



California State Board of Pharmacy
2720 Gateway Oaks Drive, Suite 100
Sacramento, CA 95833
Phone: (916) 518-3100 Fax: (916) 574-8614
www.pharmacy.ca.gov

Business, Consumer Services and Housing Agency
Department of Consumer Affairs
Gavin Newsom, Governor



APPLICATION FOR VOLUNTARY SURRENDER OF PREMISES LICENSE

PLEASE PRINT IN BLACK OR BLUE INK OR TYPE YOUR RESPONSES:

Name: <u>VISTA CARE PHARMACY</u>	Case No. <u>AC-6991</u>
Address of Record: <u>12351 MARIPOSA RD.</u> <u>VICTORVILLE, CA 92395</u>	

Pursuant to the terms and conditions of probation against my premises license with the California State Board of Pharmacy (Board) in Case No. AC-6991, I hereby request to surrender my premises license, License No. PAY-53478. The Board or its designee shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, the premises will no longer be subject to the terms and conditions of probation. I understand that this surrender constitutes a record of discipline and shall become a part of the premises license history with the Board.

Upon the acceptance of the surrender, I shall relinquish my premises license to the Board within ten (10) days of notification by the Board that the surrender is accepted. I understand that I shall, among other things, submit a completed Discontinuance of Business form according to board guidelines and shall notify the board of the records inventory transfer. I may not reapply for any new licensure from the board for three (3) years from the effective date of the surrender. I further understand that I shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the Board, including any outstanding costs.

PLEASE BE ADVISED THAT YOU ARE NOT RELIEVED OF THE REQUIREMENTS OF YOUR PROBATION UNLESS THE BOARD NOTIFIES YOU THAT YOUR REQUEST TO SURRENDER YOUR LICENSE HAS BEEN ACCEPTED.

Ar Rao
Applicant's Signature

10/17/25
Date

AMIR RAO
Applicant's Printed Name

- N/A
Applicant's License Number

Executive Officer's Approval

Date

All items on this application are mandatory in accordance with your probationary order and the Board's Disciplinary Guidelines as authorized by Title 16, California Code of Regulations section 1760. Failure to provide any of the requested information or providing unreadable information will result in the application being rejected as incomplete. The information provided on this form will be used to determine eligibility for surrender. The official responsible for information maintenance is the Executive Officer, telephone (916) 518-3100, 2720 Gateway Oaks Drive, Suite 100, Sacramento, CA 95833. The information you provide may also be disclosed in the following circumstances: (1) in response to a Public Records Act request; (2) to another government agency as required by state or federal law; or, (3) in response to a court or administrative order, a subpoena, or a search warrant. Each individual has the right to review the files or records maintained on them by our agency, unless the records are identified as confidential information and exempted by Section 1798.40 of the Civil Code.

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

In the Matter of the Accusation Against:

**VISTA CARE PHARMACY INC., DBA VISTA CARE PHARMACY,
AMIR AHMAD RAO**

Pharmacy Permit No. PHY 53478

and

AARON ANTONIO SOLIS ALVARENGA

Pharmacist License No. RPH 68297

Respondents.

Agency Case No. 6991

OAH No. 2021080919

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 August 4, 2022.

It is so ORDERED on July 5, 2022.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

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

Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
2 NANCY KAISER
Supervising Deputy Attorney General
3 MELISSA TYNER
Deputy Attorney General
4 State Bar No. 269649
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6314
6 Facsimile: (916) 731-2126
E-mail: Melissa.Tyner@doj.ca.gov
7 *Attorneys for Complainant*

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

12
13 In the Matter of the Accusation Against:

Case No. 6991

14 **VISTA CARE PHARMACY INC., DBA**
15 **VISTA CARE PHARMACY, AMIR**
16 **AHMAD RAO**
12351 Mariposa Rd. #11
Victorville, CA 92395

OAH No. 2021080919

17 **Pharmacy Permit No. PHY 53478,**

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER AS TO VISTA
CARE PHARMACY INC., DBA VISTA
CARE PHARMACY, AMIR AHMAD
RAO ONLY

18 **and**

19 **AARON ANTONIO SOLIS ALVARENGA**
20 **7833 Boot Straps Ct.**
Riverside, CA 92507

21 **Pharmacist License No. RPH 68297**

22 Respondents.
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 ///

27 ///

28 ///

1 **PARTIES**

2 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
3 (Board). She brought this action solely in her official capacity and is represented in this matter by
4 Rob Bonta, Attorney General of the State of California, by Melissa Tyner, Deputy Attorney
5 General.

