

1
2
3
4
5
6
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 **CARING PHARMACY, INC. DBA**
14 **CARING PHARMACY, KORUSH JALALI**
15 **FARAHANI**
16 **25802 Hemingway Ave. #103**
17 **Stevenson Ranch, CA 91381**

18 **Permit No. PHY 57007,**

19 **and**

20 **KORUSH JALALI FARAHANI**
21 **7926 Nita Ave.**
22 **Canoga Park, CA 91304**

23 **Pharmacist License No. RPH 70455**

24 Respondents.

Case No. 6949

OAH No. 2021020482

**DEFAULT DECISION AND ORDER AS
TO PERMIT NO. PHY 57007 ONLY**

[Gov. Code, §11520]

25 **FINDINGS OF FACT**

26 1. On or about October 9, 2020, Complainant Anne Sodergren, in her official capacity
27 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed
28 Accusation No. 6949 against Caring Pharmacy, Inc. dba Caring Pharmacy, Korush Jalali Farahani

(Respondent Caring Pharmacy) and Korush Jalali Farahani (Respondent Farahani) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On May 12, 2021, Pharmacist License No. RPH 70455 issued to Respondent Farahani was revoked subsequent to the hearing on Accusation No. 6715 against Allied Health Partner, Inc. dba Allied Health Pharmacy, Korush Jalali Farahani and Korush Jalali Farahani.

3. On or about March 21, 2019, the Board of Pharmacy (Board) issued Permit No. PHY 57007 to Respondent Caring Pharmacy. Respondent Farahani served as the Chief Executive Officer, 100% shareholder, President, Director, Secretary, Treasurer/Chief Financial Officer, and Pharmacist-in-Charge of Caring Pharmacy since March 21, 2019. Permit No. PHY 57007 was in full force and effect at all times relevant to the charges brought in Accusation No. 6949 and expired on March 1, 2020 and was not renewed. This expiration, however, pursuant to Business and Professions Code section 118(b), does not deprive the Board of its authority to institute or continue this disciplinary proceeding.

4. On or about October 13, 2020, Respondent Caring Pharmacy was served by Certified and First Class Mail copies of the Accusation No. 6949, Statement to Respondent, Notice of Defense, Request for Discovery, Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7), and Notice of Hearing at Respondent Caring Pharmacy's address of record which, pursuant to Business and Professions Code section 4100, is required to be reported and maintained with the Board. Respondent Caring Pharmacy's address of record was and is: 25802 Hemingway Ave. #103, Stevenson Ranch, CA 91381.

5. On or about October 13, 2020, Respondent Farahani was served by Certified and First Class Mail copies of the Accusation No. 6949, Statement to Respondent, Notice of Defense, Request for Discovery, Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7), and Notice of Hearing at Respondent Farahani's address of record which, pursuant to Business and Professions Code section 4100, is required to be reported and maintained with the Board. Respondent Farahani's address of record was and is: 7926 Nita Ave, Canoga Park, CA 91304. Respondent Farahani was also served with the aforementioned documents in his

individual capacity, at his address of record as required by Business and Professions code section 4307.

6. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505(c) and/or Business and Professions Code section 124.

7. Government Code section 11506(c) states, in pertinent part:

(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense . . . and the notice shall be deemed a specific denial of all parts of the accusation . . . not expressly admitted. Failure to file a notice of defense . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

8. The Board takes official notice of its records and the fact that Respondents Caring Pharmacy and Farahani by and through their counsel, Herb Weinberg, withdrew their Notices of Defense on May 4, 2021 and therefore waived their right to a hearing on the merits of Accusation No. 6949.

9. California Government Code section 11520(a) states, in pertinent part:

(a) If the respondent either fails to file a notice of defense . . . or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent

10. Pursuant to its authority under Government Code section 11520, the Board finds Respondents are in default. The Board will take action without further hearing and, based on the relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter, as well as taking official notice of all the investigatory reports, exhibits and statements contained therein on file at the Board's offices regarding the allegations contained in Accusation No. 6949, finds that the charges and allegations in Accusation No. 6949, are separately and severally, found to be true and correct by clear and convincing evidence.

11. The Board finds that the actual costs for Investigation and Enforcement are \$19,167.25 as of May 4, 2021.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Caring Pharmacy, Inc. dba Caring Pharmacy, Korush Jalali Farahani has subjected its Permit No. PHY 57007 to discipline.

1 2. The agency has jurisdiction to adjudicate this case by default.

2 3. The Board of Pharmacy is authorized to revoke Respondent Caring Pharmacy's
3 Permit based upon the following violations alleged in the Accusation which are supported by the
4 evidence contained in the Default Decision Investigatory Evidence Packet in this case:

5 a. **Unprofessional Conduct: Failure to Maintain Pharmacy Security and**
6 **Possession of Pharmacy Key;** Business and Professions Code section 4301, subdivisions (j) and
7 (o), in conjunction with section 4113, subdivision (c); California Code of Regulations, title 16,
8 section 1714, subdivisions (d) and (e).

9 b. **Unprofessional Conduct: Permitting Unlicensed Individual to Receive and**
10 **Sign for Delivery of Dangerous Drugs;** Business and Professions Code section 4301,
11 subdivisions (j) and (o), in conjunction with section 4113, subdivision (c); Business and
12 Professions Code section 4059.5, subdivision (a).

13 c. **Unprofessional Conduct: Failure to Comply with CURES Reporting**
14 **Requirements;** Business and Professions Code section 4301, subdivisions (j) and (o), in
15 conjunction with section 4113, subdivision (c); Health and Safety Code section 11165,
16 subdivision (d).

17 d. **Unprofessional Conduct: Failure to Maintain Security of Controlled**
18 **Substances;** Business and Professions Code section 4301, subdivisions (j) and (o), in conjunction
19 with section 4113, subdivision (c); California Code of Regulations, title 16, sections 1301.75 and
20 1714.

21 e. **Unprofessional Conduct: Failure to Maintain Operational Standards;**
22 Business and Professions Code section 4301, subdivisions (j) and (o), in conjunction with section
23 4113, subdivision (c); California Code of Regulations, title 16, section 1714, subdivisions (b) and
24 (c).

25 f. **Unprofessional Conduct: Failure to Post Notice of Consumers;** Business
26 and Professions Code section 4301, subdivisions (j) and (o), in conjunction with section 4113,
27 subdivision (c); California Code of Regulations, title 16, section 1707.6, subdivisions (a) and (b).

