the activities described in paragraphs 20 through
8 22 above, which are incorporated herein by reference.

9 **OTHER MATTERS**

10 27. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY
11 55281 issued to Socal Pharmacy, Inc., dba Grove Harbor Medical Center Pharmacy shall be
12 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,
13 or partner of a licensee for five years if Pharmacy Permit Number PHY 55281 is placed on
14 probation or until Pharmacy Permit Number PHY 55281 is reinstated if it is revoked.

15 28. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY
16 55281 issued to Socal Pharmacy, Inc., dba Grove Harbor Medical Center Pharmacy while Seid
17 Amir Farzan Tavakkoli Isfahani has been an owner or manager and had knowledge of or
18 knowingly participated in any conduct for which the licensee was disciplined, Seid Amir Farzan
19 Tavakkoli Isfahani shall be prohibited from serving as a manager, administrator, owner, member,
20 officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number
21 PHY 55281 is placed on probation or until Pharmacy Permit Number PHY 55281 is reinstated if
22 it is revoked.

23 29. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License No.
24 RPH 72910 issued to Seid Amir Farzan Tavakkoli Isfahani, Seid Amir Farzan Tavakkoli Isfahani
25 shall be prohibited from serving as a manager, administrator, owner, member, officer, director,
26 associate, or partner of a licensee for five years if Pharmacist License Number RPH 72910 is
27 placed on probation or until Pharmacist License Number RPH 72910 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 55281, issued to Socal Pharmacy, Inc., dba Grove Harbor Medical Center Pharmacy;

2. Revoking or suspending Pharmacist License Number RPH 72910, issued to Seid Amir Farzan Tavakkoli Isfahani;

3. Prohibiting Socal Pharmacy, Inc., dba Grove Harbor Medical Center Pharmacy from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 55281 is placed on probation or until Pharmacy Permit Number PHY 55281 is reinstated if Pharmacy Permit Number PHY 55281 issued to Socal Pharmacy, Inc., dba Grove Harbor Medical Center Pharmacy is revoked;

4. Prohibiting Seid Amir Farzan Tavakkoli Isfahani from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 55281 is placed on probation or until Pharmacy Permit Number PHY 55281 is reinstated if Pharmacy Permit Number PHY 55281 issued to Socal Pharmacy, Inc., dba Grove Harbor Medical Center Pharmacy is revoked;

5. Prohibiting Seid Amir Farzan Tavakkoli Isfahani from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacist License Number RPH 72910 is placed on probation or until Pharmacist License Number RPH 72910 is reinstated if Pharmacist License Number RPH 72910 issued to Seid Amir Farzan Tavakkoli Isfahani is revoked;

6. Ordering Socal Pharmacy, Inc., dba Grove Harbor Medical Center Pharmacy and Seid Amir Farzan Tavakkoli Isfahani 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,

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1 7. Taking such other and further action as deemed necessary and proper.

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3
4 DATED: March 26, 2020



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

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Exhibit B

Draft letter from Respondent Isfahani to Board

October 01, 2020

Dear California State Board of Pharmacy,

As a California registered pharmacist, I regret not placing a top priority on the importance of intimately knowing and recognizing the now 15 security features of controlled substance security forms, as required by Health & Safety Code § 11162.1. I hope to share my story with other pharmacists and pharmacist interns to urge them to take these security features seriously and prioritize their extreme importance in their daily professional lives, and to vigilantly act when even one feature is absent or technically flawed.

Because I graduated from a pharmacy school outside California, my first exposure to these security features was in a 6-hour Board of Pharmacy CE training program for pharmacists on the CURES system, drug diversion trends, and overdose prevention in Santa Barbara during December of 2018. The things I heard about drug diversion and what people went through to try and beat the system was incredible. This was the first time I had ever heard about the extreme measures that people would take to continue abusing controlled substances. This course was a big eye-opener for me and I gained a great wealth of knowledge.

But even though I heard about all of the controlled substance security measures necessary to prevent abusers from scamming the system with forgeries, I did not transfer this to real-life in my pharmacy practice. Like most pharmacists in California, I got caught up with the hectic busyness that is typically seen in most community pharmacies. Honestly for me, I did not think to spend the time and effort to get to know the security features and to be able to recognize them if they were missing or deficient. In my pharmacy, I thought it was good enough to occasionally spot-check a few controlled substance security features once in a while (sometimes look for the "VOID" pattern, rub the lettering, and make sure the right boxes were checked), but I can honestly say I was not actively checking for them. This lax attitude caught up to me when the Board of Pharmacy forced me to notice that the watermark security feature was missing from many of the controlled substance order forms that I personally checked. The shock here for me was not that I would face enforcement from the Board of Pharmacy, but that I may have allowed scammers and fraudsters to repeatedly use and exploit my oversight to get controlled substances from me and my pharmacy.

I urge my fellow pharmacists to avoid my mistakes:

1. Do not assume that the government-certified printing companies that make the security forms are perfect. In fact, as pharmacists on the front lines of combating today's opioid crisis, pharmacists should assume the exact opposite: that they are technically incorrect or deficient.
2. Do not assume that it is the prescriber's sole responsibility to make sure that their customized controlled substance security forms actually comply with all legal

requirements. In fact, because pharmacists are regarded as one of the most-trusted professions, we must continue earning that trust by making sure that fraudsters and scammers do not pass off forged prescriptions and use pharmacists to get controlled substances unlawfully.

3. Do not convince yourself that you already have too many things to do in too little time to do them, and therefore you do not have the time to check for security features. In fact, we are looked upon by our communities, the government, and society as a whole, as the last line of defense in preventing illegitimate and forged controlled substance prescriptions. We have a professional duty and legal obligation to make sure that all controlled substance security features are technically perfect before fulfilling the orders written on them.

Since I changed my outlook on controlled substance security features and reprioritized their checking to the forefront of my final check, I recognized two people trying to pass off fraudulent prescriptions for controlled substances on forms that there was no indication on the number of prescriptions written on the form. I called the prescriber to verify the authenticity of the prescription and to also advise him to correct his security forms. I was able to catch this security feature flaw because I started regularly using a documented checklist to check for security features of every received controlled substance form. I place this at the pharmacist's check station, so that I can go through each feature when I receive any written orders for controlled substances.

I welcome any opportunity for me to share my experiences and to urge my peers to increase their vigilance and to change their community pharmacy operations to prioritize the importance of controlled substance security features and to implement an active process of checking for their presence in every presented controlled substance form.

Thank You.

X_____
Farzan Isfahani, RPh 72910