

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

**In the Matter of the Accusation Against:**

**GLOBAL RX INC. dba  
PASEO OAKS PHARMACY,  
ELIZABETH SHAGHAYEGH KOHANMEHR,  
Original Pharmacy Permit No. PHY 51260; and**

**SALLIE ANN STETZER,  
Pharmacist License No. RPH 68658; and**

**ELIZABETH SHAGHAYEGH KOHANMEHR,  
Pharmacist License No. RPH 55358; and**

**TOORAJ BERELIANI,  
Pharmacist License No. RPH 51817,**

**Respondents.**

**Agency Case No. 6994**

**OAH No. 2021060168**

## 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 March 9, 2022.

It is so ORDERED on February 7, 2022.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

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 distinguishable.

Seung W. Oh, Pharm.D.  
Board President

1 ROB BONTA  
Attorney General of California  
2 THOMAS L. RINALDI  
Supervising Deputy Attorney General  
3 LESLIE A. WALDEN  
Deputy Attorney General  
4 State Bar No. 196882  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 269-6293  
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. 6994

13 **GLOBAL RX INC. DBA PASEO OAKS**  
14 **PHARMACY, ELIZABETH**  
15 **SHAGHAYEGH KOHANMEHR**  
3701 E. Thousand Oaks Blvd  
Thousand Oaks, CA 91362

OAH No. 2021060168

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER AS TO**  
**TOORAJ BERELIANI**

16 **Permit No. PHY 51260,**

17 **SALLIE ANN STETZER**  
29111 Thousand Oaks Blvd, #A  
18 Agoura Hills, CA 91301

19 **Pharmacist License No. RPH 68658,**

20 **ELIZABETH SHAGHAYEGH**  
21 **KOHANMEHR**  
3445 Caribeth Dr  
Encino, CA 91436

22 **Pharmacist License No. RPH 55358,**

23 **and**

24 **TOORAJ BERELIANI**  
25 **4335 Van Nuys Blvd, #407**  
**Sherman Oaks, CA 91403**

26 **Pharmacist License No. RPH 51817**

27 Respondents.  
28

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

3 **PARTIES**

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

8 2. Respondent Tooraj Bereliani (Respondent) is represented in this proceeding by  
9 attorney Tony J. Park, whose address is: 55 Cetus, 1st Floor, Irvine, CA 92618-1320.

10 3. On or about August 30, 2000, the Board issued Pharmacist License No. RPH 51817  
11 to Respondent. The Permit was in full force and effect at all times relevant to the charges brought  
12 in Accusation No. 6994, and will expire on July 31, 2022, unless renewed.

13 **JURISDICTION**

14 4. Accusation No. 6994 was filed before the Board, and is currently pending against  
15 Respondent. The Accusation and all other statutorily required documents were properly served  
16 on Respondent on February 12, 2021. Respondent timely filed his Notice of Defense contesting  
17 the Accusation.

18 5. A copy of Accusation No. 6994 is attached as exhibit A and incorporated herein by  
19 reference.

20 **ADVISEMENT AND WAIVERS**

21 6. Respondent has carefully read, fully discussed with counsel, and understands the  
22 charges and allegations in Accusation No. 6994. Respondent has also carefully read, fully  
23 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary  
24 Order.

25 7. Respondent is fully aware of his legal rights in this matter, including the right to a  
26 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine  
27 the witnesses against him; the right to present evidence and to testify on his own behalf; the right  
28 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. 6994, if proven at a hearing, constitute cause for imposing discipline upon his Pharmacist License.

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 his right to contest those charges.

11. Respondent agrees that his Pharmacist License is subject to discipline and he 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 he may not withdraw his 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 as to Tooraj Bereliani 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 as to Tooraj Bereliani, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.



1 manufacturing, obtaining, handling, distributing, billing, or charging for any drug,  
2 device or controlled substance.

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

#### 4 **2. Report to the Board**

5 Respondent shall report to the board quarterly, on a schedule as directed by the board or its  
6 designee. The report shall be made either in person or in writing, as directed. Among other  
7 requirements, Respondent shall state in each report under penalty of perjury whether there has  
8 been compliance with all the terms and conditions of probation.

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

#### 14 **3. Interview with the Board**

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

#### 20 **4. Cooperate with Board Staff**

21 Respondent shall timely cooperate with the board's inspection program and with the board's  
22 monitoring and investigation of Respondent's compliance with the terms and conditions of his  
23 probation, including but not limited to: timely responses to requests for information by board  
24 staff; timely compliance with directives from board staff regarding requirements of any term or  
25 condition of probation; and timely completion of documentation pertaining to a term or condition  
26 of probation. Failure to timely cooperate shall be considered a violation of probation.  
27  
28

1                   **5. Continuing Education**

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

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

5                   During the period of probation, Respondent shall notify all present and prospective  
6 employers of the decision in case number 6994 and the terms, conditions and restrictions imposed  
7 on Respondent by the decision, as follows:

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

19                   Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
20 Respondent undertaking any new employment, Respondent shall cause (a) his direct supervisor,  
21 (b) his pharmacist-in-charge, designated representative-in-charge, responsible manager, or other  
22 compliance supervisor, and (c) the owner or owner representative of his employer, to report to the  
23 board in writing acknowledging that the listed individual(s) has/have read the decision in case  
24 number 6994, and terms and conditions imposed thereby. If one person serves in more than one  
25 role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the Respondent's  
26 responsibility to ensure that these acknowledgment(s) are timely submitted to the board. In the  
27 event of a change in the person(s) serving the role(s) described in (a), (b), or (c) during the term  
28 of probation, Respondent shall cause the person(s) taking over the role(s) to report to the board in

1 writing within fifteen (15) days of the change acknowledging that he or she has read the decision  
2 in case number 6994, and the terms and conditions imposed thereby.

3 If Respondent works for or is employed by or through an employment service, Respondent  
4 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the board  
5 of the decision in case number 6994, and the terms and conditions imposed thereby in advance of  
6 Respondent commencing work at such licensed entity. A record of this notification must be  
7 provided to the board upon request.

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

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

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

21 **7. Notification of Change in Name, Address, or Phone Number**

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

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

26 ///

27 ///

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

2           During the period of probation, Respondent shall not supervise any intern pharmacist, be  
3 the pharmacist-in-charge, designated representative-in-charge, responsible manager or other  
4 compliance supervisor of any entity licensed by the board, nor serve as a consultant. Assumption  
5 of any such unauthorized supervision responsibilities shall be considered a violation of probation.

