

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

In the Matter of the Accusation Against:

**OURX PHARMACY, INC., DBA 2222 PRESCRIPTION PHARMACY,
HOMAYOON KHORSANDI**

Pharmacy Permit License No. PHY 39520,

and

HOMAYOON KHORSANDI,

Pharmacist License No. RPH 43286,

Respondents.

Agency Case No. 6957

OAH No. 2021020712

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 November 17, 2021.

It is so ORDERED on October 18, 2021.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

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

Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
2 SHAWN P. COOK
Supervising Deputy Attorney General
3 KEVIN J. RIGLEY
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Attorneys for Complainant
7

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

12 In the Matter of the Accusation Against:

13 **OURX PHARMACY INC., DBA 2222**
14 **PRESCRIPTION PHARMACY,**
15 **HOMAYOON KHORSANDI**
2222 Santa Monica Blvd., Ste. 103
Santa Monica, CA 90404

16 Pharmacy Permit No. PHY 39520,

17 and

18 **HOMAYOON KHORSANDI**
19 110 N. Anita Avenue
Los Angeles, CA 90049

20 Pharmacist License No. RPH 43286

21 Respondents.
22

Case No. 6957

OAH No. 2021020712

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER AS TO
PHARMACIST LICENSE NO. 43286**

23
24 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
25 entitled proceedings that the following matters are true:

26 **PARTIES**

27 1. Anne Sodergren (complainant) is the Executive Officer of the Board of Pharmacy
28 (board). She brought this action solely in her official capacity and is represented in this matter by

1 Rob Bonta, Attorney General of the State of California, by Kevin J. Rigley, Deputy Attorney
2 General.

3 2. Respondent Homayoon Khorsandi (respondent) is represented in this proceeding by
4 attorney Edward Idell, Esq., whose address is 355 South Grand Ave., Ste. 1750, Los Angeles, CA
5 90071-1562.

6 3. On or about March 16, 1990, the board issued Pharmacist License Number RPH
7 43286 to respondent. The Pharmacist License was in full force and effect at all times relevant to
8 the charges brought herein and will expire on December 31, 2021, unless renewed.

9 **JURISDICTION**

10 4. Accusation No. 6957 was filed before the Board, and is currently pending against
11 respondent. The accusation and all other statutorily required documents were properly served on
12 respondent on September 17, 2020. Respondent timely filed his Notice of Defense contesting the
13 accusation.

14 5. A copy of Accusation No. 6957 is attached as exhibit A and incorporated herein by
15 reference.

16 **ADVISEMENT AND WAIVERS**

17 6. Respondent has carefully read, fully discussed with counsel, and understands the
18 charges and allegations in Accusation No. 6957. Respondent has also carefully read, fully
19 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
20 Order.

21 7. Respondent is fully aware of his legal rights in this matter, including the right to a
22 hearing on the charges and allegations in the accusation; the right to confront and cross-examine
23 the witnesses against him; the right to present evidence and to testify on his own behalf; the right
24 to the issuance of subpoenas to compel the attendance of witnesses and the production of
25 documents; the right to reconsideration and court review of an adverse decision; and all other
26 rights accorded by the California Administrative Procedure Act and other applicable laws.

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

1 **CULPABILITY**

2 4. Respondent understands and agrees that the charges and allegations in Accusation
3 No. 6957, if proven at a hearing, constitute cause for imposing discipline upon his Pharmacist
4 License.

5 5. For the purpose of resolving the accusation without the expense and uncertainty of
6 further proceedings, respondent agrees that, at a hearing, complainant could establish a factual
7 basis for the charges in the accusation, and that respondent hereby gives up his right to contest
8 those charges.

9 6. Respondent agrees that his Pharmacist License is subject to discipline and he agrees
10 to be bound by the board's probationary terms as set forth in the Disciplinary Order below.

11 **CONTINGENCY**

12 7. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent
13 understands and agrees that counsel for complainant and the staff of the Board of Pharmacy may
14 communicate directly with the board regarding this stipulation and settlement, without notice to
15 or participation by respondent or his counsel. By signing the stipulation, respondent understands
16 and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the
17 time the board considers and acts upon it. If the board fails to adopt this stipulation as its
18 Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or
19 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,
20 and the board shall not be disqualified from further action by having considered this matter.

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

24 9. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
25 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
26 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
27 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
28

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.

10. 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 No. RPH 43286 issued to respondent Homayoon Khorsandi is revoked. However, the revocation is stayed and respondent is placed on probation for four (4) years on the following terms and conditions:

1. Obey All Laws

Respondent shall obey all state and federal laws and regulations.

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

- an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws
- a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal criminal proceeding to any criminal complaint, information or indictment
- a conviction of any crime
- the filing of a disciplinary pleading, issuance of a citation, or initiation of another administrative action filed by any state or federal agency which involves respondent's license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging for any drug, device or controlled substance.

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

2. Report to the Board

Respondent shall report to the board quarterly, on a schedule as directed by the board or its designee. The report shall be made either in person or in writing, as directed. Among other

1 requirements, respondent shall state in each report under penalty of perjury whether there has
2 been compliance with all the terms and conditions of probation.

