

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

In the Matter of the Accusation Against:

**BONNIE COVE PHARMACY INC., DBA BONNIE COVE PHARMACY,
SUBHADRA PRASAD RANI**

Pharmacy Permit No. PHY 55596,

and

SUBHADRA PRASAD RANI

Pharmacist License No. RPH 63790

Respondents.

Agency Case No. 6976

OAH No. 2022050986

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order for Public Repeval 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 February 8, 2023.

It is so ORDERED on January 9, 2023.

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 written in a cursive style with a large initial "S".

Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 MARISSA N. HAMILTON
Deputy Attorney General
4 State Bar No. 322489
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5 Los Angeles, CA 90013
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E-mail: Marissa.Hamilton@doj.ca.gov
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

13 **BONNIE COVE PHARMACY INC., DBA**
14 **BONNIE COVE PHARMACY,**
15 **SUBHADRA PRASAD RANI**
20540 E. Arrow Hwy., Unit D
Covina, CA 91724

16 **Pharmacy Permit No. PHY 55596,**

17 **and**

18 **SUBHADRA PRASAD RANI**
19 **1624 N. San Gabriel Rd.**
Upland, CA 91784

20 **Pharmacist License No. RPH 63790**

21 Respondents.
22

Case No. 6976

OAH No. 2022050986

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC
REPROVAL AS TO RESPONDENT
SUBHADRA PRASAD RANI,
PHARMACIST LICENSE NO. RPH 63790
ONLY**

[Bus. & Prof. Code § 495]

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 Marissa N. Hamilton, Deputy
2 Attorney General.

3 2. Respondent Subhadra Prasad Rani is represented in this proceeding by attorney
4 Armond Marcarian, whose address is: 21650 Oxnard Street, Suite 1980, Woodland Hills, CA
5 91367.

6 **JURISDICTION**

7 3. On or about April 1, 2010, the Board issued Pharmacist License Number RPH 63790
8 to Subhadra Prasad Rani (Respondent Rani). The Pharmacist License was in full force and effect
9 at all times relevant to the charges brought herein and will expire on January 31, 2024, unless
10 renewed.

11 4. Accusation No. 6976 was filed before the Board, and is currently pending against
12 Respondent Rani. The Accusation and all other statutorily required documents were properly
13 served on Respondent Rani on February 18, 2022. Respondent Rani timely filed her Notice of
14 Defense contesting the Accusation.

15 5. A copy of Accusation No. 6976 is attached as Exhibit A and incorporated herein by
16 reference.

17 **ADVISEMENT AND WAIVERS**

18 6. Respondent Rani has carefully read, fully discussed with counsel, and understands the
19 charges and allegations in Accusation No. 6976. Respondent Rani has also carefully read, fully
20 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
21 Order for Public Repeval.

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

1 of their agreement. It supersedes any and all prior or contemporaneous agreements,
2 understandings, discussions, negotiations, and commitments (written or oral). This Stipulated
3 Settlement and Disciplinary Order for Public Repeval may not be altered, amended, modified,
4 supplemented, or otherwise changed except by a writing executed by an authorized representative
5 of each of the parties.

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

9 **DISCIPLINARY ORDER**

10 IT IS HEREBY ORDERED that Pharmacist License No. RPH 63790 issued to Respondent
11 Subhadra Prasad Rani shall be publicly reprovved by the Board of Pharmacy under Business and
12 Professions Code section 495 in resolution of Accusation No. 6976, attached as Exhibit A.

13 **Training.** No later than one (1) year from the effective date of the decision and order,
14 Respondent Rani, at her own expense, shall enroll, successfully complete, and submit verification
15 of completion of the Board’s Prescription Drug Abuse and Diversion Training.

16 **Restrictions on Supervision and Oversight of Licensed Facilities.** For three (3) years,
17 beginning on the effective date of the decision and order, Respondent Rani shall not supervise
18 any intern pharmacist, be the pharmacist-in-charge, designated representative-in-charge,
19 responsible manager or other compliance supervisor of any entity licensed by the Board, nor
20 serve as a consultant. Assumption of any such unauthorized supervision responsibilities shall be
21 considered a violation of this stipulation.