6           **9.     Probation Monitoring Costs**

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

11          **10.    Status of License**

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

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

19          **11.    License Surrender While on Probation/Suspension**

20          Following the effective date of this decision, should Respondent cease practice due to  
21 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,  
22 Respondent may relinquish his license, including any indicia of licensure issued by the board,  
23 along with a request to surrender the license. The board or its designee shall have the discretion  
24 whether to accept the surrender or take any other action it deems appropriate and reasonable.  
25 Upon formal acceptance of the surrender of the license, Respondent will no longer be subject to  
26 the terms and conditions of probation. This surrender constitutes a record of discipline and shall  
27 become a part of the Respondent's license history with the board.

1       Upon acceptance of the surrender, Respondent shall relinquish his pocket and/or wall  
2 license, including any indicia of licensure not previously provided to the board within ten (10)  
3 days of notification by the board that the surrender is accepted if not already provided.  
4 Respondent may not reapply for any license from the board for three (3) years from the effective  
5 date of the surrender. Respondent shall meet all requirements applicable to the license sought as  
6 of the date the application for that license is submitted to the board, including any outstanding  
7 costs.

8       **12. Practice Requirement – Extension of Probation**

9       Except during periods of suspension, Respondent shall, at all times while on probation, be  
10 employed as a Pharmacist in California for a minimum of one hundred (100) hours per calendar  
11 month. Any month during which this minimum is not met shall extend the period of probation by  
12 one month. During any such period of insufficient employment, Respondent must nonetheless  
13 comply with all terms and conditions of probation, unless Respondent receives a waiver in  
14 writing from the board or its designee.

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

24       It is a violation of probation for Respondent's probation to be extended pursuant to the  
25 provisions of this condition for a total period, counting consecutive and non-consecutive months,  
26 exceeding thirty-six (36) months. The board or its designee may post a notice of the extended  
27 probation period on its website.  
28

13. **Violation of Probation**

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

If Respondent violates probation in any respect, the board, after giving Respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If a petition to revoke probation or an accusation is filed against Respondent during probation, or the preparation of an accusation or petition to revoke probation is requested from the Office of the Attorney General, the board shall have continuing jurisdiction and the period of probation shall be automatically extended until the petition to revoke probation or accusation is heard and decided, and the charges and allegations in Accusation No. 6994 shall be deemed true and correct.

14. **Completion of Probation**

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

15. **Remedial Education**

Within sixty (60) days of the effective date of this decision, Respondent shall submit to the board or its designee, for prior approval, an appropriate programs of remedial education related to compounding, corresponding responsibility, excessive furnishing and validation of prescriptions. Respondent shall complete no less than ten (10) hours of the above coursework and no less than fifty (50) percent of this time shall be in person and/or by live webinar. All remedial education shall be in addition to, and shall not be credited toward, continuing education (CE) courses used for license renewal purposes for pharmacists.

Failure to timely submit for approval or complete the approved remedial education shall be considered a violation of probation. The period of probation will be automatically extended until

1 such remedial education is successfully completed and written proof, in a form acceptable to the  
2 board, is provided to the board or its designee.

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

8 **16. Ethics Course**

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

17 **17. Reimbursement of Board Costs**

18 As a condition precedent to successful completion of probation, Respondent shall pay to the  
19 board its costs of investigation and prosecution in the amount of \$5,000. Failure to pay costs by  
20 the deadline(s) as directed shall be considered a violation of probation. Respondent shall be  
21 permitted to pay these costs in a payment plan approved by the board or its designee, so long as  
22 full payment is completed no later than one (1) year prior to the end date of probation.

23  
24 ///

25  
26 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ACCEPTANCE**

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

DATED: \_\_\_\_\_  
TOORAJ BERELIANI  
*Respondent*

I have read and fully discussed with Respondent Tooraj Bereliani the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order as to Tooraj Bereliani. I approve its form and content.

DATED: \_\_\_\_\_  
TONY J. PARK  
*Attorney for Respondent*

**ENDORSEMENT**

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

DATED: \_\_\_\_\_

Respectfully submitted,

ROB BONTA  
Attorney General of California  
THOMAS L. RINALDI  
Supervising Deputy Attorney General

LESLIE A. WALDEN  
Deputy Attorney General  
*Attorneys for Complainant*

LA2020601652  
64692558.docx

**ACCEPTANCE**

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

DATED: 11/17/2021

  
\_\_\_\_\_  
TOORAJ BERELIANI  
*Respondent*

I have read and fully discussed with Respondent Tooraj Bereliani the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order as to Tooraj Bereliani. I approve its form and content.

DATED: \_\_\_\_\_

\_\_\_\_\_  
TONY J. PARK  
*Attorney for Respondent*

**ENDORSEMENT**

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

DATED: \_\_\_\_\_

Respectfully submitted,

ROB BONTA  
Attorney General of California  
THOMAS L. RINALDI  
Supervising Deputy Attorney General

LESLIE A. WALDEN  
Deputy Attorney General  
*Attorneys for Complainant*

LA2020601652  
64692558.docx

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ACCEPTANCE**

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

DATED: \_\_\_\_\_  
TOORAJ BERELIANI  
*Respondent*

I have read and fully discussed with Respondent Tooraj Bereliani the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order as to Tooraj Bereliani. I approve its form and content.

DATED: 11/17/2021  
\_\_\_\_\_  
TONY J. PARK  
*Attorney for Respondent*

**ENDORSEMENT**

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

DATED: \_\_\_\_\_

Respectfully submitted,

ROB BONTA  
Attorney General of California  
THOMAS L. RINALDI  
Supervising Deputy Attorney General

LESLIE A. WALDEN  
Deputy Attorney General  
*Attorneys for Complainant*

LA2020601652  
64692558.docx

**ACCEPTANCE**

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

DATED: \_\_\_\_\_  
TOORAJ BERELIANI  
*Respondent*

I have read and fully discussed with Respondent Tooraj Bereliani the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order as to Tooraj Bereliani. I approve its form and content.

DATED: \_\_\_\_\_  
TONY J. PARK  
*Attorney for Respondent*

**ENDORSEMENT**

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

DATED: 11/17/2021

Respectfully submitted,

ROB BONTA  
Attorney General of California  
THOMAS L. RINALDI  
Supervising Deputy Attorney General

*Leslie Walden*  
LESLIE A. WALDEN  
Deputy Attorney General  
*Attorneys for Complainant*

LA2020601652  
64692558.docx

**Exhibit A**

**Accusation No. 6994**

XAVIER BECERRA  
Attorney General of California  
MARC D. GREENBAUM  
Supervising Deputy Attorney General  
LESLIE A. WALDEN  
Deputy Attorney General  
State Bar No. 196882  
300 So. Spring Street, Suite 1702  
Los Angeles, CA 90013  
Telephone: (213) 269-6293  
Facsimile: (916) 731-2126  
*Attorneys for Complainant*

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

In the Matter of the Accusation Against:

Case No. 6994

**GLOBAL RX INC. DBA PASEO OAKS  
PHARMACY, ELIZABETH  
SHAGHAYEGH KOHANMEHR, CEO,  
CFO; SALLIE STETZER, PIC (1/25/19 to  
Present)  
3701 E. Thousand Oaks Blvd  
Thousand Oaks, CA 91362**

**ACCUSATION**

**Permit No. PHY 51260,**

**SALLIE ANN STETZER  
29111 Thousand Oaks Blvd, #A  
Agoura Hills, CA 91301**

**Pharmacist License No. RPH 68658,**

**ELIZABETH SHAGHAYEGH  
KOHANMEHR  
3445 Caribeth Dr  
Encino, CA 91436**

**Pharmacist License No. RPH 55358,**

**and**

**TOORAJ BERELIANI  
4335 Van Nuys Blvd, #407  
Sherman Oaks, CA 91403**

**Pharmacist License No. RPH 51817,**

Respondents.