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

8 3. Interview with the Board

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

14 4. Cooperate with Board Staff

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

21 5. Continuing Education

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

24 6. Reporting of Employment and Notice to Employers

25 During the period of probation, respondent shall notify all present and prospective
26 employers of the decision in case number 6957 and the terms, conditions and restrictions imposed
27 on respondent by the decision, as follows:

28 ///

1 Within thirty (30) days of the effective date of this decision, and within ten (10) days of
2 undertaking any new employment, respondent shall report to the board in writing the name,
3 physical address, and mailing address of each of her employer(s), and the name(s) and telephone
4 number(s) of all of direct supervisor(s), as well as any pharmacist(s)-in- charge, designated
5 representative(s)-in-charge, responsible manager, or other compliance supervisor(s) and the work
6 schedule, if known. Respondent shall also include the reason(s) for leaving the prior
7 employment. Respondent shall sign and return to the board a written consent authorizing the
8 board or its designee to communicate with all of respondent's employer(s) and supervisor(s), and
9 authorizing those employer(s) or supervisor(s) to communicate with the board or its designee,
10 concerning respondent's work status, performance, and monitoring. Failure to comply with the
11 requirements or deadlines of this condition shall be considered a violation of probation.

12 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
13 respondent undertaking any new employment, respondent shall cause (a) her direct supervisor, (b)
14 her pharmacist-in-charge, designated representative-in-charge, responsible manager, or other
15 compliance supervisor, and (c) the owner or owner representative of her employer, to report to the
16 board in writing acknowledging that the listed individual(s) has/have read the decision in case
17 number 6957, and terms and conditions imposed thereby. If one person serves in more than one
18 role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the respondent's
19 responsibility to ensure that these acknowledgment(s) are timely submitted to the board. In the
20 event of a change in the person(s) serving the role(s) described in (a), (b), or (c) during the term
21 of probation, respondent shall cause the person(s) taking over the role(s) to report to the board in
22 writing within fifteen (15) days of the change acknowledging that he or she has read the decision
23 in case number 6957, and the terms and conditions imposed thereby.

24 If respondent works for or is employed by or through an employment service, respondent
25 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the board
26 of the decision in case number 6957, and the terms and conditions imposed thereby in advance of
27 respondent commencing work at such licensed entity. A record of this notification must be
28 provided to the board upon request.

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

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

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

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

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

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

8. Restrictions on Supervision and Oversight of Licensed Facilities

During the period of probation, respondent shall not supervise any intern pharmacist or serve as a consultant to any entity licensed by the board. Respondent may be a pharmacist-in-charge, designated representative-in-charge, responsible manager or other compliance supervisor of any single entity licensed by the board, but only if respondent or that entity retains, at its expense, an independent consultant who shall be responsible for reviewing the operations of the entity on a frequency basis to be determined by the board's designee for compliance by respondent and the entity with state and federal laws and regulations governing the practice of the entity, and compliance by respondent with the obligations of its supervisory position. Respondent may serve in such a position at only one entity licensed by the board, only upon approval by the

board or its designee. Any such approval shall be site specific. The consultant shall be a pharmacist licensed by and not on probation with the board, who has been approved by the board or its designee to serve in this position. Respondent shall submit the name of the proposed consultant to the board or its designee for approval within thirty (30) days of the effective date of the decision or prior to assumption of duties allowed in this term. Assumption of any unauthorized supervision responsibilities shall be considered a violation of probation. In addition, failure to timely seek approval for, timely retain, or ensure timely reporting by the consultant shall be considered a violation of probation.

9. Reimbursement of Board Costs

As a condition precedent to successful completion of probation, respondent shall be jointly and severally responsible with respondent Ourx Pharmacy Inc., dba 2222 Prescription Pharmacy, Homayoon Khorsandi to pay to the board its costs of investigation and prosecution in the amount of \$12,500.00. Respondent shall make said payments as follows:

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.

Respondent 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 prior to the end date of probation.

10. Probation Monitoring Costs

Respondent 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 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.

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

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

6 Following the effective date of this decision, should respondent cease practice due to
7 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
8 respondent may relinquish his Pharmacist License, including any indicia of licensure issued by
9 the board, along with a request to surrender the license. The board or its designee shall have the
10 discretion whether to accept the surrender or take any other action it deems appropriate and
11 reasonable. Upon formal acceptance of the surrender of the license, respondent will no longer be
12 subject to the terms and conditions of probation. This surrender constitutes a record of discipline
13 and shall become a part of the respondent's license history with the board.

14 Upon acceptance of the surrender, respondent shall relinquish her pocket and/or wall
15 license, including any indicia of licensure not previously provided to the board within ten (10)
16 days of notification by the board that the surrender is accepted if not already provided.
17 Respondent may not reapply for any license from the board for three (3) years from the effective
18 date of the surrender. Respondent shall meet all requirements applicable to the license sought as
19 of the date the application for that license is submitted to the board, including any outstanding
20 costs.