1 g. **Unprofessional Conduct: Failure to Provide Interpretive Services;** Business
2 and Professions Code section 4301, subdivisions (j) and (o), in conjunction with section 4113,
3 subdivision (c); California Code of Regulations, title 16, section 1707.5, subdivision (d).

4 h. **Unprofessional Conduct: Failure to Display Original Licenses;** Business
5 and Professions Code section 4301, subdivisions (j) and (o), in conjunction with section 4113,
6 subdivision (c); Business and Professions Code section 4058.

7 i. **Unprofessional Conduct: Failure to Maintain Self-Assessments on File;**
8 Business and Professions Code section 4301, subdivisions (j) and (o), in conjunction with section
9 4113, subdivision (c); California Code of Regulations, title 16, section 1715.

10 j. **Unprofessional Conduct: Failure to Properly and Accurately Complete**
11 **Self-Assessment;** Business and Professions Code sections 4301, subdivisions (j) and (o), in
12 conjunction with section 4113, subdivision (c); California Code of Regulations, title 16, section
13 1715, subdivision (a).

14 k. **Unprofessional Conduct: Knowingly and Falsely Representing Facts;**
15 Business and Professions Code sections 4301, subdivision (g), in conjunction with section 4113,
16 subdivision (c).

17 l. **Unprofessional Conduct: Failure to Maintain Accurate Current Inventory**
18 **and Records of Acquisition and Disposition;** Business and Professions Code sections 4301,
19 subdivisions (j) and (o), in conjunction with section 4113, subdivision (c); Business and
20 Professions Code sections 4081, 4105, and 4169; Code of Federal Regulations, title 21, section
21 1304.11.

22 m. **Unprofessional Conduct: Failure to Maintain Operational Standards and**
23 **Security Resulting in Shortage of Controlled Substances;** Business and Professions Code
24 sections 4301, subdivisions (j) and (o), in conjunction with section 4113, subdivision (c);
25 California Code of Regulations, title 16, section 1714, subdivision (b), in conjunction with
26 section 1718 and Business and Professions Code sections 4081 and 4332.

27 n. **Gross Negligence;** Business and Professions Code sections 4301, subdivision
28 (c), in conjunction with section 4113, subdivision (c).

o. **Unprofessional Conduct – Subverting or Attempting to Subvert Board**
Investigation; Business and Professions Code sections 4301, subdivision (q), in conjunction with section 4113, subdivision (c).

p. **Unprofessional Conduct;** Business and Professions Code sections 4301, in conjunction with section 4113, subdivision (c).

4. Based upon the aforementioned violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Investigatory Evidence Packet, the Board also finds that Respondent Korush Jalali Farahani had knowledge of and knowingly participated in the conduct for which Respondent Caring Pharmacy is disciplined.

ORDER

IT IS SO ORDERED that Permit No. PHY 57007, issued to Respondent Caring Pharmacy, Inc. dba Caring Pharmacy, Korush Jalali Farahani, is revoked.

IT FURTHER ORDERED that Respondent Korush Jalali Farahani is prohibited from serving as the manager, administrator, owner, member, officer, director, associate, or partner of a Board license until Pharmacy Permit No. PHY 57007 is reinstated.

Pursuant to Government Code section 11520, subdivision (c), Respondents may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective at 5:00 p.m on August 25, 2021.

It is so ORDERED on July 26, 2021.

FOR THE BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS

By

Seung W. Oh, Pharm D.
Board President

64302827.DOCX
DOJ Matter ID:LA2020602546

Attachment:
Exhibit A: Accusation No. 6949

Exhibit A

Accusation No. 6949

1 XAVIER BECERRA
Attorney General of California
2 THOMAS L. RINALDI
Supervising Deputy Attorney General
3 VIVIAN CHO
Deputy Attorney General
4 State Bar No. 293773
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6603
6 Facsimile: (916) 731-2126
Attorneys for Complainant
7

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

12 In the Matter of the Accusation Against:

Case No. 6949

13 **CARING PHARMACY, INC. DBA**
14 **CARING PHARMACY, KORUSH JALALI**
15 **FARAHANI (CEO)**

ACCUSATION

25802 Hemingway Ave #103
Stevenson Ranch, CA 91381

16 Permit No. PHY 57007,

17 **and**

18 **KORUSH JALALI FARAHANI**

7926 Nita Ave
Canoga Park, CA 91304

19 Pharmacist License No. RPH 70445

20 Respondents.
21

22 **PARTIES**

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

25 2. On or about March 12, 2014, the Board issued Pharmacist License Number RPH
26 70445 to Respondent Pharmacist-In-Charge Korush Jalali Farahani ("Respondent PIC Farahani").
27 Pharmacist License Number RPH 70445 was in full force and effect at all times relevant to the
28 charges brought herein and will expire on August 31, 2021, unless renewed.

3. On or about May 24, 2017, the Board issued Pharmacy Permit Number PHY 55642 to Caring Pharmacy, Inc. to do business as Caring Pharmacy (“Respondent Caring”) in the city of Van Nuys, California. Caring Pharmacy applied for a change of location to Stevenson Ranch, California and on or about March 21, 2019, the Board issued Pharmacy Permit Number PHY 57007 to Respondent to operate Caring Pharmacy in the city of Stevenson Ranch, California. Pharmacy Permit Number PHY 57007 was in full force and effect at all times relevant to the charges brought herein, expired on March 1, 2020, and has not been renewed.

Since March 21, 2019, Respondent PIC Farahani has been the Chief Executive Officer, 100% shareholder, President, Director, Secretary, Treasurer/Chief Financial Officer, and Pharmacist-In-Charge of Caring Pharmacy, Inc.

JURISDICTION

4. This Accusation is brought before the Board of Pharmacy, Department of Consumer Affairs, under the authority of the following laws.

5. Business and Professions Code section 22 states:

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

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

7. Business and Professions Code section 4300 states:

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

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

(1) Suspending judgment.

(2) Placing him or her upon probation.

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

(4) Revoking his or her license.

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

8. Business and Professions Code section 4300.1 states:

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

STATUTORY PROVISIONS: BUSINESS AND PROFESSIONS CODE

9. Business and Professions Code section 4022 states:

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

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

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

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

10. Business and Professions Code section 4035 states:

“Person” includes, but is not limited to, firm, association, partnership, corporation, limited liability company, state governmental agency, trust, or political subdivision.

11. Business and Professions Code section 4058 states:

Every person holding a license issued under this chapter to operate a premises shall display the original license and current renewal license upon the licensed premises in a place where it may be clearly read by the public.

