

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

In the Matter of the Accusation Against:

**CENTURY PICO PHARMACY, INC., DBA, CENTURY PICO
PHARMACY INC., JOSEPH AMIN, BAHRAM SAMOUHA
Pharmacy Permit No. PHY 41037;**

**HASTI ASHLYN ELAHI
Pharmacist License No. RPH 79647;**

**SHIRIN AZIZZADEH,
Pharmacist License No. RPH 53320;**

**BAHRAM SAMOUHA,
Pharmacist License No. RPH 45531;**

and

**PARISA KHANI,
Pharmacist License No. RPH 54486,**

Respondents.

Agency Case No. 7005

OAH No. 2022020695


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 April 28, 2023.

It is so ORDERED on March 29, 2023.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By 
Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
2 NANCY A. KAISER
Supervising Deputy Attorney General
3 KEVIN J. RIGLEY
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Attorneys for Complainant
7

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

12 In the Matter of the Accusation Against:

13 **CENTURY PICO PHARMACY INC. DBA**
14 **CENTURY PICO PHARMACY INC.,**
15 **JOSEPH AMIN, BAHRAM SAMOUHA**
16 **8722 Pico Blvd**
Los Angeles, CA 90035

17 **Permit No. PHY 41037,**

18 **HASTI ASHLYN ELAHI**
19 **313 W. California Ave, #306**
20 **Glendale, CA 91203**

21 **Pharmacist License No. RPH 79647,**

22 **SHIRIN AZIZADEH**
23 **530 Evelyn Pl**
24 **Beverly Hills, CA 90210**

25 **Pharmacist License No. RPH 53320,**

26 **and**

27 **BAHRAM SAMOUHA**
28 **311 N. Palm Dr.**
Beverly Hills, CA 90210

Pharmacist License No. RPH 45531

Respondents.

Case No. 7005

OAH No. 2021040169

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER AS TO
BAHRAM SAMOUHA ONLY**

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 Kevin J. Rigley, Deputy Attorney
7 General.

8 2. Respondent Bahram Samouha (Respondent) is represented in this proceeding by
9 attorney Herbert L. Weinberg, Herbert L. Weinberg, Esq., Fenton Law Group, LLP, 1990 S
10 Bundy Drive Suite 777, Los Angeles, CA 90025.

11 3. On or about August 14, 1992, the Board of Pharmacy issued Pharmacist License
12 Number RPH 45531 to Bahram Samouha (Respondent). The Pharmacist License was in full force
13 and effect at all times relevant to the charges brought herein and will expire on August 31, 2024,
14 unless renewed.

15 **JURISDICTION**

16 4. Accusation No. 7005 was filed before the Board, and is currently pending against
17 Respondent. The Accusation and all other statutorily required documents were properly served
18 on Respondent on January 22, 2021. Respondent timely filed his Notice of Defense contesting
19 the Accusation.

20 5. A copy of Accusation No. 7005 is attached as exhibit A and incorporated herein by
21 reference.

22 **ADVISEMENT AND WAIVERS**

23 6. Respondent has carefully read, fully discussed with counsel, and understands the
24 charges and allegations in Accusation No. 7005. Respondent has also carefully read, fully
25 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
26 Order.

27 7. Respondent is fully aware of his legal rights in this matter, including the right to a
28 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine

1 the witnesses against him; the right to present evidence and to testify on his own behalf; the right
2 to the issuance of subpoenas to compel the attendance of witnesses and the production of
3 documents; the right to reconsideration and court review of an adverse decision; and all other
4 rights accorded by the California Administrative Procedure Act and other applicable laws.

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

7 **CULPABILITY**

8 9. Respondent understands and agrees that the charges and allegations in Accusation
9 No. 7005, if proven at a hearing, constitute cause for imposing discipline upon his Pharmacist
10 License.

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

15 11. Respondent agrees that his Pharmacist License is subject to discipline and he agrees
16 to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

17 **CONTINGENCY**

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

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1 Respondent's license or which is related to the practice of pharmacy or the
2 manufacturing, obtaining, handling, distributing, billing, or charging for any drug,
3 device or controlled substance.