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

22 Except during periods of suspension, respondent shall, at all times while on probation, be
23 employed as a pharmacist in California for a minimum of 100 hours per calendar month. Any
24 month during which this minimum is not met shall extend the period of probation by one month.
25 During any such period of insufficient employment, respondent must nonetheless comply with all
26 terms and conditions of probation, unless respondent receives a waiver in writing from the board
27 or its designee.

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

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

14 **14. Violation of Probation**

15 If respondent has not complied with any term or condition of probation, the board shall
16 have continuing jurisdiction over respondent, and the board shall provide notice to respondent
17 that probation shall automatically be extended, until all terms and conditions have been satisfied
18 or the board has taken other action as deemed appropriate to treat the failure to comply as a
19 violation of probation, to terminate probation, and to impose the penalty that was stayed. The
20 board or its designee may post a notice of the extended probation period on its website.

21 If respondent violates probation in any respect, the board, after giving respondent notice
22 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
23 was stayed. If a petition to revoke probation or an accusation is filed against respondent during
24 probation, or the preparation of an accusation or petition to revoke probation is requested from
25 the Office of the Attorney General, the board shall have continuing jurisdiction and the period of
26 probation shall be automatically extended until the petition to revoke probation or accusation is
27 heard and decided, and the charges and allegations in Accusation No. 6957 shall be deemed true
28 and correct.

1 **15. Remedial Education**

2 Within sixty (60) days of the effective date of this decision, respondent shall submit to the
3 board or its designee, for prior approval, an appropriate program of remedial education related to
4 the underlying violations charged in the accusation. The program of remedial education shall
5 consist of at least 10 hours per year of probation, which shall be completed at respondent's own
6 expense. The first year of remedial education must include completion of the board's
7 Prescription Drug Abuse Prevention Training. All of the total hours must be live webinar/in-
8 person training. All remedial education shall be in addition to, and shall not be credited towards,
9 continuing education (CE) courses used for license renewal purposes for pharmacists.

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

14 Following the completion of each course, the board or its designee may require the
15 respondent, at his own expense, to take an approved examination to test the respondent's
16 knowledge of the course. If respondent does not achieve a passing score on the examination, that
17 course shall not count towards satisfaction of this term, and respondent shall take another course
18 approved by the board in the same subject area.

19 **16. Ethics Course**

20 Within sixty (60) calendar days of the effective date of this decision, respondent shall enroll
21 in a course in ethics, at respondent's expense, approved in advance by the board or its designee
22 that complies with Title 16 California Code of Regulations section 1773.5. Respondent shall
23 provide proof of enrollment upon request. Within five (5) days of completion, respondent shall
24 submit a copy of the certificate of completion to the board or its designee. Failure to timely enroll
25 in an approved ethics course, to initiate the course during the first year of probation, to
26 successfully complete it before the end of the second year of probation, or to timely submit proof
27 of completion to the board or its designee, shall be considered a violation of probation.

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1 I have read and fully discussed with respondent Homayoon Khorsandi the terms and
2 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
3 I approve its form and content.

4
5 DATED: _____ EDWARD IDELL, ESQ.
6 *Attorney for Respondent*
7

8 **ENDORSEMENT**

9 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
10 submitted for consideration by the Board of Pharmacy.
11

12 DATED: _____

Respectfully submitted,

13 ROB BONTA
14 Attorney General of California
15 SHAWN P. COOK
16 Supervising Deputy Attorney General

17 KEVIN J. RIGLEY
18 Deputy Attorney General
19 *Attorneys for Complainant*
20

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1 I have read and fully discussed with respondent Homayoon Khorsandi the terms and
2 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
3 I approve its form and content.

4
5 DATED: 7-19-21


EDWARD IDELL, ESQ.
Attorney for Respondent

7
8 **ENDORSEMENT**

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

11
12 DATED: July 16, 2021

Respectfully submitted,

13 ROB BONTA
14 Attorney General of California
15 SHAWN P. COOK
16 Supervising Deputy Attorney General



17 KEVIN J. RIGLEY
18 Deputy Attorney General
19 *Attorneys for Complainant*

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Exhibit A

Accusation No. 6957

1 XAVIER BECERRA
Attorney General of California
2 LINDA L. SUN
Supervising Deputy Attorney General
3 KEVIN J. RIGLEY
Deputy Attorney General
4 State Bar No. 131800
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
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6 Facsimile: (916) 731-2126
Attorneys for Complainant

7
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9 **BOARD OF PHARMACY**
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12 In the Matter of the Accusation Against:

Case No. 6957

13 **OURX PHARMACY, INC., DBA**
14 **2222 PRESCRIPTION PHARMACY,**
15 **HOMAYOON KHORSANDI, CEO**
2222 Santa Monica Blvd., Suite 103
Santa Monica, CA 90404