12. Business and Professions Code section 4059.5, subdivision (a) states:

Except as otherwise provided in this chapter, dangerous drugs or dangerous devices may only be ordered by an entity licensed by the board and shall be delivered to the

1 licensed premises and signed for and received by a pharmacist. Where a licensee is
2 permitted to operate through a designated representative, or in the case of a reverse
3 distributor a designated representative-reverse distributor, that individual shall sign
4 for and receive the delivery.

5 13. Business and Professions Code section 4081 states:

6 (a) All records of manufacture and of sale, acquisition, receipt, shipment, or
7 disposition of dangerous drugs or dangerous devices shall be at all times during
8 business hours open to inspection by authorized officers of the law, and shall be
9 preserved for at least three years from the date of making. A current inventory shall
10 be kept by every manufacturer, wholesaler, third-party logistics provider, pharmacy,
11 veterinary food-animal drug retailer, outsourcing facility, physician, dentist,
12 podiatrist, veterinarian, laboratory, licensed correctional clinic, as defined in Section
13 4187 , clinic, hospital, institution, or establishment holding a currently valid and
14 unrevoked certificate, license, permit, registration, or exemption under Division 2
15 (commencing with Section 1200) of the Health and Safety Code or under Part 4
16 (commencing with Section 16000) of Division 9 of the Welfare and Institutions
17 Code who maintains a stock of dangerous drugs or dangerous devices.

18 (b) The owner, officer, and partner of a pharmacy, wholesaler, third-party logistics
19 provider, or veterinary food-animal drug retailer shall be jointly responsible, with the
20 pharmacist-in-charge, responsible manager, or designated representative-in-charge,
21 for maintaining the records and inventory described in this section.

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

27 (d) Pharmacies that dispense nonprescription diabetes test devices pursuant to
28 prescriptions shall retain records of acquisition and sale of those nonprescription
diabetes test devices for at least three years from the date of making. The records
shall be at all times during business hours open to inspection by authorized officers of
the law.

14. Business and Professions Code section 4105 states, in pertinent part:

(a) All records or other documentation of the acquisition and disposition of
dangerous drugs and dangerous devices by any entity licensed by the board shall be
retained on the licensed premises in a readily retrievable form.

...

(d)(1) Any records that are maintained electronically shall be maintained so that the
pharmacist-in-charge, or the pharmacist on duty if the pharmacist-in-charge is not on
duty, shall, at all times during which the licensed premises are open for business, be
able to produce a hardcopy and electronic copy of all records of acquisition or
disposition or other drug or dispensing-related records maintained electronically.

1 15. Business and Professions Code section 4113, subdivision (c), states, “The pharmacist-
2 in-charge shall be responsible for a pharmacy’s compliance with all state and federal laws and
3 regulations pertaining to the practice of pharmacy.”

4 16. Business and Professions Code section 4169 states, in pertinent part:

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

6 ...

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

9 (b) Notwithstanding any other law, a violation of this section may subject the person
10 or entity that has committed the violation to a fine not to exceed the amount specified
11 in Section 125.9 for each occurrence, pursuant to a citation issued by the board.

11 ...

12 17. Business and Professions Code section 4301 states:

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

15 ...

16 (c) Gross negligence

17 ...

18 (f) The commission of any act involving moral turpitude, dishonesty,
19 fraud, deceit, or corruption, whether the act is committed in the course of
20 relations as a licensee or otherwise, and whether the act is a felony or
21 misdemeanor or not.

22 (g) Knowingly making or signing any certificate or other document that
23 falsely represents the existence or nonexistence of a state of facts.

24 ...

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

27 ...

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

...

(q) Engaging in any conduct that subverts or attempts to subvert an

18. Business and Professions Code section 4307 states, in pertinent part:

(a) Any person who has been denied a license or whose license has been revoked or is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a manager, administrator, owner, member, officer, director, associate, 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.

19. Business and Professions Code section 4332 states, in pertinent part:

Any person who fails, neglects, or refuses to maintain the records required by Section 4081 or who, when called upon by an authorized officer or a member of the board, fails, neglects, or refuses to produce or provide the records within a reasonable time, or who willfully produces or furnishes records that are false, is guilty of a misdemeanor.

STATUTORY PROVISIONS: HEALTH AND SAFETY CODE

20. Health and Safety Code section 11165, subdivision (d), states:

For each prescription for a Schedule II, Schedule III, or Schedule IV controlled substance, as defined in the controlled substances schedules in federal law and regulations, specifically Sections 1308.12, 1308.13, and 1308.14, respectively, of Title 21 of the Code of Federal Regulations, the dispensing pharmacy, clinic, or other dispenser shall report the following information to the Department of Justice as soon as reasonably possible, but not more than seven days after the date a controlled substance is dispensed, . . .

21. Health and Safety Code section 11208 states, in pertinent part:

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

STATE REGULATORY PROVISIONS

22. California Code of Regulations, title 16, section 1707.5, subdivision (d), states:

The pharmacy shall have policies and procedures in place to help patients with limited or no English proficiency understand the information on the label as specified in subdivision (a) in the patient's language. The pharmacy's policies and procedures shall be specified in writing and shall include, at minimum, the selected means to identify the patient's language and to provide interpretive services and translation services in the patient's language. The pharmacy shall, at minimum, provide interpretive services in the patient's language, if interpretive services in such language are available, during all hours that the pharmacy is open, either in person by pharmacy staff or by use of a third-party interpretive service available by telephone at or adjacent to the pharmacy counter.

23. California Code of Regulations, title 16, section 1707.6, state, in pertinent part:

(a) In every pharmacy there shall be prominently posted, in a place conspicuous to and readable by a prescription drug consumer, a notice containing the text in subdivision (b). Each pharmacy shall use the standardized poster-sized notice provided or made available by the board, unless the pharmacy has received prior approval of another format or display methodology from the board. The board may delegate authority to a committee or to the Executive Officer to give the approval. As an alternative to a printed notice, the pharmacy may also or instead display the notice on a video screen located in a place conspicuous to and readable by prescription drug consumers, so long as: (1) The video screen is at least 24 inches, measured diagonally; (2) The pharmacy utilizes the video image notice provided by the board; (3) The text of the notice remains on the screen for a minimum of 60 seconds; and (4) No more than five minutes elapses between displays of any notice on the screen, as measured between the time that a one-screen notice or the final screen of a multi-screen notice ceases to display and the time that the first or only page of that notice re-displays. The pharmacy may seek approval of another format or display methodology from the board. The board may delegate authority to a committee or to the Executive Officer to give the approval.