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

5 **2. Report to the Board**

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

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

15 **3. Interview with the Board**

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

21 **4. Cooperate with Board Staff**

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

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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 7005 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),
16 and authorizing those employer(s) or supervisor(s) to communicate with the Board or its
17 designee, concerning Respondent's work status, performance, and monitoring. Failure to comply
18 with the 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 7005, 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 7005, 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 7005, 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
12 case number, and the terms and conditions imposed thereby. It shall be Respondent's
13 responsibility to 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 is a requirement or criterion for employment, whether the Respondent is
20 an employee, independent contractor or volunteer.

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

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

27 During the period of probation, Respondent shall not supervise any intern pharmacist, be
28 the pharmacist-in-charge, designated representative-in-charge, responsible manager or other

1 compliance supervisor of any entity licensed by the Board, nor serve as a consultant. Assumption
2 of any such unauthorized supervision responsibilities shall be considered a violation of probation.

3 **9. Reimbursement of Board Costs**

4 As a condition precedent to successful completion of probation, Respondent shall pay to the
5 Board its costs of investigation and prosecution in the amount of \$27,787.80. Respondent shall
6 make said payments as follows:

7 There shall be no deviation from this schedule absent prior written approval by the Board or
8 its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of
9 probation.

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

13 **10. Probation Monitoring Costs**

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

18 **11. Status of License**

19 Respondent shall, at all times while on probation, maintain an active, current Pharmacist
20 License with the Board, including any period during which suspension or probation is tolled.
21 Failure to maintain an active, current Pharmacist License shall be considered a violation of
22 probation.

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

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

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

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

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

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

24 If Respondent does not practice as a pharmacist in California for the minimum number of
25 hours in any calendar month, for any reason (including vacation), Respondent shall notify the
26 Board in writing within ten (10) days of the conclusion of that calendar month. This notification
27 shall include at least: the date(s), location(s), and hours of last practice; the reason(s) for the
28 interruption or reduction in practice; and the anticipated date(s) on which Respondent will resume

1 practice at the required level. Respondent shall further notify the Board in writing within ten (10)
2 days following the next calendar month during which Respondent practices as a pharmacist in
3 California for the minimum of hours. Any failure to timely provide such notification(s) shall be
4 considered a violation of probation.

5 It is a violation of probation for Respondent's probation to be extended pursuant to the
6 provisions of this condition for a total period, counting consecutive and non-consecutive months,
7 exceeding thirty-six (36) months. The Board or its designee may post a notice of the extended
8 probation period on its website.

9 **14. Violation of Probation**

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

16 If Respondent violates probation in any respect, the Board, after giving Respondent notice
17 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
18 was stayed. If a petition to revoke probation or an accusation is filed against Respondent during
19 probation, or the preparation of an accusation or petition to revoke probation is requested from
20 the Office of the Attorney General, the Board shall have continuing jurisdiction and the period of
21 probation shall be automatically extended until the petition to revoke probation or accusation is
22 heard and decided, and the charges and allegations in the Accusation shall be deemed true and
23 correct.

24 **15. Completion of Probation**

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

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1 **16. Remedial Education**

2 Within sixty (60) days of the effective date of this decision, Respondent shall submit to the
3 Board or its designee, for prior approval, an appropriate program of remedial education related to
4 prescription drug abuse. The program of remedial education shall consist of at least 6 hours each
5 year of probation at Respondent’s own expense, with the final six hours completed within three
6 months of completion of probation. All remedial education shall be in addition to, and shall not
7 be credited toward, continuing education (CE) courses used for license renewal purposes for
8 pharmacists. 50% of the remedial education annually must be via live webinar or in person.

