

**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 for Public Repeval is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on 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" being clearly legible.

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:

13 **GLOBAL RX INC. DBA PASEO OAKS**
14 **PHARMACY, ELIZABETH**
15 **SHAGHAYEGH KOHANMEHR**
3701 E. Thousand Oaks Blvd
Thousand Oaks, CA 91362
Permit No. PHY 51260,

16 **SALLIE ANN STETZER**
17 29111 Thousand Oaks Blvd, #A
Agoura Hills, CA 91301
18 Pharmacist License No. RPH 68658,

19 **ELIZABETH SHAGHAYEGH**
20 **KOHANMEHR**
3445 Caribeth Dr
Encino, CA 91436
21 Pharmacist License No. RPH 55358,

22 and

23 **TOORAJ BERELIANI**
4335 Van Nuys Blvd, #407
24 Sherman Oaks, CA 91403
Pharmacist License No. RPH 51817

25 Respondents.
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Case No. 6994

OAH No. 2021060168

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC
REPROVAL AS TO ELIZABETH
SHAGHAYEGH KOHANMEHR (RPH
55358)**

[Bus. & Prof. Code § 495]

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 Elizabeth Shaghayegh Kohanmehr (Respondent) is represented in this
9 proceeding by attorney Tony J. Park whose address is: 55 Cetus, 1st Floor, Irvine, CA 92618-
10 1320.

11 3. On or about June 18, 2004, the Board issued Pharmacist License No. RPH 55358 to
12 Respondent. The License was in full force and effect at all times relevant to the charges brought
13 in Accusation No. 6994, and will expire on March 31, 2022, unless renewed.

14 **JURISDICTION**

15 4. Accusation No. 6994 was filed before the Board of Pharmacy (Board), Department of
16 Consumer Affairs and is currently pending against Respondent. The Accusation and all other
17 statutorily required documents were properly served on Respondent on February 12, 2021.
18 Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation
19 No. 6994 is attached as exhibit A and incorporated herein by reference.

20 **ADVISEMENT AND WAIVERS**

21 5. 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 for Public Reproval.

25 6. Respondent is fully aware of her 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 her; the right to present evidence and to testify on her 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.

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

CULPABILITY

8. Respondent understands and agrees that the charges and allegations in Accusation No. 6994, if proven at a hearing, constitute cause for imposing discipline upon her Pharmacist License.

9. 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 her right to contest those charges.

10. Respondent agrees that her Pharmacist License is subject to discipline and she agrees to be bound by the Disciplinary Order below.

CONTINGENCY

11. 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 her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her 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 for Public Reprimand 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.

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

13. This Stipulated Settlement and Disciplinary Order for Public Reproval 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 for Public Reproval may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Pharmacist License No. RPH 55358 issued to Respondent Elizabeth Shaghayegh Kohanmehr shall be publicly reprovved by the Board of Pharmacy under Business and Professions Code section 495 in resolution of Accusation No. 6994, attached as exhibit A.

1. Coursework in 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, appropriate programs of remedial education related to compounding, corresponding responsibility, excessive furnishing and validation of prescriptions. Within one (1) year from the effective date of this decision, 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.

Following the completion of each course, the board or its designee may require the Respondent, at her his own expense, to take an approved examination to test the Respondent's knowledge of the course. If the Respondent does not achieve a passing score on the examination

1 that course shall not count towards satisfaction of this term. Respondent shall take another course
2 approved by the board in the same subject area.

3 **2. Ethics Course**

4 Within sixty (60) calendar days of the effective date of this decision, Respondent shall
5 enroll in a course in ethics, at Respondent's expense, approved in advance by the board or its
6 designee that complies with Title 16 California Code of Regulations section 1773.5. Respondent
7 shall provide proof of enrollment upon request. Respondent shall complete the course in ethics
8 within two (2) years from the effective date of this decision, Within five (5) days of completion,
9 Respondent shall submit a copy of the certificate of completion to the board or its designee.