1 **PARTIES**

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

4 2. On or about July 11, 2013, the Board of Pharmacy issued Permit Number PHY 51260  
5 to Global Rx Inc. dba Paseo Oaks Pharmacy, Elizabeth Shaghayegh Kohanmehr, CEO, CFO  
6 (Respondent Paseo). The Permit was in full force and effect at all times relevant to the charges  
7 brought herein and will expire on July 1, 2021, unless renewed.

8 3. On or about March 4, 2013, the Board of Pharmacy issued Pharmacist License  
9 Number RPH 68658 to Sallie Ann Stetzer (Respondent Stetzer). The Pharmacist License was in  
10 full force and effect at all times relevant to the charges brought herein and will expire on April 30,  
11 2022, unless renewed.

12 4. On or about June 18, 2004, the Board of Pharmacy issued Pharmacist License  
13 Number RPH 55358 to Elizabeth Shaghayegh Kohanmehr (Respondent Kohanmehr). The  
14 Pharmacist License was in full force and effect at all times relevant to the charges brought herein  
15 and will expire on May 31, 2022, unless renewed.

16 5. On or about August 30, 2000, the Board of Pharmacy issued Pharmacist License  
17 Number RPH 51817 to Tooraj Bereliani (Respondent Bereliani). The Pharmacist License was in  
18 full force and effect at all times relevant to the charges brought herein and will expire on July 31,  
19 2022, unless renewed.

20 **STATUTORY PROVISIONS**

21 6. Section 4301 of the Code states:

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

25 . . .

26 (c) Gross Negligence.

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

1 ...

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

4 ...

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

9 7. Section 4306.5 of the Code states in part,

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

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

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

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

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

24 8. Section 4073 of the Code states in part

25 (a) A pharmacist filling a prescription order for a drug product prescribed by its trade or  
26 brand name may select another drug product with the same active chemical ingredients of the  
27 same strength, quantity, and dosage form, and of the same generic drug name as determined by  
28

1 the United States Adopted Names (USAN) and accepted by the federal Food and Drug  
2 Administration (FDA), of those drug products having the same active chemical ingredients.

3 (b) In no case shall a selection be made pursuant to this section if the prescriber personally  
4 indicates, either orally or in his or her own handwriting, "Do not substitute," or words of similar  
5 meaning. Nothing in this subdivision shall prohibit a prescriber from checking a box on a  
6 prescription marked "Do not substitute"; provided that the prescriber personally initials the box or  
7 checkmark. To indicate that a selection shall not be made pursuant to this section for an  
8 electronic data transmission prescription as defined in subdivision (c) of Section 4040 , a  
9 prescriber may indicate "Do not substitute," or words of similar meaning, in the prescription as  
10 transmitted by electronic data, or may check a box marked on the prescription "Do not  
11 substitute." In either instance, it shall not be required that the prohibition on substitution be  
12 manually initialed by the prescriber.

13 (c) Selection pursuant to this section is within the discretion of the pharmacist, except as  
14 provided in subdivision (b). The person who selects the drug product to be dispensed pursuant to  
15 this section shall assume the same responsibility for selecting the dispensed drug product as  
16 would be incurred in filling a prescription for a drug product prescribed by generic name. There  
17 shall be no liability on the prescriber for an act or omission by a pharmacist in selecting,  
18 preparing, or dispensing a drug product pursuant to this section. In no case shall the pharmacist  
19 select a drug product pursuant to this section unless the drug product selected costs the patient  
20 less than the prescribed drug product. Cost, as used in this subdivision, is defined to include any  
21 professional fee that may be charged by the pharmacist.

22 (d) This section shall apply to all prescriptions, including those presented by or on behalf  
23 of persons receiving assistance from the federal government or pursuant to the California Medical  
24 Assistance Program set forth in Chapter 7 (commencing with Section 14000) of Part 3 of Division  
25 9 of the Welfare and Institutions Code .

26 (e) When a substitution is made pursuant to this section, the use of the cost-saving drug  
27 product dispensed shall be communicated to the patient and the name of the dispensed drug  
28 product shall be indicated on the prescription label, except where the prescriber orders otherwise.

1           9.     Health and Safety Code section 11153 provides:

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

12           10.   Health and Safety Code section 11164 provides:

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

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

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

25           ....

26           11.   Health and Safety Code section 11152 provides:

27           No person shall write, issue, fill, compound, or dispense a prescription that does not  
28 conform to this division.

**REGULATORY PROVISIONS**

12. Section 1716 of the title 16 of the California Code of Regulations states:

Pharmacists shall not deviate from the requirements of a prescription except upon the prior consent of the prescriber or to select the drug product in accordance with Section 4073 of the Business and Professions Code.

Nothing in this regulation is intended to prohibit a pharmacist from exercising commonly-accepted pharmaceutical practice in the compounding or dispensing of a prescription.

13. Section 1761 of the title 16 of the California Code of Regulations 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.

14. Section 1735.2 of the title 16 of the California Code of Regulations states:

...

(d) No pharmacy or pharmacist shall compound a drug preparation that:

...

(3) Is a copy or essentially a copy of one or more commercially available drug products, unless that drug product appears on an ASHP (American Society of Health-System Pharmacists) or FDA list of drugs that are in short supply at the time of compounding and at the time of dispense, and the compounding of that drug preparation is justified by a specific, documented medical need made known to the pharmacist prior to compounding. The pharmacy shall retain a copy of the documentation of the shortage and the specific medical need in the pharmacy records for three years from the date of receipt of the documentation.

1 **COST RECOVERY**

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

6 **DEFINITIONS**

7 16. Percolone/Roxicodone, the brand name for oxycodone, is a dangerous drug pursuant  
8 to Business and Professions Code section 4022, and is a Schedule II Controlled Substance  
9 pursuant to Health and Safety Code section 11055 subdivision (b)(1)(M). It is commonly used to  
10 treat pain.