6 2. Respondent Vista Care Pharmacy Inc., dba Vista Care Pharmacy, Amir Ahmad Rao
7 (Respondent) is represented in this proceeding by attorney Tony J. Park, Pharm.D., J.D., whose
8 address is:

9 California Pharmacy Lawyers
10 Law Offices of Tony J. Park, Inc.
11 9090 Irvine Center Drive
12 Irvine, CA 92618

13 3. On or about August 24, 2015, the Board issued Pharmacy Permit No. PHY 53478 to
14 Vista Care Pharmacy Inc., dba Vista Care Pharmacy, Amir Ahmad Rao (Respondent). The
15 Pharmacy Permit was in full force and effect at all times relevant to the charges brought in
16 Accusation No. 6991, and will expire on August 1, 2020, unless renewed.

17 **JURISDICTION**

18 4. Accusation No. 6991 was filed before the Board, and is currently pending against
19 Respondent. The Accusation and all other statutorily required documents were properly served
20 on Respondent on May 21, 2021. Respondent timely filed its Notice of Defense contesting the
21 Accusation.

22 5. A copy of Accusation No. 6991 is attached as exhibit A and incorporated herein by
23 reference.

24 **ADVISEMENT AND WAIVERS**

25 6. Respondent has carefully read, fully discussed with counsel, and understands the
26 charges and allegations in Accusation No. 6991. Respondent has also carefully read, fully
27 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
28 Order.

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

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

CULPABILITY

9. Respondent understands and agrees that the charges and allegations in Accusation No. 6991, if proven at a hearing, constitute cause for imposing discipline upon its Pharmacy Permit.

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

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

CONTINGENCY

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

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

14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Pharmacy Permit No. PHY 53478 issued to Respondent Vista Care Pharmacy Inc., dba Vista Care Pharmacy, Amir Ahmad Rao is revoked. However, the revocation is stayed and Respondent is placed on probation for four (4) years on the following terms and conditions:

1. Definition: Respondent

For the purposes of these terms and conditions, "respondent" shall refer to Vista Care Pharmacy Inc., dba Vista Care Pharmacy, Amir Ahmad Rao. All terms and conditions stated herein shall bind and be applicable to the licensed premises and to all owners, managers, officers, administrators, members, directors, trustees, associates, or partners thereof. For purposes of compliance with any term or condition, any report, submission, filing, payment, or appearance required to be made by respondent to or before the board or its designee shall be made by an owner or executive officer with authority to act on behalf of and legally bind the licensed entity.

2. Obey All Laws

Respondent shall obey all state and federal laws and regulations.

Respondent shall report any of the following occurrences to the board, in writing, within

seventy-two (72) hours of such occurrence:

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

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

3. Report to the Board

Respondent shall report to the board quarterly, on a schedule as directed by the board or its designee. The report shall be made either in person or in writing, as directed. Among other requirements, respondent shall state in each report under penalty of perjury whether there has been compliance with all the terms and conditions of probation. Failure to submit timely reports in a form as directed shall be considered a violation of probation. Any period(s) of delinquency in submission of reports as directed may be added to the total period of probation. Moreover, if the final probation report is not made as directed, probation shall be automatically extended until such time as the final report is made and accepted by the board.

4. Interview with the Board

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

1 5. Cooperate with Board Staff

2 Respondent shall timely cooperate with the board's inspection program and with the board's
3 monitoring and investigation of respondent's compliance with the terms and conditions of the
4 probation, including but not limited to: timely responses to requests for information by board
5 staff; timely compliance with directives from board staff regarding requirements of any term or
6 condition of probation; and timely completion of documentation pertaining to a term or condition
7 of probation. Failure to timely cooperate shall be considered a violation of probation.

8 6. Reimbursement of Board Costs

9 As a condition precedent to successful completion of probation, respondent shall pay to the
10 board its costs of investigation and prosecution in the amount of \$12,500.00.

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

14 7. Probation Monitoring Costs

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

19 8. Status of License

20 Respondent shall, at all times while on probation, maintain current pharmacy permit with
21 the board. Failure to maintain current licensure shall be considered a violation of probation.

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

26 9. License Surrender While on Probation/Suspension

27 Following the effective date of this decision, should respondent wish to discontinue
28 business, respondent may tender the premises license to the board for surrender. The board or its

1 designee shall have the discretion whether to grant the request for surrender or take any other
2 action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the
3 license, respondent will no longer be subject to the terms and conditions of probation.