ACCUSATION

16 Pharmacy Permit No. PHY 39520,

17 and

18 **HOMAYOON KHORSANDI**
110 N. Anita Avenue
19 Los Angeles, CA 90049

20 Pharmacist License No. RPH 43286

21 Respondents.

22
23 **PARTIES**

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

26 2. On or about October 4, 1993, the Board issued Pharmacy Permit Number PHY 39520
27 to Homayoon Khorsandi, dba 2222 Prescription Pharmacy. On or about March 20, 2005, the
28 Board issued Pharmacy Permit Number PHY 39520 to Ourx Pharmacy, Inc., dba 2222

1 Prescription Pharmacy, with Homayoon Khorsandi as Pharmacist-in-Charge since October 4,
2 1993, and CEO, 100% shareholder, and Secretary since March 20, 2005 (Respondent Pharmacy).
3 The Pharmacy Permit was in full force and effect at all times relevant to the charges brought
4 herein and will expire on October 1, 2020, unless renewed.

5 3. On or about March 16, 1990, the Board issued Pharmacist License Number RPH
6 43286 to Homayoon Khorsandi (Respondent Khorsandi). The Pharmacist License was in full
7 force and effect at all times relevant to the charges brought herein and will expire on December
8 31, 2021, unless renewed.

9 **JURISDICTION AND STATUTORY PROVISIONS**

10 4. This Accusation is brought before the Board under the authority of the following
11 laws. All section references are to the Business and Professions Code (Code) unless otherwise
12 indicated.

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

17 6. Section 4300 of the Code states, in pertinent part:

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

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

21 (1) Suspending judgment.

22 (2) Placing him or her upon probation.

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

24 (4) Revoking his or her license.

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

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1 (c) The board may refuse a license to any applicant guilty of unprofessional
2 conduct. The board may, in its sole discretion, issue a probationary license to any
3 applicant for a license who is guilty of unprofessional conduct and who has met all
4 other requirements for licensure. The board may issue the license subject to any
5 terms or conditions not contrary to public policy, including, but not limited to, the
6 following:

- 7 (1) Medical or psychiatric evaluation.
- 8 (2) Continuing medical or psychiatric treatment.
- 9 (3) Restriction of type or circumstances of practice.
- 10 (4) Continuing participation in a board-approved rehabilitation program.
- 11 (5) Abstention from the use of alcohol or drugs.
- 12 (6) Random fluid testing for alcohol or drugs.
- 13 (7) Compliance with laws and regulations governing the practice of pharmacy.

14 (d) The board may initiate disciplinary proceedings to revoke or suspend any
15 probationary certificate of licensure for any violation of the terms and conditions of
16 probation. Upon satisfactory completion of probation, the board shall convert the
17 probationary certificate to a regular certificate, free of conditions.

18 (e) The proceedings under this article shall be conducted in accordance with
19 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the
20 Government Code, and the board shall have all the powers granted therein. The
21 action shall be final, except that the propriety of the action is subject to review by the
22 superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

23 7. Section 4300.1 of the Code states:

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

8. Section 4307 of the Code states:

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

suspended, or placed on probation, shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, partner, or in any other position with management or control of a licensee as follows:

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

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

(b) "Manager, administrator, owner, member, officer, director, associate, or partner," as used in this section and Section 4308, may refer to a pharmacist or to any other person who serves in that capacity in or for a licensee.

(c) The provisions of subdivision (a) may be alleged in any pleading filed pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code. However, no order may be issued in that case except as to a person who is named in the caption, as to whom the pleading alleges the applicability of this section, and where the person has been given notice of the proceeding as required by Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code. The authority to proceed as provided by this subdivision shall be in addition to the board's authority to proceed under Section 4339 or any other provision of law.

STATUTORY AUTHORITY

9. 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, of 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 by any other state or federal regulatory agency."

10. Section 4306.5 of the Code states:

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

"(a) Acts or omissions that involve, in whole or in part, the inappropriate exercise of his or her education, training, or experience as a pharmacist, whether or not the act or omission arises in the course of the practice of pharmacy or the ownership,

1 management, administration, or operation of a pharmacy or other entity licensed by
2 the board.

3 “(b) Acts or omissions that involve, in whole or in part, the failure to exercise or
4 implement his or her best professional judgment or corresponding responsibility with
5 regard to the dispensing or furnishing of controlled substances, dangerous drugs, or
6 dangerous devices, or with regard to the provision of services.

7 “(c) Acts or omissions that involve, in whole or in part, the failure to consult
8 appropriate patient, prescription, and other records pertaining to the performance of
9 any pharmacy function.

10 “(d) Acts or omissions that involve, in whole or in part, the failure to fully maintain
11 and retain appropriate patient-specific information pertaining to the performance of
12 any pharmacy function.”

13 11. Section 4022 of the Code states

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

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

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

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

24 12. Section 4059 of the Code states:

25 “(a) A person may not furnish any dangerous drug, except upon the prescription of a
26 physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
27 pursuant to Section 3640.7. A person may not furnish any dangerous device, except
28 upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or
naturopathic doctor pursuant to Section 3640.7.