11 17. Xanax, is the brand name for Alprazolam, is a dangerous drug pursuant to Business  
12 and Professions Code section 4022, and is a Schedule IV Controlled Substance pursuant to Health  
13 and Safety Code section 11057 subdivision (d)(1). It is commonly used to treat anxiety.

14 18. Norco/Lortab, is the brand name for hydrocodone/acetaminophen (APAP), is a  
15 dangerous drug pursuant to Business and Professions Code section 4022, and is a Schedule II  
16 Controlled Substance pursuant to title 21 of the Code of Federal Regulations section 1308.12 and  
17 title 16 of Health and Safety Code section 11055 subdivision (I)(i). It is commonly used to treat  
18 pain.

19 19. Phenergan with Codeine Syrup, is the brand name for promethazine/codeine syrup, is  
20 a dangerous drug pursuant to Business and Professions Code section 4022, and is a Schedule V  
21 Controlled Substance pursuant to Health and Safety Code section 11058 subdivision (c)(1). It is  
22 commonly used to treat cough.

23 20. Nature-Thyroid and Armor Thyroid, are brand names for thyroid extract, and a  
24 dangerous drug pursuant to Business and Professions Code section 4022. It is commonly used to  
25 treat hypothyroidism.

26  
27 ///

28 ///

1 **FACTUAL ALLEGATIONS**

2 21. On or about February 20, 2020, a Board Investigator conducted an inspection at  
3 Respondent Paseo, following up on an investigation of its controlled substance dispensing  
4 practices. Respondent Paseo specialized in non-sterile compounded drug preparations, and was in  
5 the process of remodeling in order to compound hazardous drugs. Respondent Stetzer, the  
6 Pharmacist in Charge and Respondent Bereliani, staff pharmacist were present during the  
7 inspection. On or about February 25, 2020, the Board received records from Respondent Paseo,  
8 which included prescription records and a USB drive of electronic dispensing records. The  
9 investigation revealed that Respondent Paseo, Respondent Stetzer, Respondent Kohanmehr and  
10 Respondent Bereliani dispensed controlled substance prescriptions without ensuring legitimacy.  
11 All Respondents failed to fulfill their corresponding responsibility by dispensing controlled  
12 substances without resolution of irregularities. These prescriptions were presented with many  
13 objective factors of irregularity and red flags of illegitimacy, and all Respondents failed to use  
14 available records and professional judgment when dispensing these controlled substances. The  
15 investigation revealed that Respondent Stetzer managed and operated Respondent Paseo in an  
16 unprofessional manner by dispensing, or allowing to be dispensed, controlled substance  
17 prescriptions and ignoring, or not being aware of, objective signs of irregularity and abuse.

18 **FIRST CAUSE FOR DISCIPLINE**

19 (Variation from Prescription against Respondents Paseo and Bereliani)

20 22. Respondent Paseo Oaks Pharmacy and Respondent Bereliani are subject to  
21 disciplinary action under title 16 of the California Code of Regulations (CCR) section 1716 in  
22 that they deviated from the requirements of a prescription, except upon the prior consent of the  
23 prescriber or to select the drug product in accordance with section 4073 of the Business and  
24 Professions Code. The circumstances are such that investigation records revealed Respondent  
25 Paseo dispensed the following prescription in erroneous strength and ingredients without  
26 documented prior consent . Specifically, on or about May 1, 2019, prescription number 83334 for  
27 triamcinolone 0.1% cream with Sarna was dispensed as triamcinolone 0.125% cream with  
28 Dermabase.

23. Additional facts and circumstances in support of these allegations are set forth above in paragraph 21, and are incorporated herein as though set forth in full.

### **SECOND CAUSE FOR DISCIPLINE**

(Compounding Requirements against Respondents Paseo and Kohanmehr)

24. Respondents Paseo and Kohanmehr are subject to disciplinary action under title 16 of CCR, section 1735.2 in that they compounded drug preparations that were a copy of, or essentially a copy of, one or more commercially available drug products without documentation of a shortage, and a specific medical need in the pharmacy records to justify compounding these drug products. The circumstances are such that the all Respondents compounded copies of the commercially available drug products, and dispensed the same as follows:

- a. 23 prescriptions of salicylic acid 2% solution
- b. 308 prescriptions of sulfacetamide 10% / sulfur 2% wash
- c. 482 Prescriptions of thyroid capsules

25. Additional facts and circumstances in support of these allegations are set forth above in paragraph 21, and are incorporated herein as though set forth in full.

### **THIRD CAUSE FOR DISCIPLINE**

(Compounding Requirements against Respondent Stetzer)

26. Respondent Stetzer is subject to disciplinary action under title 16 of CCR, section 1735.2 in that they compounded drug preparations that were a copy of, or essentially a copy of, one or more commercially available drug products without documentation of a shortage, and a specific medical need in the pharmacy records to justify compounding these drug products. The circumstances are such that the all Respondents compounded copies of the commercially available drug products, and dispensed the same as follows:

- a. 7 prescriptions of salicylic acid 2% solution
- b. 132 prescriptions of sulfacetamide 10% / sulfur 2% wash
- c. 254 Prescriptions of thyroid capsules

27. Additional facts and circumstances in support of these allegations are set forth above in paragraph 21, and are incorporated herein as though set forth in full.

1 **FOURTH CAUSE FOR DISCIPLINE**

2 (Compounding Requirements against Respondent Bereliani)

3 28. Respondent Bereliani is subject to disciplinary action under title 16 of CCR, section  
4 1735.2 in that they compounded drug preparations that were a copy of, or essentially a copy of,  
5 one or more commercially available drug products without documentation of a shortage, and a  
6 specific medical need in the pharmacy records to justify compounding these drug products. The  
7 circumstances are such that the all Respondents compounded copies of the commercially  
8 available drug products, and dispensed the same as follows:

- 9 a. 23 prescriptions of salicylic acid 2% solution  
10 b. 250 prescriptions of sulfacetamide 10% / sulfur 2% wash  
11 c. 343 Prescriptions of thyroid capsules

12 29. Additional facts and circumstances in support of these allegations are set forth above  
13 in paragraph 21, and are incorporated herein as though set forth in full.

14 **FIFTH CAUSE FOR DISCIPLINE**

15 (Corresponding Responsibility against Respondent Paseo)

16 30. Respondent Paseo is subject to disciplinary action under Code section 4301 in  
17 conjunction with Health and Safety Code (HSC) sections 11153, subdivision (a), 11164, 11152,  
18 11164 and title 16 of CCR section 1761. The circumstances are such that Respondent Paseo failed  
19 to fulfill its corresponding responsibility by repeatedly failing to resolve irregularities and red  
20 flags, and dispensing over 5,300 tablets of oxycodone 30 mg, a Schedule II controlled substance.