10 **3. Cost Recovery.** Respondent shall be jointly and severally liable with Global Rx Inc.
11 dba Paseo Oaks Pharmacy, Elizabeth Shaghayegh Kohanmehr to pay to the board its costs of
12 investigation and prosecution in the amount of \$15,000. No later than one (1) year from the
13 effective date of the Decision, Respondent shall pay to the Board the costs associated with the
14 investigation and enforcement of this matter pursuant to Business and Professions Code Section
15 125.3. If Respondent fails to pay the Board costs as ordered, Respondent shall not be allowed to
16 renew her Pharmacist License until she pays costs in full. In addition, the Board may enforce this
17 order for payment of its costs in any appropriate court, in addition to any other rights the Board
18 may have.

19 **4. Restrictions on Supervision and Oversight of Licensed Facilities.** Respondent
20 shall not supervise any intern pharmacist, be the pharmacist-in-charge, designated representative-
21 in-charge, responsible manager or other compliance supervisor of any entity licensed by the
22 board, nor serve as a consultant for the period of five (5) years from the effective date of this
23 decision.

24 **5. No Additional Ownership or Management of Licensed Premises.** Respondent
25 shall not acquire any additional ownership, legal or beneficial interest in, nor serve as a manager,
26 administrator, member, officer, director, associate, partner or any business, firm, partnership, or
27 corporation currently or hereinafter licensed by the board for a period of five (5) years from the
28 effective date of this decision.

6. Full Compliance. As a resolution of the charges in Accusation No. 6994, this stipulated settlement is contingent upon Respondent's full compliance with all conditions of this Order. If Respondent fails to satisfy any of these conditions, such failure to comply constitutes cause for discipline, including outright revocation, of Respondent's Pharmacist License No. RPH 55358.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order for Public Reprimand 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 for Public Reprimand voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: _____

ELIZABETH SHAGHAYEGH KOHANMEHR
Respondent

I have read and fully discussed with Respondent Elizabeth Shaghayegh Kohanmehr the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order for Public Reproval. I approve its form and content.

DATED: _____

TONY J. PARK
Attorney for Respondent

6. Full Compliance. As a resolution of the charges in Accusation No. 6994, this stipulated settlement is contingent upon Respondent's full compliance with all conditions of this Order. If Respondent fails to satisfy any of these conditions, such failure to comply constitutes cause for discipline, including outright revocation, of Respondent's Pharmacist License No. RPH 55358.

ACCEPTANCE

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DATED: 11/17/2021

ELIZABETH SHAMSHAIEGH KOHANMEHR
Respondent

I have read and fully discussed with Respondent Elizabeth Shaghayegh Kohanmehr the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order for Public Reprimand. I approve its form and content.

DATED:

TONY J. PARK
Attorney for Respondent

6. Full Compliance. As a resolution of the charges in Accusation No. 6994, this stipulated settlement is contingent upon Respondent's full compliance with all conditions of this Order. If Respondent fails to satisfy any of these conditions, such failure to comply constitutes cause for discipline, including outright revocation, of Respondent's Pharmacist License No. RPH 55358.

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DATED:

ELIZABETH SHAGHAYEGH KOHANMEHR
Respondent

I have read and fully discussed with Respondent Elizabeth Shaghayegh Kohanmehr the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order for Public Reproval. I approve its form and content.

DATED: 11/17/2021


TONY J. PARK
Attorney for Respondent

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ENDORSEMENT

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

DATED: _____

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

LESLIE A. WALDEN
Deputy Attorney General
Attorneys for Complainant

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ENDORSEMENT

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

DATED: 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

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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-Throid 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.

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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;

2. Revoking or suspending Pharmacist License Number RPH 68658, issued to Sallie Ann Stetzer;

3. Revoking or suspending Pharmacist License Number RPH 55358, issued to Elizabeth Shaghayegh Kohanmehr;

4. Revoking or suspending Pharmacist License Number RPH 51817, issued to Tooraj Bereliani;

.5. Ordering Paseo Oaks Pharmacy, Sallie Ann Stetzer, Elizabeth Shaghayegh Kohanmehr, and Tooraj Bereliani, to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED: 1/31/2021

Signature on File

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

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