“(b) This section does not apply to the furnishing of any dangerous drug or dangerous
device by a manufacturer, wholesaler, or pharmacy to each other or to a physician,
dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to
Section 3640.7, or to a laboratory under sales and purchase records that correctly give
the date, the names and addresses of the supplier and the buyer, the drug or device,
and its quantity. This section does not apply to the furnishing of any dangerous device
by a manufacturer, wholesaler, or pharmacy to a physical therapist acting within the
scope of his or her license under sales and purchase records that correctly provide the
date the device is provided, the names and addresses of the supplier and the buyer, a
description of the device, and the quantity supplied.

///
28

1 “(c) A pharmacist, or a person exempted pursuant to Section 4054, may distribute
2 dangerous drugs and dangerous devices directly to dialysis patients pursuant to
3 regulations adopted by the board. The board shall adopt any regulations as are
4 necessary to ensure the safe distribution of these drugs and devices to dialysis patients
5 without interruption thereof. A person who violates a regulation adopted pursuant to
6 this subdivision shall be liable upon order of the board to surrender his or her
7 personal license. These penalties shall be in addition to penalties that may be imposed
8 pursuant to Section 4301. If the board finds any dialysis drugs or devices distributed
9 pursuant to this subdivision to be ineffective or unsafe for the intended use, the board
10 may institute immediate recall of any or all of the drugs or devices distributed to
11 individual patients.”

12 13. Health and Safety Code section 11153 states in pertinent part:

13 “(a) A prescription for a controlled substance shall only be issued for a legitimate
14 medical purpose by an individual practitioner acting in the usual course of his or her
15 professional practice. The responsibility for the proper prescribing and dispensing of
16 controlled substances is upon the prescribing practitioner, but a corresponding
17 responsibility rests with the pharmacist who fills the prescription. Except as
18 authorized by this division, the following are not legal prescriptions: (1) an order
19 purporting to be a prescription which is issued not in the usual course of professional
20 treatment or in legitimate and authorized research; or (2) an order for an addict or
21 habitual user of controlled substances, which is issued not in the course of
22 professional treatment or as part of an authorized narcotic treatment program, for the
23 purpose of providing the user with controlled substances, sufficient to keep him or her
24 comfortable by maintaining customary use.

25 “(b) Any person who knowingly violates this section shall be punished by
26 imprisonment in the state prison or in the county jail not exceeding one year, or by a
27 fine not exceeding twenty thousand dollars (\$20,000), or by both a fine and
28 imprisonment.

“(c) No provision of the amendments to this section enacted during the second year
of the 1981-82 Regular Session shall be construed as expanding the scope of practice
of a pharmacist.”

14. Section 11162.1 of the Health and Safety Code states, in pertinent part:

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

....

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

....

“(B) In conjunction with the quantity boxes, a space shall be provided to designate the units
referenced in the quantity boxes when the drug is not in tablet or capsule form.

....

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

3

4 “(b) Each batch of controlled substance prescription forms shall have the lot number printed
5 on the form and each form within that batch shall be numbered sequentially beginning with
6 the numeral one.”

7 15. Section 11164 of the Health and Safety Code states:

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

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

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

21 “(2) The prescription shall also contain the address of the person for whom the
22 controlled substance is prescribed. If the prescriber does not specify this address on the
23 prescription, the pharmacist filling the prescription or an employee acting under the
24 direction of the pharmacist shall write or type the address on the prescription or maintain
25 this information in a readily retrievable form in the pharmacy.

26 “(b) (1) Notwithstanding paragraph (1) of subdivision (a) of Section 11162.1, any
27 controlled substance classified in Schedule III, IV, or V may be dispensed upon an oral or
28 electronically transmitted prescription, which shall be produced in hard copy form and

1 signed and dated by the pharmacist filling the prescription or by any other person expressly
2 authorized by provisions of the Business and Professions Code. Any person who transmits,
3 maintains, or receives any electronically transmitted prescription shall ensure the security,
4 integrity, authority, and confidentiality of the prescription.

5 “(2) The date of issue of the prescription and all the information required for a written
6 prescription by subdivision (a) shall be included in the written record of the prescription;
7 the pharmacist need not include the address, telephone number, license classification, or
8 federal registry number of the prescriber or the address of the patient on the hard copy, if
9 that information is readily retrievable in the pharmacy.

10 “(3) Pursuant to an authorization of the prescriber, any agent of the prescriber on
11 behalf of the prescriber may orally or electronically transmit a prescription for a controlled
12 substance classified in Schedule III, IV, or V, if in these cases the written record of the
13 prescription required by this subdivision specifies the name of the agent of the prescriber
14 transmitting the prescription.

15 “(c) The use of commonly used abbreviations shall not invalidate an otherwise valid
16 prescription.

17 “(d) Notwithstanding subdivisions (a) and (b), prescriptions for a controlled substance
18 classified in Schedule V may be for more than one person in the same family with the same
19 medical need.