21 31. Specifically, Respondent dispensed the following prescriptions, which were not  
22 written on controlled substance prescription security forms:

- 23 a. Prescription Number 63908, 120ml promethazine/codeine on or about March  
24 20, 2017.  
25 b. Prescription Number 63906, 240ml promethazine/codeine on or about March  
26 20, 2017.

27 32. Additionally, prescription documents were missing at least some of the following  
28 features required for controlled substance prescription security forms as follows:

- 1           a.     A watermark printed on the backside of the prescription blank which reads:  
2 "California Security Prescription, " stated "Security Prescription".
- 3           b.     An identifying number assigned to the approved security printer by the  
4 Department of Justice was missing.
- 5           c.     There was no lot number printed on the form, and both prescriptions appeared  
6 to have same sequential number.
- 7           d.     Quantity check off boxes printed on the form so that the prescriber may indicate  
8 the quantity by checking the applicable box are required to appear as: 1-24, 25-49. 50-74,75-100.  
9 101-150, and 151 and over. Rather, the last entry of Respondents' form read "101-150 & over".
- 10          e.     Prescription blanks shall contain a statement printed on the bottom of the  
11 prescription blank that the "Prescription is void if the number of drugs prescribed is not noted."  
12 Respondents' prescription blank read, "Prescription is void if the number of drugs is not noted".
- 13        33.     Respondent dispensed controlled substances after ignoring, or not being aware of,  
14 objective factors which were irregular from medically legitimate prescriptions. The objective  
15 factors of illegitimacy, irregularity, and abuse included but were not limited to:
- 16           a.     Sixty (60) controlled substance prescriptions from one prescriber were  
17 dispensed to 19 different patients from September 20, 2019 to February 17, 2020;
- 18           b.     Cash payment was made for the overwhelming majority of these controlled  
19 substance prescriptions;
- 20           c.     Patients paid over twice the cash price available at other nearby pharmacies for  
21 the same drugs;
- 22           d.     Uniformity of treatment for multiple patients receiving similar or identical  
23 controlled substances on the same day;
- 24           e.     All controlled substance prescriptions from this prescriber were for oxycodone  
25 30 mg, the highest strength available;
- 26           f.     All controlled substance prescriptions were for out of area patients; and  
27           g.     All controlled substance prescriptions were from out of area prescribers.
- 28

34. Additionally, ten (10) different patients, which were not tolerant to opioids from several prescribers were started on oxycodone 30 mg at no less than twice the safe recommended dose as follows: Prescription number 83235 dated April 27, 2019; Prescription number 86736 dated August 16, 2019; Prescription number 87146 dated August 30, 2019; Prescription number 87832 dated September 20, 2019; Prescription number 87834 dated September 20, 2019; Prescription number 89211 dated November 5, 2019; Prescription number 89941 dated December 2, 2019; Prescription number 90354 dated December 13, 2019; Prescription number 90484 dated December 18, 2019; and Prescription number 90587 dated December 20, 2019.

35. Additional facts and circumstances in support of these allegations are set forth above in paragraph 21, and are incorporated herein as though set forth in full.

## **SIXTH CAUSE FOR DISCIPLINE**

(Unprofessional Conduct - Gross Negligence against Respondent Paseo)

36. Respondent Paseo is subject to disciplinary action under Code sections 4301, which states that the Board shall take action against any holder of a license who is guilty of unprofessional conduct, which includes but is not limited to Gross Negligence. The circumstances are such that the conduct of Respondent constituted gross negligence by ignoring, or not being aware of, objective factors which were irregular from medically legitimate prescriptions, and the pharmacy operated in a manner that was a gross deviation from the standard of safe pharmacy practice, and which could cause harm to patients or other persons in violation of pharmacy law.

37. Specifically, Respondent dispensed the following prescriptions which were not written on controlled substance prescription security forms:

- a. Prescription Number 63908, 120ml promethazine/codeine on or about March 20, 2017.
- b. Prescription Number 63906, 240ml promethazine/codeine on or about March 20, 2017.

38. Additionally, prescription documents were missing at least some of the following features required for controlled substance prescription security forms as follows:

- 1           a.     A watermark printed on the backside of the prescription blank which reads:  
2 "California Security Prescription, " stated "Security Prescription".
- 3           b.     An identifying number assigned to the approved security printer by the  
4 Department of Justice was missing.
- 5           c.     There was no lot number printed on the form, and both prescriptions appeared  
6 to have same sequential number.
- 7           d.     Quantity check off boxes printed on the form so that the prescriber may indicate  
8 the quantity by checking the applicable box are required to appear as: 1-24, 25-49. 50-74,75-100.  
9 101-150, and 151 and over. Rather, the last entry of Respondents' form read "101-150 & over".
- 10          e.     Prescription blanks shall contain as statement printed on the bottom of the  
11 prescription blank that the "Prescription is void if the number of drugs prescribed is not noted."  
12 Respondents' prescription blank read, "Prescription is void if the number of drugs is not noted".

13         39.     Respondent dispensed controlled substances after ignoring, or not being aware of,  
14 objective factors which were irregular from medically legitimate prescriptions. The objective  
15 factors of illegitimacy, irregularity, and abuse included but were not limited to:

- 16           a.     Sixty (60) controlled substance prescriptions from one prescriber were  
17 dispensed to 19 different patients from September 20, 2019 to February 17, 2020;
- 18           b.     Cash payment was made for the overwhelming majority of these controlled  
19 substance prescriptions;
- 20           c.     Patients paid over twice the cash price available at other nearby pharmacies for  
21 the same drugs;
- 22           d.     Uniformity of treatment for multiple patients receiving similar or identical  
23 controlled substances on the same day;
- 24           e.     All controlled substance prescriptions from this prescriber were for oxycodone  
25 30 mg, the highest strength available;
- 26           f.     All controlled substance prescriptions were for out of area patients; and
- 27           g.     All controlled substance prescriptions were from out of area prescribers.
- 28

40. Additionally, ten (10) different patients, which were not tolerant to opioids from several prescribers were started on oxycodone 30 mg at no less than twice the safe recommended dose as follows: Prescription number 83235 dated April 27, 2019; Prescription number 86736 dated August 16, 2019; Prescription number 87146 dated August 30, 2019; Prescription number 87832 dated September 20, 2019; Prescription number 87834 dated September 20, 2019; Prescription number 89211 dated November 5, 2019; Prescription number 89941 dated December 2, 2019; Prescription number 90354 dated December 13, 2019; Prescription number 90484 dated December 18, 2019; and Prescription number 90587 dated December 20, 2019.

41. Additional facts and circumstances in support of these allegations are set forth above in paragraph 21, and are incorporated herein as though set forth in full.