22 **Cost Recovery.** Respondent Rani shall be jointly and severally responsible with Bonnie
23 Cove Pharmacy, Inc., dba Bonnie Cove Pharmacy to pay the agency its costs of investigation and
24 enforcement in the amount of \$9,660.50, pursuant to Business and Professions Code Section
25 125.3, within 120 days of the effective date of the decision and order. If Respondent Rani fails to
26 pay the Board costs as ordered, Respondent Rani shall not be allowed to renew her Pharmacist
27 License until costs are paid in full. In addition, the Board may enforce this order for payment of
28 its costs in any appropriate court, in addition to any other rights the Board may have.

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order for Public Reapproval is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: _____

Respectfully submitted,
ROB BONTA
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General

MARISSA N. HAMILTON
Deputy Attorney General
Attorneys for Complainant

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order for Public Repeval is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: 11/28/2022

Respectfully submitted,
ROB BONTA
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General

Marissa N. Hamilton

MARISSA N. HAMILTON
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 6976

1 ROB BONTA
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 MARISSA N. HAMILTON
Deputy Attorney General
4 State Bar No. 322489
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E-mail: Marissa.Hamilton@doj.ca.gov
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9 **BEFORE THE**
BOARD OF PHARMACY
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11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 6976

13 **BONNIE COVE PHARMACY INC., DBA**
14 **BONNIE COVE PHARMACY,**
15 **SUBHADRA PRASAD RANI**
20540 E. Arrow Hwy., Unit D
Covina, CA 91724

ACCUSATION

16 **Pharmacy Permit No. PHY 55596,**

17 **and**

18 **SUBHADRA PRASAD RANI**
19 **1624 N. San Gabriel Rd.**
Upland, CA 91784

20 **Pharmacist License No. RPH 63790**

21 Respondents.
22

23
24 **PARTIES**

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

27 2. On or about July 12, 2017, the Board of Pharmacy issued Pharmacy Permit Number
28 PHY 55596 to Bonnie Cove Pharmacy Inc., dba Bonnie Cove Pharmacy, Subhadra Prasad Rani

1 (Respondent Bonnie Cove Pharmacy). Subhadra Prasad Rani (Respondent Rani) has been the
2 Pharmacist-In-Charge since July 12, 2017. The Pharmacy Permit was in full force and effect at
3 all times relevant to the charges brought herein and will expire on July 1, 2022, unless renewed.

4 3. On or about April 1, 2010, the Board of Pharmacy issued Pharmacist License Number
5 RPH 63790 to Respondent Rani. The Pharmacist License was in full force and effect at all times
6 relevant to the charges brought herein and will expire on January 31, 2024, unless renewed.

7 **JURISDICTION**

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

11 5. Section 4011 of the Code provides that the Board shall administer and enforce both
12 the Pharmacy Law [Code sections 4000 et seq.] and the Uniform Controlled Substances Act
13 [Health & Safety Code sections 11000 et seq].

14 6. Section 4300 of the Code states, in pertinent part, that “[e]very license issued may be
15 suspended or revoked.”

16 7. Section 4300.1 of the Code states:

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

23 8. Section 4302 of the Code states:

24 The board may deny, suspend, or revoke any license of a corporation where
25 conditions exist in relation to any person holding 10 percent or more of the corporate stock
26 of the corporation, or where conditions exist in relation to any officer or director of the
27 corporation that would constitute grounds for disciplinary action against a licensee.

28 **STATUTORY PROVISIONS**

9. Section 4036.5 of the Code states:

“Pharmacist-in-charge” means a pharmacist proposed by a pharmacy and approved by the
board as the supervisor or manager responsible for ensuring the pharmacy's compliance
with all state and federal laws and regulations pertaining to the practice of pharmacy.

1 10. Section 4113, subdivision (c), of the Code states, in pertinent part, [t]he 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 11. Section 4301 of the Code states, in pertinent part:

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

8 ...

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

14 ...

15 12. Section 4307 of the Code states:

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

28 (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.

 (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

1 the Government Code. The authority to proceed as provided by this subdivision shall
2 be in addition to the board's authority to proceed under Section 4339 or any other
3 provision of law.