(b) The notice shall contain the following text:

///

///

1 NOTICE TO CONSUMERS

2 California law requires a pharmacist to speak with you every time you
3 get a new prescription.

4 You have the right to ask for and receive from any pharmacy prescription
5 drug labels in 12-point font.

6 Interpreter services are available to you upon request at no cost.

7 Before taking your medicine, be sure you know: the name of the
8 medicine and what it does; how and when to take it, for how long, and
9 what to do if you miss a dose; possible side effects and what you should
10 do if they occur; whether the new medicine will work safely with other
11 medicines or supplements; and what foods, drinks, or activities should
12 be avoided while taking the medicine. Ask the pharmacist if you have
13 any questions.

14 This pharmacy must provide any medicine or device legally prescribed
15 for you, unless it is not covered by your insurance; you are unable to pay
16 the cost of a copayment; or the pharmacist determines doing so would be
17 against the law or potentially harmful to health. If a medicine or device
18 is not immediately available, the pharmacy will work with you to help
19 you get your medicine or device in a timely manner.

20 You may ask this pharmacy for information on drug pricing and of
21 generic drugs.

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

23 ...

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

28 (c) The pharmacy and fixtures and equipment shall be maintained in a clean and
orderly condition. The pharmacy shall be dry, well-ventilated, free from rodents and
insects, and properly lighted. The pharmacy shall be equipped with a sink with hot
and cold running water for pharmaceutical purposes.

(d) Each pharmacist while on duty shall be responsible for the security of the
prescription department, including provisions for effective control against theft or
diversion of dangerous drugs and devices, and records for such drugs and devices.
Possession of a key to the pharmacy where dangerous drugs and controlled substances
are stored shall be restricted to a pharmacist.

(e) The pharmacy owner, the building owner or manager, or a family member of a pharmacist owner (but not more than one of the aforementioned) may possess a key to the pharmacy that is maintained in a tamper evident container for the purpose of 1) delivering the key to a pharmacist or 2) providing access in case of emergency. An emergency would include fire, flood or earthquake. The signature of the pharmacist-in-charge shall be present in such a way that the pharmacist may readily determine whether the key has been removed from the container.

...

25. California Code of Regulations, title 16, section 1715, states:

(a) The pharmacist-in-charge of each pharmacy as defined under section 4029 or section 4037 of the Business and Professions Code shall complete a self-assessment of the pharmacy's compliance with federal and state pharmacy law. The assessment shall be performed before July 1 of every odd-numbered year. The primary purpose of the self-assessment is to promote compliance through self-examination and education.

(b) In addition to the self-assessment required in subdivision (a) of this section, the pharmacist-in-charge shall complete a self-assessment within 30 days whenever:

(1) A new pharmacy permit has been issued, or

(2) There is a change in the pharmacist-in-charge, and he or she becomes the new pharmacist-in-charge of a pharmacy.

(3) There is a change in the licensed location of a pharmacy to a new address.

(c) The components of this assessment shall be on Form 17M-13 (Rev. 10/14) entitled "Community Pharmacy Self-Assessment Hospital Outpatient Pharmacy Self-Assessment" and on Form 17M-14 (Rev. 10/14) entitled "Hospital Pharmacy Self-Assessment" which are hereby incorporated by reference to evaluate compliance with federal and state laws and regulations.

(d) Each self-assessment shall be kept on file in the pharmacy for three years after it is performed.

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

"Current Inventory" as used in Sections 4081 and 4332 of the Business and Professions Code shall be considered to include complete accountability for all dangerous drugs handled by every licensee enumerated in Sections 4081 and 4332.

The controlled substances inventories required by Title 21, CFR, Section 1304 shall be available for inspection upon request for at least 3 years after the date of the inventory.

///

///

FEDERAL REGULATORY PROVISIONS

27. Code of Federal Regulations, title 21, section 1301.75, subdivision (b) states:

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

28. Code of Federal Regulations, title 21, section 1304.11, states, in pertinent part:

(a) *General requirements.* Each inventory shall contain a complete and accurate record of all controlled substances on hand on the date the inventory is taken, and shall be maintained in written, typewritten, or printed form at the registered location. An inventory taken by use of an oral recording device must be promptly transcribed. Controlled substances shall be deemed to be "on hand" if they are in the possession of or under the control of the registrant, including substances returned by a customer, ordered by a customer but not yet invoiced, stored in a warehouse on behalf of the registrant, and substances in the possession of employees of the registrant and intended for distribution as complimentary samples. A separate inventory shall be made for each registered location and each independent activity registered, except as provided in paragraph (e)(4) of this section. In the event controlled substances in the possession or under the control of the registrant are stored at a location for which he/she is not registered, the substances shall be included in the inventory of the registered location to which they are subject to control or to which the person possessing the substance is responsible. The inventory may be taken either as of opening of business or as of the close of business on the inventory date and it shall be indicated on the inventory.

(b) *Initial inventory date.* Every person required to keep records shall take an inventory of all stocks of controlled substances on hand on the date he/she first engages in the manufacture, distribution, or dispensing of controlled substances, in accordance with paragraph (e) of this section as applicable. In the event a person commences business with no controlled substances on hand, he/she shall record this fact as the initial inventory.

(c) *Biennial inventory date.* After the initial inventory is taken, the registrant shall take a new inventory of all stocks of controlled substances on hand at least every two years. The biennial inventory may be taken on any date which is within two years of the previous biennial inventory date.

...

COST RECOVERY

29. Business and Professions Code section 125.3 states, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

DEFINITIONS

30. Alprazolam, the generic name for Xanax, is a Schedule IV controlled substance pursuant to Health and Safety Code section 11057, subdivision (d)(1), and a dangerous drug pursuant to Business and Professions Code section 4022. Alprazolam is commonly prescribed for anxiety.

31. Chlordiazepoxide, the generic name for Librium, is a Schedule IV controlled substance pursuant to Health and Safety Code section 11057, subdivision (d)(5), and a dangerous drug pursuant to Business and Professions Code section 4022. Chlordiazepoxide is commonly prescribed for anxiety and alcohol withdrawal.

32. Codeine/APAP, the generic name for Tylenol/Codeine, is a Schedule III controlled substance pursuant to Health and Safety Code section 11056, subdivision (e)(2), and a dangerous drug pursuant to Business and Professions Code section 4022. Codeine/APAP is commonly prescribed for pain.

33. Evolocumab, the generic name for Repatha, is a dangerous drug pursuant to Business and Professions Code section 4022. Evolocumab is commonly prescribed to treat high cholesterol.