### **SEVENTH CAUSE FOR DISCIPLINE**

(Unprofessional Conduct – Excessive Furnishing against Respondent Paseo)

42. Respondent Paseo is subject to disciplinary action under Code section 4301 subdivision (d) in conjunction with Health and Safety Code section 11153 subdivision (a), which states that a prescription for a controlled substance shall only be issued for a legitimate medical purpose and even though the responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner, a corresponding responsibility rests with the pharmacist who fills the prescription. The circumstances are such that the conduct of Respondent constituted excessive prescribing by ignoring, or not being aware of, objective factors which were irregular from medically legitimate prescriptions, and the pharmacy operated in a manner that was a gross deviation from the standard of safe pharmacy practice, and which could cause harm to patients or other persons in violation of pharmacy law.

43. Specifically, Respondent dispensed the following prescriptions which were not written on controlled substance prescription security forms:

- a. Prescription Number 63908, 120ml promethazine/codeine on or about March 20, 2017.
- b. Prescription Number 63906, 240ml promethazine/codeine on or about March 20, 2017.

- 1           44. Additionally, prescription documents were missing at least some of the following  
2 features required for controlled substance prescription security forms as follows:
- 3           a. A watermark printed on the backside of the prescription blank which reads:  
4 "California Security Prescription, " stated "Security Prescription".
- 5           b. An identifying number assigned to the approved security printer by the  
6 Department of Justice was missing.
- 7           c. There was no lot number printed on the form, and both prescriptions appeared  
8 to have same sequential number.
- 9           d. Quantity check off boxes printed on the form so that the prescriber may indicate  
10 the quantity by checking the applicable box are required to appear as: 1-24, 25-49, 50-74, 75-100.  
11 101-150, and 151 and over. Rather, the last entry of Respondents' form read "101-150 & over".
- 12           e. Prescription blanks shall contain as statement printed on the bottom of the  
13 prescription blank that the "Prescription is void if the number of drugs prescribed is not noted."  
14 Respondents' prescription blank read, "Prescription is void if the number of drugs is not noted".
- 15           45. Respondent dispensed controlled substances after ignoring, or not being aware of,  
16 objective factors which were irregular from medically legitimate prescriptions. The objective  
17 factors of illegitimacy, irregularity, and abuse included but were not limited to:
- 18           a. Sixty (60) controlled substance prescriptions from one prescriber were  
19 dispensed to 19 different patients from September 20, 2019 to February 17, 2020;
- 20           b. Cash payment was made for the overwhelming majority of these controlled  
21 substance prescriptions;
- 22           c. Patients paid over twice the cash price available at other nearby pharmacies for  
23 the same drugs;
- 24           d. Uniformity of treatment for multiple patients receiving similar or identical  
25 controlled substances on the same day;
- 26           e. All controlled substance prescriptions from this prescriber were for oxycodone  
27 30 mg, the highest strength available;
- 28           f. All controlled substance prescriptions were for out of area patients; and

1 g. All controlled substance prescriptions were from out of area prescribers.

2 46. Additionally, ten (10) different patients, which were not tolerant to opioids from  
3 several prescribers were started on oxycodone 30 mg at no less than twice the safe recommended  
4 dose as follows: Prescription number 83235 dated April 27, 2019; Prescription number 86736  
5 dated August 16, 2019; Prescription number 87146 dated August 30, 2019; Prescription number  
6 87832 dated September 20, 2019; Prescription number 87834 dated September 20, 2019;  
7 Prescription number 89211 dated November 5, 2019; Prescription number 89941 dated December  
8 2, 2019; Prescription number 90354 dated December 13, 2019; Prescription number 90484 dated  
9 December 18, 2019; and Prescription number 90587 dated December 20, 2019.

10 47. Additional facts and circumstances in support of these allegations are set forth above  
11 in paragraph 21, and are incorporated herein as though set forth in full.

12 **EIGHTH CAUSE FOR DISCIPLINE**

13 (Corresponding Responsibility against Bereliani)

14 48. Respondent Bereliani is subject to disciplinary action under Code section 4301 and  
15 4306.5, in conjunction with Health and Safety Code (HSC) sections 11153, subdivision (a),  
16 11164, 11152, 11164 and title 16 of CCR section 1761. The circumstances are such that  
17 Respondent Bereliani failed to fulfill his corresponding responsibility by repeatedly failing to  
18 resolve irregularities and red flags, and dispensing up to approximately 2500 tablets of oxycodone  
19 30 mg, a Schedule II controlled substance.

20 49. Specifically, Respondent dispensed the following prescriptions which were not  
21 written on controlled substance prescription security forms:

22 a. Prescription Number 63908, 120ml promethazine/codeine on or about March  
23 20, 2017.

24 b. Prescription Number 63906, 240ml promethazine/codeine on or about March  
25 20, 2017.

26 50. Additionally, prescription documents were missing at least some of the following  
27 features required for controlled substance prescription security forms as follows:  
28

- 1           a.     A watermark printed on the backside of the prescription blank which reads:  
2 "California Security Prescription, " stated "Security Prescription".
- 3           b.     An identifying number assigned to the approved security printer by the  
4 Department of Justice was missing.
- 5           c.     There was no lot number printed on the form, and both prescriptions appeared  
6 to have same sequential number.
- 7           d.     Quantity check off boxes printed on the form so that the prescriber may indicate  
8 the quantity by checking the applicable box are required to appear as: 1-24, 25-49. 50-74,75-100.  
9 101-150, and 151 and over. Rather, the last entry of Respondents' form read "101-150 & over".
- 10          e.     Prescription blanks shall contain a statement printed on the bottom of the  
11 prescription blank that the "Prescription is void if the number of drugs prescribed is not noted."  
12 Respondents' prescription blank read, "Prescription is void if the number of drugs is not noted".
- 13         51.     Respondents dispensed controlled substances after ignoring, or not being aware of,  
14 objective factors which were irregular from medically legitimate prescriptions. The objective  
15 factors of illegitimacy, irregularity, and abuse included but were not limited to:
- 16           a.     Twenty – Eight (28) controlled substance prescriptions from one prescriber  
17 were to be made to 19 different patients from September 20, 2019 to February 17, 2020;
- 18           b.     Cash payment was made for the overwhelming majority of these controlled  
19 substance prescriptions;
- 20           c.     Patients paid over twice the cash price available at other nearby pharmacies for  
21 the same drugs;
- 22           d.     Uniformity of treatment for multiple patients receiving similar or identical  
23 controlled substances on the same day;
- 24           e.     All controlled substance prescriptions from this prescriber were for oxycodone  
25 30 mg, the highest strength available;
- 26           f.     All controlled substance prescriptions were for out of area patients; and  
27           g.     All controlled substance prescriptions were from out of area prescribers.
- 28

52. Additionally, four (4) different patients, which were not tolerant to opioids from several prescribers were started on oxycodone 30 mg at no less than twice the safe recommended dose as follows: Prescription number 86736 dated August 16, 2019; Prescription number 87146 dated August 30, 2019; Prescription number 89211 dated November 5, 2019; and Prescription number 89941 dated December 2, 2019.