3 **REGULATORY PROVISIONS**

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

5 ...

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

10 ...

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

16 ...

17 **DANGEROUS DRUGS / CONTROLLED SUBSTANCES**

18 14. Section 4021 of the Code states, in pertinent part:

19 Controlled substances: means any substance listed in Chapter 2 (commencing
20 with Section 11053) of Division 10 of the Health and Safety Code.

21 15. Section 4022 states:

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

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

26 (b) Any device that bears the statement: "Caution: federal law restricts this
27 device to sale by or on the order of a _____," "Rx only," or words of similar
28 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.

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16. Drug classifications are as follows:

Generic Name	Brand Name	Dangerous Drug Per Bus. & Prof. Code § 4022	Controlled Substance Per Health & Safety Code (HSC)	Indications for Use
Phenergan with Codeine	Promethazine with Codeine	Yes	Yes – Schedule V per HSC 11058(c)(1)	Cough
Alprazolam	Xanax	Yes	Yes – Schedule IV per HSC 11057(d)(1)	Anxiety, Insomnia
Tramadol	Ultram	Yes	Yes – Schedule 21 CFR 1308.14(b)(3)	Pain
Diazepam	Valium	Yes	Yes – Schedule IV per HSC 11057(d)(9)	Anxiety, Insomnia
Lorazepam	Ativan	Yes	Yes – Schedule IV per HSC 11057(d)(16)	Anxiety, Insomnia

COST RECOVERY

17. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee 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, with failure of the licensee to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

FACTUAL ALLEGATIONS

18. On April 11, 2018, Respondent Rani hired Jovanny Chavez (TCH Chavez) to work as a pharmacy technician at Respondent Bonnie Cove Pharmacy located in Covina, California. During all times relevant herein, TCH Chavez was the only other staff member working at the Pharmacy beside Respondent Rani, who is the sole owner of the Pharmacy.

19. On or about March 13, 2019, a wholesale vendor alerted Respondent Rani that approximately seventy-three (73) bottles of promethazine with codeine syrup bottles had been ordered by Respondent Bonnie Cove Pharmacy between December 2018 and March 2019, which

1 is an unusually high number. As a result, the wholesale vendor froze Respondent Bonnie Cove
2 Pharmacy's access to the ordering system and then froze the entire account. Respondent Rani
3 believed the error was on the wholesale vendor's end and requested copies of missing invoices.
4 Respondent Rani began inventory and research of the Pharmacy's computer system and was able
5 to acquire dispensing/inventory reports that showed TCH Chavez made multiple unauthorized
6 adjustments to multiple orders of controlled substances.

7 20. On or about March 29, 2019, Respondent Rani attempted to confront TCH Chavez
8 about the adjustments on the dispensing/inventory reports. TCH Chavez denied knowledge of
9 ordering or receiving these products; however, he asked for a 10-minute break before continuing
10 the discussion, stating he was going to grab something from his car, but he never returned.
11 Respondent Rani made multiple attempts to contact TCH Chavez, but was unsuccessful. On or
12 about April 4, 2019, Respondent Rani filed a police report with the Los Angeles County Sheriff
13 Department regarding the suspected theft of the controlled substances by TCH Chavez.

14 21. On or about April 11, 2019, in response to a letter submitted to the Board by
15 Respondent Rani regarding the suspected theft of controlled substances, a Board inspector
16 conducted an inspection of Respondent Bonnie Cove Pharmacy and interviewed Respondent
17 Rani. The only staff member present during the inspection was Respondent Rani, who assisted
18 the Board inspector with the collection of documents related to the theft of the controlled
19 substances.

20 22. Respondent Rani informed the Board inspector that TCH Chavez's duties at the
21 Pharmacy included entering medication orders into the wholesale vendor's system as directed and
22 sometimes delivering patient medications to the patient's residences.