4 Respondent may not apply for any new license from the board for three (3) years from the
5 effective date of the surrender. Respondent shall meet all requirements applicable to the license
6 sought as of the date the application for that license is submitted to the board.

7 Respondent further stipulates that it shall reimburse the board for its costs of investigation
8 and prosecution prior to the acceptance of the surrender.

9 Respondent shall also, by the effective date of this decision, arrange for the continuation of
10 care for ongoing patients of the pharmacy by, at minimum, providing a written notice to ongoing
11 patients that specifies the anticipated closing date of the pharmacy and that identifies one or more
12 area pharmacies capable of taking up the patients' care, and by cooperating as may be necessary
13 in the transfer of records or prescriptions for ongoing patients. Within five days of its provision to
14 the pharmacy's ongoing patients, Respondent shall provide a copy of the written notice to the
15 board. For the purposes of this provision, "ongoing patients" means those patients for whom the
16 pharmacy has on file a prescription with one or more refills outstanding, or for whom the
17 pharmacy has filled a prescription within the preceding sixty (60) days.

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

21 Respondent further stipulates that it shall reimburse the board for its costs of investigation
22 and prosecution prior to the acceptance of the surrender.

23 10. Sale or Discontinuance of Business

24 During the period of probation, should respondent sell, trade or transfer all or part of the
25 ownership of the licensed entity, discontinue doing business under the license issued to
26 respondent, or should practice at that location be assumed by another full or partial owner,
27 person, firm, business, or entity, under the same or a different premises license number, the board
28 or its designee shall have the sole discretion to determine whether to exercise continuing

jurisdiction over the licensed location, under the current or new premises license number, and/or carry the remaining period of probation forward to be applicable to the current or new premises license number of the new owner.

11. Notice to Employees

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

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

12. Owners and Officers: Knowledge of the Law

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

13. Premises Open for Business

Respondent shall remain open and engaged in its ordinary business as a pharmacy in California for a minimum of 120 hours per calendar month. Any month during which this minimum is not met shall toll the period of probation, i.e., the period of probation shall be

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

13 14. Posted Notice of Probation

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

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

22 15. Violation of Probation

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

1 If respondent violates probation in any respect, the board, after giving respondent notice
2 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
3 was stayed. If a petition to revoke probation or an accusation is filed against respondent during
4 probation, or the preparation of an accusation or petition to revoke probation is requested from
5 the Office of the Attorney General, the board shall have continuing jurisdiction and the period of
6 probation shall be automatically extended until the petition to revoke probation or accusation is
7 heard and decided, and the charges and allegations in Accusation No. 6991 shall be deemed true
8 and correct.

9 16. Completion of Probation

10 Upon written notice by the board or its designee indicating successful completion of
11 probation, respondent's license will be fully restored.

12 17. No Additional Ownership or Management of Licensed Premises

13 Respondent shall not acquire any additional ownership, legal or beneficial interest in, nor
14 serve as a manager, administrator, member, officer, director, associate, partner or any business,
15 firm, partnership, or corporation currently or hereinafter licensed by the board except as
16 approved by the board or its designee for five (5) years from the effective date of this decision.
17 Violations of this restriction shall be considered a violation of probation.

18 18. Consultant Pharmacist Review of Pharmacy Operations

19 During the period of probation, Respondent shall retain an independent consultant at its
20 own expense who shall be responsible for reviewing pharmacy operations on a quarterly basis for
21 compliance by Respondent with state and federal laws and regulations governing the practice of
22 pharmacy. The consultant shall be a pharmacist licensed by and not on probation with the Board
23 and whose name shall be submitted to the Board or its designee, for prior approval, within thirty
24 (30) days of the effective date of this decision. During the period of probation, the Board or its
25 designee retains the discretion to reduce the frequency of the pharmacist consultant's review of
26 Respondent's operations. Failure to timely retain, seek approval of, or ensure timely reporting by
27 the consultant shall be considered a violation of probation.

28 ///

1 **ACCEPTANCE**

2 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
3 discussed it with my attorney, Tony J. Park, Pharm.D., J.D. I understand the stipulation and the
4 effect it will have on my Pharmacy Permit. I enter into this Stipulated Settlement and Disciplinary
5 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
6 of the Board of Pharmacy.

7
8 DATED: _____

9 VISTA CARE PHARMACY INC., DBA VISTA
10 CARE PHARMACY, AMIR AHMAD RAO
Respondent

11 I have read and fully discussed with Respondent Vista Care Pharmacy Inc., dba Vista Care
12 Pharmacy, Amir Ahmad Rao the terms and conditions and other matters contained in the above
13 Stipulated Settlement and Disciplinary Order. I approve its form and content.