53. Additional facts and circumstances in support of these allegations are set forth above in paragraph 21, and are incorporated herein as though set forth in full.

#### **NINTH CAUSE FOR DISCIPLINE**

(Corresponding Responsibility against Respondents Stetzer and Kohanmehr)

54. Respondents Stetzer and Kohanmehr are subject to disciplinary action under Code section 4301 and 4306.5, in conjunction with Health and Safety Code (HSC) sections 11153, subdivision (a), 11164, 11152, 11164 and title 16 of CCR section 1761. The circumstances are such that Respondents Stetzer and Kohanmehr failed to fulfill their corresponding responsibility by repeatedly failing to resolve irregularities and red flags, and dispensing up to approximately 5300 tablets of oxycodone 30 mg, a Schedule II controlled substance.

55. Specifically, Respondents dispensed the following prescriptions which were not written on controlled substance prescription security forms:

a. Prescription Number 63908, 120ml promethazine/codeine on or about March 20, 2017.

b. Prescription Number 63906, 240ml promethazine/codeine on or about March 20, 2017.

56. Additionally, prescription documents were missing at least some of the following features required for controlled substance prescription security forms as follows:

a. A watermark printed on the backside of the prescription blank which reads: "California Security Prescription, " stated "Security Prescription".

b. An identifying number assigned to the approved security printer by the Department of Justice was missing.

1 c. There was no lot number printed on the form, and both prescriptions appeared  
2 to have same sequential number.

3 d. Quantity check off boxes printed on the form so that the prescriber may indicate  
4 the quantity by checking the applicable box are required to appear as: 1-24, 25-49. 50-74,75-100.  
5 101-150, and 151 and over. Rather, the last entry of Respondents' form read "101-150 & over".

6 e. Prescription blanks shall contain a statement printed on the bottom of the  
7 prescription blank that the "Prescription is void if the number of drugs prescribed is not noted."  
8 Respondents' prescription blank read, "Prescription is void if the number of drugs is not noted".

9 57. Respondents dispensed controlled substances after ignoring, or not being aware of,  
10 objective factors which were irregular from medically legitimate prescriptions. The objective  
11 factors of illegitimacy, irregularity, and abuse included but were not limited to:

12 a. Sixty (60) controlled substance prescriptions from one prescriber were to be  
13 made to 19 different patients from September 20, 2019 to February 17, 2020;

14 b. Cash payment was made for the overwhelming majority of these controlled  
15 substance prescriptions;

16 c. Patients paid over twice the cash price available at other nearby pharmacies for  
17 the same drugs;

18 d. Uniformity of treatment for multiple patients receiving similar or identical  
19 controlled substances on the same day;

20 e. All controlled substance prescriptions from this prescriber were for oxycodone  
21 30 mg, the highest strength available;

22 f. All controlled substance prescriptions were for out of area patients; and

23 g. All controlled substance prescriptions were from out of area prescribers.

24 58. Additionally, ten (10) different patients, which were not tolerant to opioids from  
25 several prescribers were started on oxycodone 30 mg at no less than twice the safe recommended  
26 dose as follows: Prescription number 83235 dated April 27, 2019; Prescription number 86736  
27 dated August 16, 2019; Prescription number 87146 dated August 30, 2019; Prescription number  
28 87832 dated September 20, 2019; Prescription number 87834 dated September 20, 2019;

1 Prescription number 89211 dated November 5, 2019; Prescription number 89941 dated December  
2 2, 2019; Prescription number 90354 dated December 13, 2019; Prescription number 90484 dated  
3 December 18, 2019; and Prescription number 90587 dated December 20, 2019.

4 59. Additional facts and circumstances in support of these allegations are set forth above  
5 in paragraph 21, and are incorporated herein as though set forth in full.

6 **TENTH CAUSE FOR DISCIPLINE**

7 (Unprofessional Conduct - Gross Negligence against Respondent Bereliani)

8 60. Respondent Bereliani is subject to disciplinary action under Code sections 4301 and  
9 4306.5, which states that the Board shall take action against any holder of a license who is guilty  
10 of unprofessional conduct, which includes but is not limited to Gross Negligence. The  
11 circumstances are such that the conduct of Respondent constituted gross negligence by ignoring,  
12 or not being aware of, objective factors which were irregular from medically legitimate  
13 prescriptions, and the pharmacy operated in a manner that was a gross deviation from the  
14 standard of safe pharmacy practice, and which could cause harm to patients or other persons in  
15 violation of pharmacy law.

16 61. Specifically, Respondents dispensed the following prescriptions which were not  
17 written on controlled substance prescription security forms:

18 a. Prescription Number 63908, 120ml promethazine/codeine on or about March  
19 20, 2017.

20 b. Prescription Number 63906, 240ml promethazine/codeine on or about March  
21 20, 2017.

22 62. Additionally, prescription documents were missing at least some of the following  
23 features required for controlled substance prescription security forms as follows:

24 a. A watermark printed on the backside of the prescription blank which reads:  
25 "California Security Prescription, " stated "Security Prescription".

26 b. An identifying number assigned to the approved security printer by the  
27 Department of Justice was missing.  
28

1 c. There was no lot number printed on the form, and both prescriptions appeared  
2 to have same sequential number.

3 d. Quantity check off boxes printed on the form so that the prescriber may indicate  
4 the quantity by checking the applicable box are required to appear as: 1-24, 25-49. 50-74,75-100.  
5 101-150, and 151 and over. Rather, the last entry of Respondents' form read "101-150 & over".

6 e. Prescription blanks shall contain as statement printed on the bottom of the  
7 prescription blank that the "Prescription is void if the number of drugs prescribed is not noted."  
8 Respondents' prescription blank read, "Prescription is void if the number of drugs is not noted".

9 63. Respondents dispensed controlled substances after ignoring, or not being aware of,  
10 objective factors which were irregular from medically legitimate prescriptions. The objective  
11 factors of illegitimacy, irregularity, and abuse included but were not limited to:

12 a. Twenty - Eight (28) controlled substance prescriptions from one prescriber  
13 were dispensed to 19 different patients from September 20, 2019 to February 17, 2020;

14 b. Cash payment was made for the overwhelming majority of these controlled  
15 substance prescriptions;

16 c. Patients paid over twice the cash price available at other nearby pharmacies for  
17 the same drugs;

18 d. Uniformity of treatment for multiple patients receiving similar or identical  
19 controlled substances on the same day;

20 e. All controlled substance prescriptions from this prescriber were for oxycodone  
21 30 mg, the highest strength available;

22 f. All controlled substance prescriptions were for out of area patients; and

23 g. All controlled substance prescriptions were from out of area prescribers.