23 23. After an internal audit and inspection, the Board inspector determined that from on or
24 about June 11, 2018 through on or about March 29, 2019, TCH Chavez had diverted from the
25 Pharmacy a total of 53,794 ml's and 900 tablets of controlled substances, consisting of the
26 following:

27 ///

28 ///

Drug & Strength	Quantity Diverted
Promethazine with Codeine 6.25mg/10mg per 5ml Syrup	53,794 ml's (approximately 114 bottles)
Alprazolam 2mg Tabs	100 tabs
Tramadol 5mg Tabs	500 tabs
Diazepam 5mg Tabs	100 tabs
Lorazepam 0.5mg Tabs	100 tabs
Lorazepam 2mg Tabs	100 tabs

24. Specifically, the audit determined that TCH Chavez made manual adjustments in the exact amount of loss in comparison to the Pharmacy's "Rx Item Balance On Hand Audit" for the controlled substances alprazolam, diazepam, and lorazepam, as listed above. Additionally, it was determined that TCH Chavez diverted whole un-opened bottles of lorazepam, tramadol, and all, if not the majority of, promethazine with codeine from the incoming inventory and removed or destroyed the corresponding invoices.

25. TCH Chavez's access to the ordering system provided him with the opportunity to enter additional orders without permission of Respondent Rani or a valid prescription from a prescriber. Also, TCH Chavez's duty to deliver patient medications to their residences provided him the opportunity to hide new inventory and remove the items from the Pharmacy without permission.

FIRST CAUSE FOR DISCIPLINE

(Lack of Operational Standards and Security – Respondent Bonnie Cove Pharmacy)

26. Respondent Bonnie Cove Pharmacy is subject to disciplinary action under Code section 4301, subdivision (o), in conjunction with California Code of Regulations, title 16, section 1714, subdivision (b), in that it failed to maintain its facilities, space, fixtures, and/or equipment so that drugs are safely and properly prepared, maintained, secured and/or distributed. Specifically, Respondent Bonnie Cove Pharmacy's failure to comply contributed to the loss of 53,794 ml's (approximately 114 bottles) of promethazine with codeine syrup, 100 tablets of alprazolam 2mg, 500 tablets of tramadol 5mg, 100 tablets of diazepam 5mg, 100 tablets of

1 lorazepam 0.5mg, and 100 tablets of lorazepam 2mg. Complainant refers to, and by this reference
2 incorporates, the allegations set forth above in paragraphs 18-25, as though fully set forth.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Lack of Operational Standards and Security – Respondent Rani)**

5 27. Respondent Rani is subject to disciplinary action under Code section 4301,
6 subdivision (o), in conjunction with Code section 4113 and California Code of Regulations, title
7 16, section 1714, subdivisions (b) and (d), in that Respondent Rani failed to adequately ensure
8 security of the prescription department for effective control against theft or diversion of
9 dangerous drugs. Specifically, Respondent Rani’s failure to comply contributed to the loss of
10 53,794 ml’s (approximately 114 bottles) of promethazine with codeine syrup, 100 tablets of
11 alprazolam 2mg, 500 tablets of tramadol 5mg, 100 tablets of diazepam 5mg, 100 tablets of
12 lorazepam 0.5mg, and 100 tablets of lorazepam 2mg. Complainant refers to, and by this reference
13 incorporates, the allegations set forth above in paragraphs 18-25, as though fully set forth.

14 **OTHER MATTERS**

15 28. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
16 PHY 55596, issued to Bonnie Cove Pharmacy Inc., dba Bonnie Cove Pharmacy, Respondent
17 Bonnie Cove Pharmacy shall be prohibited from serving as a manager, administrator, owner,
18 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit
19 Number PHY 55596 is placed on probation or until Pharmacy Permit Number PHY 55596 is
20 reinstated if it is revoked.

21 29. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
22 PHY 55596, issued to Bonnie Cove Pharmacy Inc., dba Bonnie Cove Pharmacy, while
23 Respondent Subhadra Prasad Rani has been an officer, director, and/or owner and had knowledge
24 of or knowingly participated in any conduct for which the licensee was disciplined, Respondent
25 Rani shall be prohibited from serving as a manager, administrator, owner, member, officer,
26 director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 55596
27 is placed on probation or until Pharmacy Permit Number PHY 55596 is reinstated if it is revoked.

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

DATED: 2/11/2022

Signature on File

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

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