34. Galcanezumab, the generic name for Emgality, is a dangerous drug pursuant to Business and Professions Code section 4022. Galcanezumab is commonly prescribed to treat migraines.

35. Lorazepam, the generic name for Ativan, is a Schedule IV controlled substance pursuant to Health and Safety Code section 11057, subdivision (d)(16), and a dangerous drug pursuant to Business and Professions Code section 4022. Lorazepam is commonly prescribed for anxiety.

36. Promethazine/codeine, the generic name for Phenergan/Codeine, is a Schedule V controlled substance pursuant to Health and Safety Code section 11058, subdivision (c)(1), and a dangerous drug pursuant to Business and Professions Code section 4022. Promethazine/codeine is commonly prescribed for cough.

37. Tramadol, the generic name for Ultram, is a Schedule IV controlled substance pursuant to Code of Federal Regulation, title 21, section 1308.14, subdivision (b)(3), and a dangerous drug

1 pursuant to Business and Professions Code section 4022. Promethazine/codeine is commonly
2 prescribed for pain.

3 **FACTUAL ALLEGATIONS**

4 38. On a date uncertain, the Board was informed that Caring Pharmacy is sometimes
5 opened by an unlicensed individual, Respondent PIC Farahani's wife, without a pharmacist
6 present. On or around January 7, 2020, Board Inspector Steven Kyle conducted an inspection of
7 Caring Pharmacy, located at 25802 Hemingway Ave #103 in Stevenson Ranch, California. Caring
8 Pharmacy is located in a shopping plaza, adjacent to other businesses, with a parking lot. While
9 parked, Inspector Kyle observed the front of the pharmacy. There was no back entrance to the
10 pharmacy. Inspector Kyle observed a white delivery truck, which he recognized as the type of
11 truck commonly used to deliver controlled substances and dangerous drugs to pharmacies. Shortly
12 after 9:30 a.m., PIC Farahani's wife, Shirin Farahani, arrived. The delivery driver approached Ms.
13 Farahani's vehicle and gave her a drug tote, which Ms. Farahani signed for. The delivery consisted
14 of Emgality and Repatha, which are both dangerous drugs. Ms. Farahani carried the drug tote to
15 the pharmacy door and unlocked it using a key in her possession. The key was not in a tamper
16 evident container for emergency use only. Inspector Kyle entered the unlocked front door of the
17 pharmacy and was greeted by Ms. Farahani, who was the only person in the pharmacy. Ms.
18 Farahani stated that her husband, Respondent PIC Farahani, was at an emergency dental
19 appointment. Respondent PIC Farahani arrived after 10:30 a.m., approximately one hour later, and
20 claimed he was at an emergency dental appointment. PIC Farahani later admitted he was not at a
21 dental appointment when his wife called to inform him of the Board inspection at Caring
22 Pharmacy, but was at Allied Health Pharmacy¹ in Van Nuys. He left Allied Health Pharmacy
23 before another pharmacist arrived.

24 ¹ Allied Health Pharmacy (Pharmacy Permit Number PHY 52501) is operated by Allied Health
25 Partners, Inc. of which Respondent PIC Farahani is the Chief Executive Officer, 100%
26 shareholder, Director, and Treasurer/Chief Financial Officer. Respondent PIC Farahani has also
27 been the Pharmacist-in-Charge of Allied Health Pharmacy since April 9, 2015. Accusation No.
28 6715 is currently pending against Allied Health Partners, Inc. and Respondent PIC Farahani for
violations of Pharmacy Law that occurred at Allied Health Pharmacy between October 2015 to
January 2020. The hearing on Accusation No. 6715 is set for November 12 and 13, 2020. Allied
Health Partners, Inc.'s permit and Respondent PIC Farahani's pharmacist license are currently

39. **CURES Reporting²:** Dispensing data for Respondent Caring's current permit, PHY 57007, showed that from July 30, 2019 to November 21, 2019, the following five prescriptions for controlled substances were filled and dispensed:

Drug	Number of Rx	Quantity Dispensed
lorazepam 1 mg	3	128
alprazolam 0.5 mg	1	6
chlordiazepoxide 5 mg	1	30

However, CURES compliance reports for Caring Pharmacy's current permit, PHY 57007, showed no records of schedule II through IV controlled substance prescriptions as being reported to CURES for the period of March 21, 2019 to December 19, 2019.

40. **Controlled Substance Security:** During the inspection, Inspector Kyle observed controlled substances grouped together on a counter in a plastic basket and not dispersed throughout the stock of non-controlled substances in such a manner so as to obstruct their theft or diversion.

41. **Operational Standards:** Respondent Caring had a refrigerator, which was being used for drug storage. Inside the refrigerator, drugs were stored next to food and drink items. Furthermore, Respondent Caring had two sinks inside the restroom, which were located next to a toilet without a closing lid. Neither sink had hot water, even after the water had been running for at least five minutes.

42. **Notice to Consumers:** Respondents did not have and did not post the "Notice to Consumer" poster in the pharmacy.

43. **Interpretive Service:** Respondents did not have an interpretive service available for patients.

suspended pursuant to a Petition for Interim Suspension Order that was granted on August 20, 2020 due to violations of Pharmacy Law that occurred at Allied Health Pharmacy between October 2018 and January 2020.

² The Controlled Substance Utilization Review and Evaluation System (CURES) program requires mandatory monthly pharmacy reporting of dispensed schedule II through IV medications. The data is collected statewide and its main goal is to improve healthcare providers' ability to combat prescription drug abuse

1 44. **Display of Original License:** Respondent Caring’s pharmacy permit was not posted.

2 45. **Self-Assessment:** Respondents were required to complete a self-assessment for the
3 pharmacy’s previous location in Van Nuys (PHY 55642) within 30 days of May 24, 2017, when
4 the permit was issued. Respondents were required to complete a self-assessment for the
5 pharmacy’s current location in Stevenson Ranch (PHY 57007) within 30 days of March 21, 2019,
6 when the new permit was issued. Respondents are required to keep self-assessments on file for
7 three years.³ During the inspection, Respondent PIC Farahani stated he did not have a completed
8 self-assessment maintained on file in the pharmacy. On February 3, 2020, after multiple requests,
9 Inspector Kyle received an email from Respondent PIC Farahani with a self-assessment for the
10 pharmacy’s current location in Stevenson Ranch (PHY 57007). This self-assessment was
11 purportedly completed, dated, and signed by Respondent PIC Farahani on June 26, 2017.
12 However, Caring Pharmacy in Stevenson Ranch (PHY 57007) was not yet in existence or in
13 operation until March 21, 2019. Furthermore, on the first page, the DEA registration expiration
14 date was listed as August 3, 2022, and the DEA inventory date was listed as May 18, 2019. It is
15 not possible that an inventory would have been completed in 2019 when the self-assessment form
16 was purportedly completed in June 2017. Furthermore, the DEA registration is renewed every
17 three years. As of June 26, 2017, when the self-assessment was purportedly completed, the
18 expiration date for the DEA registration could not have been August 3, 2022. Respondent PIC
19 Farahani also failed to maintain on file the pharmacy’s self-assessment for its previous location in
20 Van Nuys.