20 “(e) (1) Notwithstanding any other law, a prescription written on a prescription form
21 that was otherwise valid prior to January 1, 2019, but that does not comply with paragraph
22 (15) of subdivision (a) of Section 11162.1, or a valid controlled substance prescription form
23 approved by the Department of Justice as of January 1, 2019, is a valid prescription that
24 may be filled, compounded, or dispensed until January 1, 2021.

25 “(2) If the Department of Justice determines that there is an inadequate availability of
26 compliant prescription forms to meet demand on or before the date described in paragraph
27 (1), the department may extend the period during which prescriptions written on
28

1 noncompliant prescription forms remain valid for a period no longer than an additional six
2 months.”

3 16. Health and Safety Code section 11167 states:

4 “Notwithstanding subdivision (a) of Section 11164, in an emergency where failure to issue
5 a prescription may result in loss of life or intense suffering, an order for a controlled substance
6 may be dispensed on an oral order, an electronic data transmission order, or a written order not
made on a controlled substance form as specified in Section 11162.1, subject to all of the
following requirements:

7 “(a) The order contains all information required by subdivision (a) of Section 11164.

8 “(b) Any written order is signed and dated by the prescriber in ink, and the pharmacy
9 reduces any oral or electronic data transmission order to hard copy form prior to dispensing the
controlled substance.

10 “(c) The prescriber provides a written prescription on a controlled substance prescription
11 form that meets the requirements of Section 11162.1, by the seventh day following the
transmission of the initial order; a postmark by the seventh day following transmission of the
12 initial order shall constitute compliance.

13 “(d) If the prescriber fails to comply with subdivision (c), the pharmacy shall so notify the
Department of Justice in writing within 144 hours of the prescriber’s failure to do so and shall
14 make and retain a hard copy, readily retrievable record of the prescription, including the date and
method of notification of the Department of Justice.

15 “(e) This section shall become operative on January 1, 2005.”
16

17 **REGULATORY PROVISIONS**

18 17. California Code of Regulations, title 16, section 1761, states:

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

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

24 **COST RECOVERY**

25 18. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
26 administrative law judge to direct a licensee found to have committed a violation or violations of
27 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
28 enforcement of the case, with failure of the licensee to comply subjecting the license to not being

1 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
2 included in a stipulated settlement.

3 **DRUG CLASSIFICATIONS**

4 19. Adderall, sold under the generic name dextroamphetamine/amphetamine salts, is a
5 Schedule II controlled substance pursuant to Health and Safety Code section 11055, subdivision
6 (d)(1), and a dangerous drug pursuant to Business and Professions Code section 4022.

7 20. Norco, sold under the generic name hydrocodone/acetaminophen, is a Schedule III
8 controlled substance pursuant to Health and Safety Code section 11056, subdivision (e)(4), a
9 Schedule II controlled substance pursuant to Title 21, Code of Federal Regulations, section
10 1308.12, subdivision (b)(1)(vi), and a dangerous drug pursuant to Business and Professions Code
11 section 4022.

12 21. Roxycodone, sold under the generic name oxycodone, is a Schedule II controlled
13 substance pursuant to Health and Safety Code section 11055, subdivision (b)(1)(M) and a
14 dangerous drug pursuant to Business and Professions Code section 4022.

15 22. Valium, sold under the generic name diazepam, is a Schedule IV controlled substance
16 pursuant to Title 21, Code of Federal Regulations, section 1308.14, subdivision (c)(16), and a
17 dangerous drug pursuant to Business and Professions Code section 4022.

18 23. Xanax, sold under the generic name alprazolam, is a Schedule IV controlled substance
19 under Health and Safety Code section 11057, subdivision (d)(1), and a dangerous drug under
20 Business and Professions Code Section 4022.

21 **BOARD INVESTIGATION REPORT DATED MARCH 2, 2020**

22 24. The Controlled Substance Utilization Review and Evaluation System (CURES) is
23 California's Prescription Drug Monitoring Program (PDMP). Pharmacies in California are
24 required to report all filled prescriptions for Schedule II-IV controlled substances (CII-IV) to the
25 database every week. The data is collected statewide and can be used by healthcare professionals
26 to evaluate and determine whether their patients are utilizing controlled substances correctly, or if
27 a patient has used multiple prescribers and multiple pharmacies to fill controlled substance
28 prescriptions.

25. The following factors are some that have been determined to constitute red flags that should give a pharmacy and pharmacist the inkling of a potential problem with prescriptions for drugs of common abuse and invoke in them a duty of inquiry:

- Irregularities on the face of the prescription itself
- Nervous patient demeanor
- Age or presentation of patient (e.g. youthful patients seeking chronic pain medications)
- Multiple patients at the same address
- Cash payments
- Requests for early refills of prescriptions
- Prescriptions written for an unusually large quantity of drugs
- Prescriptions written for potentially duplicative drugs
- The same combinations of drugs prescribed for multiple patients
- Initial prescriptions written for strong opiates (e.g. OxyContin 80mg)
- Long distances traveled from the patient's home, to the prescriber's office or pharmacy
- Irregularities in the prescriber's qualifications in relation to the medication(s) prescribed
- Prescriptions that are written outside of the prescriber's medical specialty
- Prescriptions for medications with no logical connection to diagnosis or treatment

26. The Board analyzed controlled substance dispensing data from Respondent Pharmacy and determined a need for an investigation to evaluate the pharmacy's dispensing of potentially fraudulent prescriptions. Previous investigations identified controlled substance prescriptions from Dr. A and Dr. Q which did not conform to the requirements of Health and Safety Code Section 11162.1. The Board initiated an investigation at Respondent Pharmacy based on this information.