24 64. Additionally, four (4) different patients, which were not tolerant to opioids from  
25 several prescribers were started on oxycodone 30 mg at no less than twice the safe recommended  
26 dose as follows: Prescription number 86736 dated August 16, 2019; Prescription number 87146  
27 dated August 30, 2019; Prescription number 89211 dated November 5, 2019; and Prescription  
28 number 89941 dated December 2, 2019.

65. Additional facts and circumstances in support of these allegations are set forth above in paragraph 21, and are incorporated herein as though set forth in full.

**ELEVENTH CAUSE FOR DISCIPLINE**

(Unprofessional Conduct - Gross Negligence against Respondents Stetzer and Kohanmehr)

66. Respondents Stetzer and Kohanmehr are subject to disciplinary action under Code sections 4301 and 4306.5, which states that the Board shall take action against any holder of a license who is guilty of unprofessional conduct, which includes but is not limited to Gross Negligence. The circumstances are such that the conduct of Respondents constituted gross negligence by ignoring, or not being aware of, objective factors which were irregular from medically legitimate prescriptions, and the pharmacy operated in a manner that was a gross deviation from the standard of safe pharmacy practice, and which could cause harm to patients or other persons in violation of pharmacy law.

67. Specifically, Respondents dispensed the following prescriptions which were not written on controlled substance prescription security forms:

- a. Prescription Number 63908, 120ml promethazine/codeine on or about March 20, 2017.
- b. Prescription Number 63906, 240ml promethazine/codeine on or about March 20, 2017.

68. Additionally, prescription documents were missing at least some of the following features required for controlled substance prescription security forms as follows:

- a. A watermark printed on the backside of the prescription blank which reads: "California Security Prescription, " stated "Security Prescription".
- b. An identifying number assigned to the approved security printer by the Department of Justice was missing.
- c. There was no lot number printed on the form, and both prescriptions appeared to have same sequential number.

1 d. Quantity check off boxes printed on the form so that the prescriber may indicate  
2 the quantity by checking the applicable box are required to appear as: 1-24, 25-49, 50-74, 75-100,  
3 101-150, and 151 and over. Rather, the last entry of Respondents' form read "101-150 & over".

4 e. Prescription blanks shall contain as statement printed on the bottom of the  
5 prescription blank that the "Prescription is void if the number of drugs prescribed is not noted."  
6 Respondents' prescription blank read, "Prescription is void if the number of drugs is not noted".

7 69. Respondents dispensed controlled substances after ignoring, or not being aware of,  
8 objective factors which were irregular from medically legitimate prescriptions. The objective  
9 factors of illegitimacy, irregularity, and abuse included but were not limited to:

10 a. Sixty (60) controlled substance prescriptions from one prescriber were  
11 dispensed to 19 different patients from September 20, 2019 to February 17, 2020;

12 b. Cash payment was made for the overwhelming majority of these controlled  
13 substance prescriptions;

14 c. Patients paid over twice the cash price available at other nearby pharmacies for  
15 the same drugs;

16 d. Uniformity of treatment for multiple patients receiving similar or identical  
17 controlled substances on the same day;

18 e. All controlled substance prescriptions from this prescriber were for oxycodone  
19 30 mg, the highest strength available;

20 f. All controlled substance prescriptions were for out of area patients; and

21 g. All controlled substance prescriptions were from out of area prescribers.

22 70. Additionally, Ten (10) different patients, which were not tolerant to opioids from  
23 several prescribers were started on oxycodone 30 mg at no less than twice the safe recommended  
24 dose as follows: Prescription number 83235 dated April 27, 2019; Prescription number 86736  
25 dated August 16, 2019; Prescription number 87146 dated August 30, 2019; Prescription number  
26 87832 dated September 20, 2019; Prescription number 87834 dated September 20, 2019;  
27 Prescription number 89211 dated November 5, 2019; Prescription number 89941 dated December  
28

2, 2019; Prescription number 90354 dated December 13, 2019; Prescription number 90484 dated December 18, 2019; and Prescription number 90587 dated December 20, 2019.

71. Additional facts and circumstances in support of these allegations are set forth above in paragraph 21, and are incorporated herein as though set forth in full.

### **DISCIPLINE CONSIDERATIONS**

72. To determine the degree of discipline, if any, to be imposed on Respondent Tooraj Bereliani, Complainant alleges that on or about December 21, 2011, in a prior disciplinary action titled In the Matter of the Accusation Against Tooraj Bereliani before the Board of Pharmacy, in Case Number 3251. Respondent's license was placed on probation for five (5) years and suspended for one hundred (100) days for manufacturing drugs sold through wholesaler, furnishing controlled substances through unlicensed wholesaler, failure to maintain written policies, failure to maintain preparation records and master formulas, failure to maintain compounding records, failure to document supervisions and pharmacy technicians, mishandling drugs, sale of misbranded drugs, and unprofessional conduct. That decision is now final.

### **OTHER MATTERS**

73. Pursuant to Code section 4307, if discipline is imposed on PHY 51260, issued to Respondent Paseo, while Respondent Kohanmehr had been an officer and owner and had knowledge of or knowingly participated in any conduct for which the licensee was disciplined, Respondent Kohanmehr 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 51260 is placed on probation or until Pharmacy Permit Number PHY 51260 is reinstated if it is revoked.

### **PRAYER**

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

1. Revoking or suspending Permit Number PHY 51260, issued to Global Rx Inc. dba Paseo Oaks Pharmacy, Elizabeth Shaghayegh Kohanmehr;

- 1           2.    Revoking or suspending Pharmacist License Number RPH 68658, issued to Sallie  
2 Ann Stetzer;
- 3           3.    Revoking or suspending Pharmacist License Number RPH 55358, issued to Elizabeth  
4 Shaghayegh Kohanmehr;
- 5           4.    Revoking or suspending Pharmacist License Number RPH 51817, issued to Tooraj  
6 Bereliani;
- 7           .5.    Ordering Paseo Oaks Pharmacy, Sallie Ann Stetzer, Elizabeth Shaghayegh  
8 Kohanmehr, and Tooraj Bereliani, to pay the Board of Pharmacy the reasonable costs of the  
9 investigation and enforcement of this case, pursuant to Business and Professions Code section  
10 125.3; and,
- 11          6.    Taking such other and further action as deemed necessary and proper.

12  
13  
14 DATED: 1/31/2021

Signature on File

15 ANNE SODERGREN  
16 Executive Officer  
17 Board of Pharmacy  
18 Department of Consumer Affairs  
19 State of California  
20 *Complainant*

21 LA2020601652  
22 63747731.docx  
23  
24  
25  
26  
27  
28