21 46. **Drug Audit and Pharmacy Records:** Based on Respondent Caring’s dispense and
22 purchase records, Inspector Kyle conducted a drug audit for the period of March 21, 2019 to
23 January 7, 2020, as summarized in the table below:

24 ///

25
26
27 ³ See California Code of Regulations, title 16, section 1715, subdivision (a). Furthermore, a change
28 of location of a pharmacy would require all pharmacy records from the prior location to be
maintained at the new location.

Drug	Initial Amount (as of 3/21/19)	Purchased	Amount Dispensed	Amount expected in stock	Stock on hand (01/07/20 1:00 pm)	Short or Over ⁴
alprazolam 0.5 mg	0	1,000	6	994	946	-48
alprazolam 1 mg	0	1,000	0	1,000	540	-460
alprazolam 2 mg	0	100	0	100	0	-100
APAP/codeine 300/60 mg ⁵	0	200	0	200	86	-114
chlordiazepoxide 5 mg	0	0	30	-30	0	30
lorazepam 0.5 mg	0	100	0	100	90	-10
lorazepam 1 mg	0	200	128	72	80	8
promethazine/codeine (ml)	0	473	0	473	0	-473
tramadol 50 mg	0	500	0	500	498	-2
Total		3,573				

Based on a review of Respondent Caring's electronic pharmacy records, Inspector Kyle determined that only lorazepam 1 mg, alprazolam 0.5 mg, and chlordiazepoxide 5 mg should have been open. There was no reason it would have been appropriate to break the manufacturer's seal on the other controlled substances. Inspector Kyle identified the following shortages in stock of Respondent Caring's controlled substances.

Drug	Short
alprazolam 0.5 mg	-48
alprazolam 1 mg	-460
alprazolam 2 mg	-100
APAP/codeine 300/60 mg	-114
lorazepam 0.5 mg	-10
promethazine/codeine (ml)	-473
tramadol 50 mg	-2
Total Tablets	-734
Total ml (5ml/dose)	-473

For the period of March 21, 2019 to January 7, 2020, the total quantity of controlled substances purchased by Respondent Caring was 3,573 units. The audit identified a shortage of 734 tablets

⁴ Some causes of drug shortages can be due to theft, diversion, selling drugs without a prescription, and/or a failure to maintain accurate inventory records.

⁵ This was referenced incorrectly on the stock on hand report as "300/30 mg" and not "300/60 mg."

and 473 mLs. Over a third of the drugs purchased during the audit period was missing from the pharmacy.

47. **Failure to Fulfill Requests for Records:** As set forth in further detail in the table below, Respondent PIC Farahani failed to fulfill Inspector Kyle's following requests for records: (a) disposition of dangerous drugs from the former pharmacy location in Van Nuys; (b) acquisition of dangerous drugs at the current pharmacy location; (c) self-assessments; (d) information regarding wholesalers; and (e) information regarding employed pharmacists.

Date	Method of Request	Item Requested
01/07/20	During inspection	- Prescription dispensing data for Caring Pharmacy, both locations - Self-assessments for both pharmacies - CURES reporting information
01/08/20	Email	- Transfer of drugs to Caring Pharmacy from previous license location - All records above
01/15/20	Certified letter to Stevenson Ranch location	- Prescription dispensing data for Caring Pharmacy, both locations - Self-assessments for both pharmacies - CURES reporting information - Purchases, credits, transfers, returns, inventories, and drug losses for both locations
01/23/20	Certified letter to Respondent PIC Farahani's address of record	-Prescription dispensing data for Caring Pharmacy, both locations -Self-assessments for both pharmacies -CURES reporting information -Purchases, credits, transfers, returns, inventories, and drug losses for both locations
01/28/20	Email	-Received dispensing data of new location -Explanation for some of other records
01/28/20	Email	-Attached copy of record request
02/03/20	Email	-Some documents were received, but not self-assessments and not records of drug transfers between Caring and Allied
02/03/20	Phone	-Records of drugs transferred between Caring and Allied
02/05/20	Email	-Statement form for PIC for investigation information (regarding wholesaler and pharmacist information)

Furthermore, Respondent PIC Farahani stated he took drugs to both Allied Health Pharmacy⁶ and the new Caring Pharmacy location, but never provided records of these transactions.

///

///

⁶ See note 1.

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct: Failure to Maintain Pharmacy Security and Possession of**
3 **Pharmacy Key - Respondent Caring and Respondent PIC Farahani)**

4 48. Respondent Caring's pharmacy permit and Respondent PIC Farahani's pharmacist
5 license are subject to discipline pursuant to Business and Professions Code section 4301,
6 subdivisions (j) and (o), in conjunction with section 4113, subdivision (c), on the grounds of
7 unprofessional conduct, in that on or around January 7, 2020, Respondents allowed an unlicensed
8 individual to possess a key to the pharmacy, which was not in a tamper evidence container, and
9 Respondents allowed this individual to open the pharmacy in a non-emergency situation in the
10 absence of a pharmacist, in violation of California Code of Regulations, title 16, section 1714,
11 subdivisions (d) and (e). Complainant refers to, and by this reference incorporates, the allegations
12 set forth above in paragraphs 38 through 47, inclusive, as though set forth fully herein.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Unprofessional Conduct: Permitting Unlicensed Individual to Receive and Sign for**
15 **Delivery of Dangerous Drugs - Respondent Caring and Respondent PIC Farahani)**

16 49. Respondent Caring's pharmacy permit and Respondent PIC Farahani's pharmacist
17 license are subject to discipline pursuant to Business and Professions Code section 4301,
18 subdivisions (j) and (o), in conjunction with section 4113, subdivision (c), on the grounds of
19 unprofessional conduct, in that on or around January 7, 2020, Respondents allowed an unlicensed
20 individual to receive and sign for the delivery of dangerous drugs, in violation of Business and
21 Professions Code section 4059.5, subdivision (a). Complainant refers to, and by this reference
22 incorporates, the allegations set forth above in paragraphs 38 through 47, inclusive, as though set
23 forth fully herein.