27. On August 15, 2019, a Board Inspector conducted an inspection at Respondent Pharmacy, during which Respondent Khorsandi, the owner and Pharmacist-in-Charge (PIC), was

1 present and assisted in the inspection. The inspection and investigation determined Respondent
2 Pharmacy and Respondent Khorsandi failed to fulfill their corresponding responsibility to fill
3 only medically legitimate controlled substance prescriptions, and that Respondents filled
4 controlled substance prescriptions written on approximately 139 forms which did not comply
5 with the requirements for controlled substance prescription documents.

6 28. In regard to the August 15, 2019 inspection, the Board Inspector reviewed the
7 dispensing profiles for several prescribers at Respondent Pharmacy using the electronic
8 dispensing data provided by PIC Respondent Khorsandi. The data included all non-controlled
9 and controlled substances dispensed between August 2016 and August 2019. It should be noted
10 that Respondent Khorsandi was directly involved in all of the dispensed medications in
11 connection with the instant investigation. The Board Inspector identified irregularities in the
12 prescribing profiles of Drs. A, Q and S. The Board Inspector also reviewed the original
13 prescription documents and its associated documents, if any, collected from Respondent
14 Pharmacy. The associated documents may have included related information, such as a CURES
15 report.

16 **Board Inspector's findings contained in March 2, 2020 Investigation Report**

17 29. As a result of this investigation, the Board Inspector found that from on or about
18 August 15, 2016 through on or about August 15, 2019, Respondent Pharmacy and Respondent
19 Khorsandi (Respondents) dispensed approximately 564 prescriptions, of which 449 of these
20 prescriptions were for controlled substances, under the prescribing authority of Drs. A, Q, and S.
21 Of these 449 controlled substance prescriptions, Respondents dispensed a total of approximately:
22 41,410 oxycodone 30 mg tablets; 4,660 hydrocodone/acetaminophen 10/325 mg tablets; 4,500
23 alprazolam 2 mg tablets; 1,260 tablets of diazepam 10 mg; and 90 tablets of
24 dextroamphetamine/amphetamine mixed salts 20 mg.

25 30. The Board Inspector determined that there were 141 controlled substance
26 prescriptions written by Drs. A and Q on at least approximately 139 forms collected which did
27 not conform to the requirements of Health and Safety Code Section 11162.1, in that they lacked a
28

1 "California Security Prescription" watermark, refill checkboxes, and some also lacked a lot
2 number.

3 31. The Board Inspector also determined that Respondents dispensed prescriptions for
4 controlled substances, under the prescribing authority of Drs. A, Q, and S., in the presence of
5 significant factors of irregularity suggesting the prescriptions were not legitimately written.
6 Objective factors indicating these prescriptions were not written for legitimate medical purposes
7 included the following:

8 • As stated above, there were 141 controlled substance prescriptions written by Drs. A
9 and Q on at least approximately 139 forms collected which did not conform to the requirements
10 of Health and Safety Code Section 11162.1, in that they lacked a "California Security
11 Prescription" watermark, refill checkboxes, and some also lacked a lot number.

12 • A commonly abused controlled substance, oxycodone 30 mg, accounted for more than
13 50% of each of the listed prescribers' (Drs. A, Q, and S) total prescribing.

14 • The listed prescribers (Drs. A, Q, and S) prescribed immediate-release oxycodone
15 exclusively in the highest available strength only.

16 • Nearly 100% of the prescriptions written by the listed prescribers (Drs. A, Q, and S)
17 were purchased in cash, meaning without the financial aid of prescription insurance, as opposed
18 to the typical payment pattern at Respondent Pharmacy, where only approximately 30% of
19 prescriptions purchased overall during this period were purchased in cash.

20 • All 14 patients received prescriptions for oxycodone 30 mg from the listed prescribers
21 (Drs. A, Q, and S) during the query period. According to the CURES Patient Activity Reports,
22 approximately six (6) of these patients appeared to be receiving strong opioids as an initial
23 treatment at Respondent Pharmacy.

24 • Drs. A's and Q's office addresses presented irregularities, including long distances. On
25 the licensing records, the prescribers practiced in zip codes more than 100 miles away from
26 Respondent Pharmacy. On the dispensing data, the prescribers' addresses did not match the
27 licensing record and the prescription forms collected. The prescribers had the same address
28 printed on the prescription forms collected.

1 • There were several instances when two or more of the patients had very similar
2 addresses on record at Respondent Pharmacy, and required similar treatment with the same
3 quantity and dose of the same commonly abused controlled substance, to wit: 120 tablets of
4 oxycodone 30 mg.