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

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

18 **17. Ethics Course**

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

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18. No Ownership or Management of Licensed Premises

Respondent shall not own, have any legal or beneficial interest in, nor serve as a manager, administrator, member, officer, director, trustee, associate, or partner of any business, firm, partnership, or corporation currently or hereinafter licensed by the Board for a period of five (5) years from the effective date of the Decision and Order. Respondent shall sell or transfer any legal or beneficial interest in any entity licensed by the Board within ninety (90) days following the effective date of this decision and shall immediately thereafter provide written proof thereof to the Board. Failure to timely divest any legal or beneficial interest(s) or provide documentation thereof shall be considered a violation of probation.


19. Board's One-Day Training Program

Within the first year of probation, Respondent shall enroll in the Board's one-day, six (6) hour, training program, "Preventing Prescription Drug Abuse and Drug Diversion," at Respondent's expense. Respondent shall provide proof of enrollment upon request. Within thirty (30) days of completion, Respondent shall submit a copy of the certificate of completion to the Board or its designee. Failure to timely enroll in the training program, to initiate the training program during the first year of probation, to successfully complete it before the end of the second year of probation, or to timely submit proof of completion to the Board or its designee, shall be considered a violation of probation.

ACCEPTANCE

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

DATED: 2/6/2023


BAHRAM SAMOUHA
Respondent

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

4 DATED: _____
5 HERBERT L. WEINBERG
6 *Attorney for Respondent*

7 **ENDORSEMENT**

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

10 DATED: _____

11 Respectfully submitted,
12 ROB BONTA
13 Attorney General of California
14 NANCY A. KAISER
15 Supervising Deputy Attorney General

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

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

DATED:

2/6/2023



HERBERT L. WEINBERG
Attorney for Respondent

ENDORSEMENT

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DATED: February 6, 2023

Respectfully submitted,

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



KEVIN J. RIGLEY
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 7005

1 XAVIER BECERRA
Attorney General of California
2 SHAWN P. COOK
Supervising Deputy Attorney General
3 NANCY CALERO
Deputy Attorney General
4 State Bar No. 261370
300 So. Spring Street, Suite 1702
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Attorneys for Complainant
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ACCUSATION

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21 **Pharmacist License No. RPH 53320,**

22 **BAHRAM SAMOUHA**
311 N. Palm Dr.
23 Beverly Hills, CA 90210

24 **Pharmacist License No. RPH 45531**

25 **And**
26
27
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1 **PARISA KHANI**
2 **P.O. BOX 16025,**
3 **Beverly Hills, CA 90209**

4 **Pharmacist License No. RPH 54486**

5 Respondents.

6
7 **PARTIES**

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

10 2. On or about October 24, 1995, the Board of Pharmacy issued Permit Number PHY
11 41037 to Century Pico Pharmacy Inc. dba Century Pico Pharmacy Inc., Joseph Amin, Bahram
12 Samouha (Respondent Pico). The Permit was in full force and effect at all times relevant to the
13 charges brought herein and will expire on October 1, 2021.

14 3. On or about October 12, 2018, the Board of Pharmacy issued Pharmacist License
15 Number RPH 79647 to Hasti Ashlyn Elahi (Respondent Elahi). The Pharmacist License was in
16 full force and effect at all times relevant to the charges brought herein and will expire on May 31,
17 2022, unless renewed.

18 4. On or about March 20, 2002, the Board of Pharmacy issued Pharmacist License
19 Number RPH 53320 to Shirin Azizzadeh (Respondent Azizzadeh). The Pharmacist License was
20 in full force and effect at all times relevant to the charges brought herein and will expire on
21 August 31, 2021, unless renewed.

22 5. On or about August 14, 1992, the Board of Pharmacy issued Pharmacist License
23 Number RPH 45531 to Bahram Samouha (Respondent Samouha). The Pharmacist License was
24 in full force and effect at all times relevant to the charges brought herein and will expire on
25 August 31, 2022, unless renewed.

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STATUTORY PROVISIONS

12. Section 4301 of the Code states:

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

...

(c) Gross negligence.

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

...