24 **THIRD CAUSE FOR DISCIPLINE**

25 **(Unprofessional Conduct: Failure to Comply with CURES Reporting Requirements -**
26 **Respondent Caring and Respondent PIC Farahani)**

27 50. Respondent Caring's pharmacy permit and Respondent PIC Farahani's pharmacist
28 license are subject to discipline pursuant to Business and Professions Code section 4301,

subdivisions (j) and (o), in conjunction with section 4113, subdivision (c), on the grounds of unprofessional conduct, in that between July 30, 2019 and November 21, 2019, Respondents dispensed five prescriptions for schedule III-IV controlled substances, but failed to report them to CURES, in violation of Health and Safety Code section 11165, subdivision (d). Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 38 through 47, inclusive, as though set forth fully herein.

FOURTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct: Failure to Maintain Security of Controlled Substances - Respondent Caring and Respondent PIC Farahani)

51. Respondent Caring's pharmacy permit and Respondent PIC Farahani's pharmacist license are subject to discipline pursuant to Business and Professions Code section 4301, subdivisions (j) and (o), in conjunction with section 4113, subdivision (c), on the grounds of unprofessional conduct, in that on or around January 7, 2020, Respondents stored controlled substances, grouped together in a basket, on a counter without effective controls against theft or diversion, in violation of California Code of Regulations, title 16, sections 1301.75 and 1714. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 38 through 47, inclusive, as though set forth fully herein.

FIFTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct: Failure to Maintain Operational Standards - Respondent Caring and Respondent PIC Farahani)

52. Respondent Caring's pharmacy permit and Respondent PIC Farahani's pharmacist license are subject to discipline pursuant to Business and Professions Code section 4301, subdivisions (j) and (o), in conjunction with section 4113, subdivision (c), on the grounds of unprofessional conduct, in violation of California Code of Regulations, title 16, section 1714, subdivisions (b) and (c). Specifically, on or around January 7, 2020, (1) Respondents stored drugs inside a refrigerator next to food and drink items, (2) the pharmacy had two sinks, which were located inside of a restroom and next to a toilet without a closing lid, and (3) neither of the sinks had hot water and were not suitable to be used for pharmaceutical purposes. Complainant refers

1 to, and by this reference incorporates, the allegations set forth above in paragraphs 38 through 47,
2 inclusive, as though set forth fully herein.

3 **SIXTH CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct: Failure to Post Notice of Consumers -**
5 **Respondent Caring and Respondent PIC Farahani)**

6 53. Respondent Caring's pharmacy permit and Respondent PIC Farahani's pharmacist
7 license are subject to discipline pursuant to Business and Professions Code section 4301,
8 subdivisions (j) and (o), in conjunction with section 4113, subdivision (c), on the grounds of
9 unprofessional conduct, in that on or around January 7, 2020, Respondents did not have in their
10 possession and did not post the required Notice to Consumers, in violation of California Code of
11 Regulations, title 16, section 1707.6, subdivisions (a) and (b). Complainant refers to, and by this
12 reference incorporates, the allegations set forth above in paragraphs 38 through 47, inclusive, as
13 though set forth fully herein.

14 **SEVENTH CAUSE FOR DISCIPLINE**

15 **(Unprofessional Conduct: Failure to Provide Interpretive Services -**
16 **Respondent Caring and Respondent PIC Farahani)**

17 54. Respondent Caring's pharmacy permit and Respondent PIC Farahani's pharmacist
18 license are subject to discipline pursuant to Business and Professions Code section 4301,
19 subdivisions (j) and (o), in conjunction with section 4113, subdivision (c), on the grounds of
20 unprofessional conduct, in that on or around January 7, 2020, Respondents did not have
21 interpretive services available to patients, in violation of California Code of Regulations, title 16,
22 section 1707.5, subdivision (d). Complainant refers to, and by this reference incorporates, the
23 allegations set forth above in paragraphs 38 through 47, inclusive, as though set forth fully herein

24 **EIGHTH CAUSE FOR DISCIPLINE**

25 **(Unprofessional Conduct: Failure to Display Original Licenses -**
26 **Respondent Caring and Respondent PIC Farahani)**

27 55. Respondent Caring's pharmacy permit and Respondent PIC Farahani's pharmacist
28 license are subject to discipline pursuant to Business and Professions Code section 4301,

1 subdivisions (j) and (o), in conjunction with section 4113, subdivision (c), on the grounds of
2 unprofessional conduct, in that on or around January 7, 2020, Respondents did not have in their
3 possession and did not post Respondent Caring's original pharmacy permit, in violation of
4 Business and Professions Code section 4058. Complainant refers to, and by this reference
5 incorporates, the allegations set forth above in paragraphs 38 through 47, inclusive, as though set
6 forth fully herein.

7 **NINTH CAUSE FOR DISCIPLINE**

8 **(Unprofessional Conduct: Failure to Maintain Self-Assessments on File -**
9 **Respondent Caring and Respondent PIC Farahani)**

10 56. Respondent Caring's pharmacy permit and Respondent PIC Farahani's pharmacist
11 license are subject to discipline pursuant to Business and Professions Code section 4301,
12 subdivisions (j) and (o), in conjunction with section 4113, subdivision (c), on the grounds of
13 unprofessional conduct, in violation of California Code of Regulations, title 16, section 1715.
14 Specifically, on or around January 7, 2020, (1) Respondents did not maintain on file, for the
15 requisite period of time, the pharmacy's self-assessment for its current location in Stevenson
16 Ranch, which was required to have been completed within 30 days of March 21, 2019, the date of
17 issuance of Pharmacy Permit No. PHY 57007; and (2) Respondents did not maintain on file, for
18 the requisite period of time, the pharmacy's self-assessment for the previous Van Nuys location,
19 which was required to have been completed within 30 days of May 24, 2017, the date of issuance
20 of Pharmacy Permit No. PHY 55642. Complainant refers to, and by this reference incorporates,
21 the allegations set forth above in paragraphs 38 through 47, inclusive, as though set forth fully
22 herein.