14 DATED: _____

15 TONY J. PARK, PHARM.D., J.D.
Attorney for Respondent

16
17 **ENDORSEMENT**

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

20 DATED: _____

Respectfully submitted,

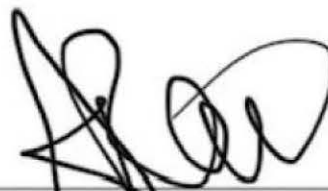
21 ROB BONTA
22 Attorney General of California
23 NANCY KAISER
Supervising Deputy Attorney General

24
25 MELISSA TYNER
26 Deputy Attorney General
Attorneys for Complainant

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I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Tony J. Park, Pharm.D., J.D. I understand the stipulation and the effect it will have on my Pharmacy Permit. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 3/31/23


VISTA CARE PHARMACY INC., DBA VISTA
CARE PHARMACY, AMIR AHMAD RAO
Respondent

I have read and fully discussed with Respondent Vista Care Pharmacy Inc., dba Vista Care Pharmacy, Amir Ahmad Rao the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: _____

TONY J. PARK, PHARM.D., J.D.
Attorney for Respondent

ENDORSEMENT

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

DATED: _____

Respectfully submitted,

ROB BONTA
Attorney General of California
NANCY KAISER
Supervising Deputy Attorney General

MELISSA TYNER
Deputy Attorney General
Attorneys for Complainant

1 ACCEPTANCE

2 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
3 discussed it with my attorney, Tony J. Park, Pharm.D., J.D. I understand the stipulation and the
4 effect it will have on my Pharmacy Permit. I enter into this Stipulated Settlement and Disciplinary
5 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
6 of the Board of Pharmacy.

7
8 DATED: _____

9 VISTA CARE PHARMACY INC., DBA VISTA
10 CARE PHARMACY, AMIR AHMAD RAO
Respondent

11 I have read and fully discussed with Respondent Vista Care Pharmacy Inc., dba Vista Care
12 Pharmacy, Amir Ahmad Rao the terms and conditions and other matters contained in the above
13 Stipulated Settlement and Disciplinary Order. I approve its form and content.

14 DATED: 03/31/2022

15 
16 TONY J. PARK, PHARM.D., J.D.
Attorney for Respondent

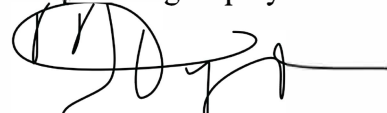
17 ENDORSEMENT

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

20 DATED: 4/4/22

21 Respectfully submitted,

22 ROB BONTA
23 Attorney General of California
24 NANCY KAISER
25 Supervising Deputy Attorney General

26 

27 MELISSA TYNER
28 Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 6991

1 ROB BONTA
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 ELYSE M. DAVIDSON
Deputy Attorney General
4 State Bar No. 285842
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6273
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. 6991

13 **VISTA CARE PHARMACY INC., DBA**
14 **VISTA CARE PHARMACY, AMIR**
15 **AHMAD RAO, CEO/PRES**
12351 Mariposa Rd. #11
Victorville, CA 92395

ACCUSATION

16 **Pharmacy Permit No. PHY 53478,**

17 **and**

18 **AARON ANTONIO SOLIS ALVARENGA**
7833 Boot Straps Ct.
19 Riverside, CA 92507

20 **Pharmacist License No. RPH 68297**

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 (Board), Department of Consumer Affairs.

27 2. On or about August 24, 2015, the Board issued Pharmacy Permit Number PHY
28 53478 to Vista Care Pharmacy Inc., dba Vista Care Pharmacy, Amir Ahmad Rao, CEO/PRES

(Respondent Vista Care Pharmacy). The Pharmacy Permit was in full force and effect at all times relevant to the charges brought herein and will expire on August 1, 2021, unless renewed.

3. On or about October 15, 2012, the Board of Pharmacy issued Pharmacist License Number RPH 68297 to Aaron Antonio Solis Alvarenga (Respondent Alvarenga). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on November 30, 2021, unless renewed.

JURISDICTION

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

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

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

7. Section 4300 of the Code states in pertinent part:

(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.”

/// ...

1 (e) The proceedings under this article shall be conducted in accordance with Chapter
2 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code,
3 and the board shall have all the powers granted therein. The action shall be final,
4 except that the propriety of the action is subject to review by the superior court
5 pursuant to Section 1094.5 of the Code of Civil Procedure.