5 • Respondent Pharmacy and Respondent Khorsandi did not produce any documentation
6 regarding the efforts of Respondent Khorsandi (or any pharmacist at Respondent Pharmacy)
7 conferring with the prescribers (Drs. A, Q, and S) to discuss the irregularities or objective factors
8 described above. Moreover, even if Respondent Khorsandi had conferred with the prescribers
9 prior to filling the subject prescriptions and did not document such efforts, the factors of
10 irregularity and red flags described above cast such significant doubt on the legitimacy of the
11 prescriptions, a prudent pharmacist would have still been left with objective reason to believe the
12 subject prescriptions were not legitimately prescribed.

13 • Respondent Khorsandi confirmed to the Board Inspector that he dispensed all of the
14 prescriptions collected under the prescribing authority of Drs. A, Q, and S, and that all of these
15 prescriptions were picked up at Respondent Pharmacy. According to the dispensing data
16 provided by Respondent Pharmacy, each of these three prescribers had 12 patients filling at
17 Respondent Pharmacy during the query period. However, the three prescribers shared the same
18 11 patients. Of note, these same 11 patients generally filled their prescriptions under Dr. A, then
19 under Dr. Q, and then under Dr. S at Respondent Pharmacy, in that order.

20 **FIRST CAUSE FOR DISCIPLINE**

21 **(Requirements for Dispensing Controlled Substance Prescriptions)**

22 32. Respondent Pharmacy is subject to disciplinary action under Code section 4301,
23 subdivisions (j) and (o), for violating Health and Safety Code sections 11164 and 11162.1,
24 subdivisions (a)(2) and (10), and (b), in that Respondent Pharmacy processed controlled
25 substance prescriptions written on forms collected which did not conform to the requirements of
26 Health and Safety Code Section 11162.1. Complainant hereby incorporates paragraphs 24
27 through 31 above as though set forth in full herein.

28 ///

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Violation of Corresponding Responsibility to Verify Prescriptions)**

3 33. Respondent Pharmacy is subject to disciplinary action under Health and Safety Code
4 section 11153, subdivision (a), and California Code of Regulations, title 16, section 1761,
5 subdivisions (a) and (b), in that Respondent Pharmacy violated its corresponding responsibility to
6 verify prescriptions. Complainant hereby incorporates paragraphs 24 through 31 above as though
7 set forth in full herein.

8 **THIRD CAUSE FOR DISCIPLINE**

9 **(Requirements for Dispensing Controlled Substance Prescriptions)**

10 34. Respondent Khorsandi is subject to disciplinary action under Code section 4301,
11 subdivisions (j) and (o), for violating Health and Safety Code sections 11164 and 11162.1,
12 subdivisions (a)(2) and (10), and (b), in that Respondent Khorsandi processed controlled
13 substance prescriptions written on forms collected which did not conform to the requirements of
14 Health and Safety Code Section 11162.1. Complainant hereby incorporates paragraphs 24
15 through 31 above as though set forth in full herein.

16 **FOURTH CAUSE FOR DISCIPLINE**

17 **(Violation of Corresponding Responsibility to Verify Prescriptions)**

18 35. Respondent Khorsandi is subject to disciplinary action under Code section 4306.5,
19 Health and Safety Code section 11153, subdivision (a), and California Code of Regulations, title
20 16, section 1761, subdivisions (a) and (b), in that Respondent Khorsandi violated his
21 corresponding responsibility to verify prescriptions. Complainant hereby incorporates paragraphs
22 24 through 31 above as though set forth in full herein.

23 **OTHER MATTERS**

24 36. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No.
25 PHY 39520 issued to Ourx Pharmacy, Inc., dba 2222 Prescription Pharmacy, Homayoon
26 Khorsandi, CEO, Respondent Pharmacy shall be prohibited from serving as a manager,
27 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if
28

Pharmacy Permit No. PHY 39520 is placed on probation or until Pharmacy Permit Number PHY 39520 is reinstated if it is revoked.

37. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License No. RPH 43286 issued to Homayoon Khorsandi, Respondent Khorsandi shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacist License No. RPH 43286 is placed on probation or until Pharmacist License No. RPH 43286 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 Pharmacy Permit Number PHY 39520, issued to Ourx Pharmacy, Inc., dba 2222 Prescription Pharmacy, Homayoon Khorsandi, CEO;

2. Prohibiting Homayoon Khorsandi from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 39520, issued to Ourx Pharmacy, Inc., dba 2222 Prescription Pharmacy, Homayoon Khorsandi, CEO; is placed on probation;

3. Revoking or suspending Pharmacist License Number RPH 43286, issued to Homayoon Khorsandi;

4. Prohibiting Homayoon Khorsandi from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacist License Number RPH 43286, issued to Homayoon Khorsandi is placed on probation;

5. Ordering Ourx Pharmacy, Inc., dba 2222 Prescription Pharmacy and Homayoon Khorsandi 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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6. Taking such other and further action as deemed necessary and proper.

DATED: 8/30/2020

Anne Sodergren

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