23 **TENTH CAUSE FOR DISCIPLINE**

24 **(Unprofessional Conduct: Failure to Properly and Accurately Complete Self-Assessment -**
25 **Respondent Caring and Respondent PIC Farahani)**

26 57. Respondent Caring's pharmacy permit and Respondent PIC Farahani's pharmacist
27 license are subject to discipline pursuant to Business and Professions Code sections 4301,
28 subdivisions (j) and (o), in conjunction with section 4113, subdivision (c), for unprofessional

1 conduct, in that the self-assessment completed for the Stevenson Ranch location (PHY 57007) was
2 not properly and accurately completed, in violation of California Code of Regulations, title 16,
3 section 1715, subdivision (a). Complainant refers to, and by this reference incorporates, the
4 allegations set forth above in paragraphs 38 through 47, inclusive, as though set forth fully herein.

5 **ELEVENTH CAUSE FOR DISCIPLINE**

6 **(Unprofessional Conduct: Knowingly and Falsely Representing Facts -**
7 **Respondent Caring and Respondent PIC Farahani)**

8 58. Respondent Caring's pharmacy permit and Respondent PIC Farahani's pharmacist
9 license are subject to discipline pursuant to Business and Professions Code sections 4301,
10 subdivision (g), in conjunction with section 4113, subdivision (c), for unprofessional conduct, in
11 that the self-assessment for the pharmacy at the Stevenson Ranch location (PHY 57007) was
12 inaccurate in that it contained false information and was backdated to a date on which the
13 Stevenson Ranch location was not yet in existence. Complainant refers to, and by this reference
14 incorporates, the allegations set forth above in paragraphs 38 through 47, inclusive, as though set
15 forth fully herein.

16 **TWELFTH CAUSE FOR DISCIPLINE**

17 **(Unprofessional Conduct: Failure to Maintain Accurate Current Inventory and Records of**
18 **Acquisition and Disposition -**

19 **Respondent Caring and Respondent PIC Farahani)**

20 59. Respondent Caring's pharmacy permit and Respondent PIC Farahani's pharmacist
21 license are subject to discipline pursuant to Business and Professions Code sections 4301,
22 subdivisions (j) and (o), in conjunction with section 4113, subdivision (c), for unprofessional
23 conduct, in that between March 21, 2019 and January 7, 2020, Respondents failed to maintain
24 accurate inventories and/or records of acquisition and disposition, resulting in a shortage of stock
25 in schedules III-V controlled substances in the amount of 734 tablets and 473 mLs, in violation of
26 Business and Professions Code sections 4081, 4105, and 4169, and Code of Federal Regulations,
27 title 21, section 1304.11. Complainant refers to, and by this reference incorporates, the allegations
28 set forth above in paragraphs 38 through 47, inclusive, as though set forth fully herein.

1 **THIRTEENTH CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct: Failure to Maintain Operational Standards and Security**
3 **Resulting in Shortage of Controlled Substances -**
4 **Respondent Caring and Respondent PIC Farahani)**

5 60. Respondent Caring's pharmacy permit and Respondent PIC Farahani's pharmacist
6 license are subject to discipline pursuant to Business and Professions Code sections 4301,
7 subdivisions (j) and (o), in conjunction with section 4113, subdivision (c), for unprofessional
8 conduct, in that Respondents failed to maintain Respondent Caring's facilities, space, fixtures, and
9 equipment in such a way that would ensure that drugs are safely and properly prepared, maintained,
10 secured, and distributed, resulting in a shortage of stock in schedules III-V controlled substances
11 in the amount of 734 tablets and 473 mLs, in violation of California Code of Regulations, title 16,
12 section 1714, subdivision (b), in conjunction with section 1718 and Business and Professions Code
13 sections 4081 and 4332. Complainant refers to, and by this reference incorporates, the allegations
14 set forth above in paragraphs 38 through 47, inclusive, as though set forth fully herein.

15 **FOURTEENTH CAUSE FOR DISCIPLINE**

16 **(Gross Negligence - Respondent Caring and Respondent PIC Farahani)**

17 61. Respondent Caring's pharmacy permit and Respondent PIC Farahani's pharmacist
18 license are subject to discipline pursuant to Business and Professions Code sections 4301,
19 subdivision (c), in conjunction with section 4113, subdivision (c), in that between March 21, 2019
20 and January 7, 2020. Respondents committed gross negligence in the operation of the pharmacy
21 by violating numerous basic operational and security requirements. Complainant refers to, and by
22 this reference incorporates, the allegations set forth above in paragraphs 38 through 47, inclusive,
23 as though set forth fully herein.

24 **FIFTEENTH CAUSE FOR DISCIPLINE**

25 **(Unprofessional Conduct – Subverting or Attempting to Subvert Board Investigation -**
26 **Respondent Caring and Respondent PIC Farahani)**

27 62. Respondent Caring's pharmacy permit and Respondent PIC Farahani's pharmacist
28 license are subject to discipline pursuant to Business and Professions Code sections 4301,

subdivision (q), in conjunction with section 4113, subdivision (c), in that on or around January 7, 2020, Respondents subverted the Board investigation by failing to provide the following information and records: (1) disposition of dangerous drugs from the former pharmacy location in Van Nuys; (2) acquisition of dangerous drugs at the current pharmacy location in Stevenson Ranch; (3) self-assessments; (4) information regarding wholesalers; and (5) information regarding employed pharmacists. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 38 through 47, inclusive, as though set forth fully herein.

SIXTEENTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Respondent Caring and Respondent PIC Farahani)

63. Respondent Caring's pharmacy permit and Respondent PIC Farahani's pharmacist license are subject to discipline pursuant to Business and Professions Code sections 4301, in conjunction with section 4113, subdivision (c), in that between March 21, 2019 and January 7, 2020, Respondents committed acts of unprofessional conduct, as described above. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 38 through 47, inclusive, as though set forth fully herein.

OTHER MATTERS

64. Pursuant to Business and Professions Code section 4307, if discipline is imposed on Pharmacy Permit Number PHY 57007, issued to Respondent Caring, for conduct that occurred while Respondent PIC Farahani was the manager, and Respondent PIC Farahani had knowledge of or knowingly participated in the conduct for which Respondent Caring was disciplined, then Respondent PIC Farahani 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 57007 is placed on probation or until Pharmacy Permit Number PHY 57007 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 57007, issued to Respondent Caring Pharmacy, Inc. dba Caring Pharmacy, Korush Jalali Farahani;
2. Revoking or suspending Pharmacist License Number RPH 70445, issued to Respondent PIC Korush Jalali Farahani;
3. Prohibiting Respondent PIC Korush Jalali Farahani from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 57007 is placed on probation or until Pharmacy Permit Number PHY 57007 is reinstated if it is revoked;
4. Ordering Respondent Caring Pharmacy and Respondent PIC Korush Jalali Farahani 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: 10/9/2020

Signature on File

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

LA2020602546
63592815.docx