6
7 8. Section 4300.1 of the Code states:

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

15
16 9. Section 4302 states:

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

21
22 10. Section 4307 of the Code states:

23 (a) Any person who has been denied a license or whose license has been revoked or is
24 under suspension, or who has failed to renew his or her license while it was under
25 suspension, or who has been a manager, administrator, owner, member, officer,
26 director, associate, partner, or any other person with management or control of any
27 partnership, corporation, trust, firm, or association whose application for a license has
28 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 PROVISIONS

11. Section 4059 of the Code states:

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

12. Section 4113 of the Code states, in pertinent part: “(c) The pharmacist-in-charge shall be responsible for a pharmacy’s compliance with all state and federal laws and regulations pertaining to the practice of pharmacy.”

13. Section 4301 of the Code states:

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 includes, but is not limited to, any of the following:

...

(c) Gross negligence.

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

...

(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.

...”

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

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

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

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

7 15. Health and Safety Code section 11153 states in pertinent part:

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

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

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

19 16. Health and Safety Code section 11162.1 states:

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

22 ...

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

24 ...

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

26 ...

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

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17. Health and Safety Code section 11164 states, in pertinent part:

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

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

REGULATORY PROVISIONS

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

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

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

19. Federal Code of Regulations, title 21, section 1306.04 states, in pertinent part:

(a) A prescription for a controlled substance to be effective must be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice. The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription. An order purporting to be a prescription issued not in the usual course of professional treatment or in legitimate and authorized research is not a prescription within the meaning and intent of section 309 of the Act (21 U.S.C. 829) and the person knowingly filling such a purported prescription, as well as the person issuing it, shall be subject to the penalties provided for violations of the provisions of law relating to controlled substances.

20. Federal Code of Regulations, title 21, section 1306.05 states, in pertinent part:

(a) All prescriptions for controlled substances shall be dated as of, and signed on, the day when issued and shall bear the full name and address of the patient, the drug name, strength, dosage form, quantity prescribed, directions for use, and the name, address and registration number of the practitioner.

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DEFINITIONS

21. Section 4022 of the Code states

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

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

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

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

21. Section 4036.5 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.”

22. Alprazolam is commonly known by the brand name “Xanax” and is part of the Benzodiazepine class. It is a Schedule IV controlled substance pursuant to Health and Safety Code section 11057, subdivision (d)(1) and a dangerous drug pursuant to section 4022 of the Code.

23. Hydrocodone/Acetaminophen or APAP, is commonly known by the brand names “Norco” and “Lortab.” It is a Schedule II controlled substances pursuant to Health and Safety Code section 11055, subdivision (I)(i), and is categorized a dangerous drugs pursuant to section 4022.

24. Percolone/Roxicodone is commonly known by the brand name “Oxycodone.” It is a Schedule II controlled substances pursuant to Health and Safety Code section 11055, subdivision (b)(1)(M), and is categorized as dangerous drugs pursuant to section 4022.

25. Phenergan with Codeine Syrup is commonly known by the brand name “Promethazine with Codeine.” It is a Schedule V controlled substance pursuant to Health and Safety Code section 11058, subdivision (c)(1) and is a dangerous drug pursuant to Business and Professions Code section 4022.

1 **COST RECOVERY**

2 26. Section 125.3 states, in pertinent part, that the Board may request the administrative
3 law judge to direct a licensee found to have committed a violation or violations of the licensing
4 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
5 case.

6 **FACTUAL ALLEGATIONS**

7 27. The Controlled Substance Utilization Review and Evaluation System (CURES) is
8 California's Prescription Drug Monitoring Program (PDMP). Pharmacies in California are
9 required to report all filled prescriptions for Schedule II, III, and IV controlled substances to the
10 database every week. The data is collected statewide and can be used by licensed prescribers and
11 pharmacists to evaluate and determine whether their patients are utilizing controlled substances
12 correctly and whether a patient has used multiple prescribers and multiple pharmacies to fill
13 controlled substance prescriptions. Law enforcement and regulatory agencies such as the Board
14 have access to the CURES database for official oversight or investigatory purposes.

15 28. On or about February 19, 2020, a pharmacy board inspector inspected Respondent
16 Vista Care Pharmacy. Respondent Alvarenga was the pharmacist-in-charge at the pharmacy.

17 29. During the inspection, a Board inspector requested electronic records and selected
18 original prescription documents from February 3, 2017 through February 19, 2020 from the
19 pharmacy.

20 30. The Board's inspection and subsequent investigation revealed that the pharmacy
21 dispensed at least one hundred (100) controlled substance prescriptions from one prescriber, with
22 patterns of irregularities and red flags of abuse, without ensuring the prescriptions were issued for
23 a legitimate medical purpose in the usual course of professional practice. These prescriptions
24 included over 21,000 tablets of Oxycodone 30 mg, a Schedule II controlled substances.
25 Respondent Vista Care Pharmacy and its pharmacists dispensed controlled substances after
26 ignoring, or failing to recognize objective, objective factors which showed the prescriptions were
27 irregular and not for medically legitimate prescriptions. The objective factors of illegitimacy,
28 irregularity, and abuse included, but were not limited to the following:

- (a) Oxycodone 30 mg, the highest strength, was the fifth most commonly dispense~
drug.
- (b) Oxycodone 30 mg accounted for over three-quarters of all oxycodone prescriptions.
- (c) New patients dispensed oxycodone 30 mg.
- (d) Several instances of dispensing interacting drugs together, promethazine/codeine with oxycodone.
- (e) Similar or identical prescriptions for controlled substances dispensed to multiple patients on the same day and with high doses of oxycodone 30 mg
- (f) Initial prescriptions written for unusually high doses of oxycodone where at least 29 patients started on oxycodone 30 mg at unusually high doses, or were switched from lower dose controlled substances at 200 - 400 percent increases.

31. Additionally, the Board inspector's review of the records from February 3, 2017 through February 19, 2020 identified the following dispensing trends and patterns of irregularity indicating that numerous prescriptions were not issued for a legitimate medical purpose:

(a) Patterns of irregularities were identifiable because of low percentages of controlled substance prescriptions.

32. The Board's inspection and subsequent investigation revealed that the total number of prescriptions dispensed by Respondent Vista Care Pharmacy were largely for non-controlled substances. Low percentages of controlled substance prescriptions were dispensed by Respondent Vista Care Pharmacy during this time period, which would cause patterns of irregularities from specific prescribers of controlled substances to stand out, especially if multiple identical or similar prescriptions were presented to the pharmacy on the same date.

DRUG CLASS (SCHEDULE)	NUMBER OF PRESCRIPTIONS	PERCENT OF TOTAL DISPENSED
Non-controlled	114,954	80.9%
C-II	15,534	10.9%
C-III	562	0.4%
C-IV	9,972	7.0%
C-V	1,076	0.8%
TOTAL	142,098	100.00%

(b) Patterns of irregularities were identifiable because Oxycodone 30 mg was one of the most commonly drugs dispensed compared to lower strengths available.

33. Oxycodone immediate release tablets are available in 5, 10, 15, 20, and 30 mg. The Board's inspection and subsequent investigation revealed unusual activity for Oxycodone 30 mg as it is unusual for a pharmacy to have Oxycodone 30 mg, the highest strength available of immediate release tablets, as one of the most common drugs dispensed.

DRUG	PRESCRIPTIONS	TOTAL	CASH PAYMENT	WITH CASH PAYMENT
Oxycodone 5 mg	12	0.5%	6	50.0%
Oxycodone 10 mg	125	5.1%	50	40.0%
Oxycodone 15 mg	298	12.0%	154	51.7%
Oxycodone 20 mg	135	5.5%	44	32.6%
Oxycodone 30 mg	1,907	77.0%	1,420	74.5%
TOTAL	2,477	100%	1,674	

(c) Patterns of irregularities were identifiable because Oxycodone 30 mg had the highest amount of money paid of all the items and drugs dispensed by the pharmacy.

34. The Board's inspection and subsequent investigation revealed unusual activity for Oxycodone 30 mg because it had the highest amount of money paid by patients of all the items and drugs dispensed by Respondent Vista Care Pharmacy.

DRUG	NUMBER OF PRESCRIPTIONS	TOTAL AMOUNT PAID BY PATIENTS
hydrocodone/APAP 10/325 mg	5,849	\$61,478
lubricated condoms	3,847	\$0
K-Y lubricant jelly	3,305	\$5
VCF contraceptive foam	3,034	\$0
oxycodone 30 mg	1,907	\$109,116
omeprazole 20 mg	1,614	\$4,520
aspirin 81 mg	1,571	\$2,825
gabapentin 300 mg	1,567	\$5,927
oxycodone/ AP AP 10/325 mg	1,468	\$14,686
carisoprodol 350 mg	1,418	\$17,650
TOTAL	142,098	100.00%

(d) Patterns of irregularities were identifiable because of a high number of cash payments.

35. The Board's inspection and subsequent investigation revealed a relatively high percentage of both non-controlled and controlled prescriptions paid with cash which is unusual due to patients' preference to have lower out of pocket expenses with the benefit of insurance.

DRUG CLASS (SCHEDULE)	NUMBER OF PRESCRIPTIONS	NUMBER WITH CASH PAYMENTS	PERCENT WITH CASH PAYMENTS
Non-controlled	114,954	42,416	36.9%
C-II	15,534	6,877	44.3%
C-III	562	226	40.2%
C-IV	9,972	5,619	56.3%
C-V	1,076	565	52.5%
TOTAL	142,098	55,703	39.2%

(e) Patterns of irregularities were identifiable because prescriptions lacked required security features.

36. The Board's inspection and subsequent investigation revealed that the pharmacy dispensed at least eleven (11) controlled substance prescriptions on invalid forms. The prescription documents were missing the following features required for controlled substance prescription security forms:

(a) A watermark printed on the backside of the prescription blank which reads:

"California Security Prescription" was missing on all of the invalid forms.

(i) Read: "DocuGard"

(b) An identifying number assigned to the approved security printer by the Department of Justice was missing from all but one of the prescription documents.

(c) A lot number printed on the form and each form number sequentially.

(f) Patterns of irregularities were identifiable because of unusual prescriptions written by PA Edwards.

37. The two most common controlled substances prescribed by PA Edwards and dispensed by Respondent Vista Care Pharmacy were Oxycodone 30 mg (the highest immediate release tablet available) and promethazine/codeine. These are both commonly sought for abuse. The most irregular factors are the following:

(a) 98 of the 99 oxycodone prescriptions were for 30 mg, the highest strength available.

- 1 (b) 95 of the 99 oxycodone prescriptions were for cash payment.
- 2 (c) 35 of 37 patients from PA Edwards were prescribed oxycodone.
- 3 (d) Well over half of the total quantity of drugs dispensed from PA Edwards was for
- 4 oxycodone 30 mg.
- 5 (e) Controlled substances accounted for over 74% of the total quantity of drugs dispensed
- 6 from this prescriber.

7 38. The uniformity of treatment by PA Edwards is unusual. There is patient variability in

8 medical conditions, with not all being of the same cause, and thus requiring a variety of

9 treatments. Due to the various presentations of pain symptoms, medications with differing

10 mechanisms of actions are typically prescribed for the legitimate treatment of pain. However,

11 there was no adjustment in the prescribing pattern from PA Edwards for age, weight, diagnosis,

12 drug allergies, medical histories, severity of symptoms being treated, tolerance to drugs, or other

13 patient related factors. This type of uniformity of treatment was very irregular, and indicative of

14 illegitimacy and abuse.

15 39. Of the controlled substances dispensed by Respondent Vista Care Pharmacy from

16 prescriptions written by PA Edwards, the following factors of irregularity, and contrasted with

17 legitimate prescribing and dispensing of controlled substances were present:

- 18 (a) Cash payment for the overwhelming majority of these controlled substance
- 19 prescriptions.
- 20 (b) Uniformity of treatment for multiple patients receiving similar or identical controlled
- 21 substances on the same day.
- 22 (c) All but one oxycodone prescription was for the highest strength available.
- 23 (d) Several patients dispensed overlapping treatment with oxycodone and
- 24 promethazine/codeine, for which there is a boxed warning of serious risks.

25 40. Respondent Alvarenga personally approved to be dispensed prescriptions which had

26 the following irregularities and red flags of illegitimacy:

- 27 (a) 11 controlled substance prescriptions not written on valid security forms.

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1 (b) 138 controlled substance prescriptions from PA Edwards with patterns of irregularity
2 and illegitimacy.

3 (c) Starting 29 patients on an unusually high doses of oxycodone.

4 **FIRST CAUSE FOR DISCIPLINE**

5 **(Unprofessional Conduct: Failure to Exercise Corresponding Responsibility)**

6 41. Respondent Vista Care Pharmacy and Respondent Alvarenga, are each and severally
7 subject to disciplinary action under section 4301, subdivisions (c), (d) and (j), 4306.5, subdivision
8 (b); and 4113, subdivision (c); in conjunction with Health and Safety Code section 11153,
9 subdivision (a); California Code of Regulations, title 16, section 1761; and Federal Code of
10 Regulations, title 21, section 1306.04, in that Respondents operated in a grossly negligent
11 manner, which constituted unprofessional conduct, by excessively furnishing controlled
12 substances, with an established history of a high potential for abuse, despite multiple cues of
13 irregularity and uncertainty related to patient and prescriber factors, and in failing to comply with
14 their corresponding responsibility to ensure that controlled substances are dispensed for a
15 legitimate medical purpose. Complainant refers to, and by this reference, incorporates the
16 allegations set forth above in paragraphs 27 through 40, as though set forth fully.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Filling or Dispensing Improper Prescriptions for Controlled Substances)**

19 42. Respondent Vista Care Pharmacy and Respondent Alvarenga are each and severally
20 subject to disciplinary action under sections 4301, subdivisions (d), (j), and (o); 4306.5,
21 subdivision (b); and 4113, subdivision (c); in conjunction with Health and Safety Code sections
22 11162.1, subdivisions (a) and (b), and 11164; California Code of Regulations, title 16, section
23 1761; and Federal Code of Regulations, title 21, section 1306.05; in that Respondents filled or
24 dispensed controlled substance prescriptions that did not comply with the form requirements of
25 Health and Safety Code section 11162.1, or contained any significant error, omission, irregularity,
26 uncertainty, ambiguity or alteration. Complainant refers to, and by this reference, incorporates
27 the allegations set forth above in paragraphs 27 through 40, as though set forth in full herein.

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DISCIPLINE CONSIDERATIONS

43. To determine the degree of discipline, if any, to be imposed on Respondent Vista Care Pharmacy, Complainant alleges that an administrative action was previously taken against the permit in the form of a Citation and Fine issued on May 26, 2017, in Case No. CI 2015 69249. The citation fines have been paid.

44. To determine the degree of discipline, if any, to be imposed on Respondent Alvarenga, Complainant alleges that an administrative action was previously taken against the permit in the form of a Citation and Fine issued on January 26, 2017, in Case No. CI 2016 72343. The citation fines have been paid.

45. To determine the degree of discipline, if any, to be imposed on Respondent Alvarenga, Complainant alleges that an administrative action was previously taken against the permit in the form of a Citation and Fine issued on June 16, 2016, in Case No. CI 2015 70734. The citation fines have been paid.

OTHER MATTERS

46. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number PHY 53478 issued to Vista Care Pharmacy Inc., dba Vista Care Pharmacy, Amir Ahmad Rao, CEO/PRES while Amir Ahmad Rao has been an owner and had knowledge of or knowingly participated in any conduct for which the licensee was disciplined, Amir Ahmad Rao 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 53478 is placed on probation or until Pharmacy Permit Number PHY 53478 is reinstated if it is revoked.

47. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number PHY 53478 issued to Vista Care Pharmacy Inc., dba Vista Care Pharmacy, Amir Ahmad Rao, CEO/PRES while to Aaron Antonio Solis Alvarenga has been a pharmacist-in-charge and had knowledge of or knowingly participated in any conduct for which the licensee was disciplined, Aaron Antonio Solis Alvarenga shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy

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1 Permit Number PHY 53478 is placed on probation or until Pharmacy Permit Number PHY 53478
2 is reinstated if it is revoked.

3 **PRAYER**

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the Board of Pharmacy issue a decision:

6 1. Revoking or suspending Pharmacy Permit Number PHY 53478, issued to Vista Care
7 Pharmacy Inc., dba Vista Care Pharmacy, Amir Ahmad Rao, CEO/PRES;

8 2. Revoking or suspending Pharmacist License Number RPH 68297, issued to Aaron
9 Antonio Solis Alvarenga;

10 3. Prohibiting Vista Care Pharmacy Inc., dba Vista Care Pharmacy, Amir Ahmad Rao,
11 CEO/PRES (PHY 53478) from serving as a manager, administrator, owner, member, officer,
12 director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 53478
13 is placed on probation or until Pharmacy Permit Number PHY 53478 is reinstated if Pharmacy
14 Permit Number 53478 issued Vista Care Pharmacy Inc., dba Vista Care Pharmacy, Amir Ahmad
15 Rao, CEO/PRES;

16 4. Prohibiting Antonio Solis Alvarenga from serving as a manager, administrator,
17 owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy
18 Permit Number PHY 53478 is placed on probation or until Pharmacy Permit Number PHY 53478
19 is reinstated if Pharmacy Permit Number 53478 issued to Vista Care Pharmacy Inc., dba Vista
20 Care Pharmacy, Amir Ahmad Rao, CEO/PRES is revoked;

21 5. Ordering Vista Care Pharmacy and Aaron Antonio Solis Alvarenga to pay the Board
22 of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to
23 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: 5/21/2021

Signature on File

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

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