13. Section 4022 of the Code states

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

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

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

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

14. Section 4306.5 of the Code states in pertinent part, unprofessional conduct for a pharmacist may include any of the following:

(a) Acts or omissions that involve, in whole or in part, the inappropriate exercise of his or her education,

(b) Training, or experience as a pharmacist, whether or not the act or omission arises in the course of the practice of pharmacy or the ownership, management, administration, or operation of a pharmacy or other entity licensed by the Board

(c) Acts or omissions that involve, in whole or in part, the failure to exercise or implement his or her best

(d) Professional judgment or corresponding responsibility with regard to the dispensing or furnishing of controlled substances, dangerous drugs, or dangerous devices, or with regard to the provision of services

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

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

7 15. Health and Safety Code section 11152 states:

8 No Person shall write, issue, fill, compound, or dispense a prescription that does not
9 conform to this division

10 16. Health and Safety Code section 11153 states in pertinent part:

11 (a) A prescription for a controlled substance shall only be issued for a legitimate
12 medical purpose by an individual practitioner acting in the usual course of his or
13 her professional practice. The responsibility for the proper prescribing and
14 dispensing of controlled substances is upon the prescribing practitioner, but a
15 corresponding responsibility rests with the pharmacist who fills the prescription.
16 Except as authorized by this division, the following are not legal prescriptions:

17 (1) An order purporting to be a prescription which is issued not in the
18 usual course of professional treatment or in legitimate and authorized research;
19 or

20 (2) An order for an addict or habitual user of controlled substances,
21 which is issued not in the course of professional treatment or as part of an
22 authorized narcotic treatment program, for the purpose of providing the user
23 with controlled substances, sufficient to keep him or her comfortable by
24 maintaining customary use.

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

26 No person shall prescribe a controlled substance, nor shall any person fill, compound, or
27 dispense a prescription for a controlled substance, unless it complies with the requirement of this
28 section.

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

(1) The prescription shall be signed and dated by the prescriber in ink

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1 **REGULATORY PROVISIONS**

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

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

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

10 **COST RECOVERY**

11 19. Section 125.3 of the Code states, in pertinent part, that the Board may request the
12 administrative law judge to direct a licentiate found to have committed a violation or violations of
13 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
14 enforcement of the case.

15 **DEFINITIONS**

16 20. Oxycodone is a Schedule II controlled substance pursuant to Health and Safety Code
17 section 11055, subdivision (b)(1)(M) and is a dangerous drug pursuant to Business and
18 Professions Code section 4022. Oxycodone is a narcotic analgesic used for more moderate to
19 severe pain and it has a high potential for abuse.

20 **FACTUAL ALLEGATIONS**

21 21. The Board initiated an investigation of Respondents based upon information that
22 controlled substance prescriptions were dispensed by Respondent Pico, which may have not been
23 in compliance with prescription security form requirements. Respondent Samouha was the owner
24 of Century Pico Pharmacy. Respondents, Elahi, Azzizzadeh were employed as a pharmacist in
25 charge at the pharmacy. Respondent Khani was employed as a pharmacist at the pharmacy.

26 22. The Board Inspector obtained and reviewed Respondent Pico’s CURES records,
27 dispensing records and original prescriptions documents.

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1 **All Respondents**

2 23. The Board’s Investigation revealed that between February 3, 2017 and March 24,
3 2020 the pharmacy dispensed at least 422 controlled substance prescriptions (over 37,000 tablets)
4 from prescribers with patterns of irregularities and red flags for potential abuse without ensuring
5 the prescriptions were issued for a legitimate medical purpose in the usual course of professional
6 practice. This included dispensing at least 18 prescriptions which were not written on valid
7 controlled substance prescription security forms:

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Date	Number	Drug	Qty
10/19/18	667289	hydrocodone/APAP 10-325	100
10/19/18	667292	hydrocodone/APAP 10-325	100
10/19/18	667294	hydrocodone/ APAP 10-325	100
10/19/18	667296	oxycodone 30 mg	90
10/19/18	667298	oxycodone 30 mg	90
10/19/18	667299	oxycodone 30 mg	90
10/19/18	667300	oxycodone 30 mg	90
10/22/18	667377	oxycodone 30 mg	90
10/22/18	667382	oxycodone 30 mg	90
10/22/18	667388	oxycodone 30 mg	90
10/22/18	667390	hydrocodone/APAP 10-325	100
10/26/18	667737	hydrocodone/APAP 10-325	100
10/31/18	668069	oxycodone 30 mg	90
11/01/18	668097	oxycodone 30 mg	90
11/01/18	668099	oxycodone 30 mg	90
11/01/18	668129	oxycodone 30 mg	90
11/01/18	668131	oxycodone 30 mg	90
11/01/18	668133	oxycodone 30 mg	90
11/01/18	668137	oxycodone 30 mg	90

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22 24. These prescription documents were missing the following features required for
23 controlled prescription security forms:

24 1. A watermark printed on the backside of the prescription blank which reads:

25 “California Security Prescription.”

26 a. Read: “DocuGard”

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2. A lot number printed on the form.

25. In addition, Repondent Pico, Respondent Elahi, Respondent Samouha, Respondent Azizzadeh, and Respondent Khani dispensed controlled substances after ignoring, or not being aware of, objective factors which were irregular from medically legitimate prescriptions. The object factors of illegitimacy, irregularity, and abuse included, but were not limited to, the following:

- (a) Sudden influx of oxycodone prescriptions on 10/18/2018, with no recent use by the pharmacy;
- (b) Oxycodone 30 mg was the only strength dispensed, no lower strengths of oxycodone dispensed;
- (c) Oxycodone 30 mg always had cash payment;
- (d) Cash payment for oxycodone was over ten times more common than non-controlled substances;
- (e) More money in total paid by patients for oxycodone 30 mg than any other drug;
- (f) Oxycodone 30 mg dispensed to almost all patients from certain prescribers;
- (g) Multiple patients receiving similar or identical treatment with oxycodone on the same days, up to ten patients a day;
- (h) Almost all patients (161) from one prescriber with the same diagnosis;
- (i) The same combinations of drugs prescribed for multiple patients;
 - (1) Uniformity of treatment for many patients with oxycodone 30 mg;
- (j) Initial prescriptions written for strong opiates;
 - (1) 152 different patients started on at least twice the safe starting dose of oxycodone on 173 occasions.

26. Pharmacy records from 02/03/2017 – 03/24/2020 included prescriptions by PA Jennifer Edwards, Dr. Joseph Dinglasan, Dr. Glasberg, Dr. Friedman, Dr. Venkateswaralu, and Dr. Korzelius.

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1 (d) Uniformity of treatment for multiple patients receiving similar or identical
2 controlled substances;

3 (e) Multiple patients (up to ten a day) receiving identical or similar prescriptions on the
4 same days.

5 30. Dr. Friedman's primary area of practice was not listed, but a secondary practice
6 of pain management was listed. Prescription documents listed an address in Los Angeles.
7 For Dr. Friedman, pharmacy records revealed:

8 (a) 21 of 21 patients were prescribed oxycodone;

9 (b) All oxycodone prescriptions were for 30 mg, the highest strength available;

10 (c) All controlled substance prescriptions were for cash payment;

11 (d) Uniformity of treatment for multiple patients receiving similar or identical
12 controlled substances;

13 (e) Multiple patients (up to 5 a day) receiving identical or similar prescriptions on the
14 same days.

15 31. Dr. Venkateswaralu's primary area of practice was listed as internal medicine.
16 Prescription documents list an address in Los Angeles. For Dr. Venkateswarlu, pharmacy
17 records revealed:

18 (a) 14 of 19 patients were prescribed oxycodone;

19 (b) All controlled substance prescription forms were invalid;

20 (c) All oxycodone prescriptions were for 30 mg, the highest strength available;

21 (d) All controlled substance prescriptions were for cash payment;

22 (e) Uniformity of treatment for multiple patients receiving similar or identical
23 controlled substances;

24 (f) Multiple patients receiving identical or similar prescriptions on the same days.

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1 32. Dr. Korzelius primary area of practice is listed as general practice. Prescription
2 documents dispensed under the name of Dr. Korzelius are believed to have been signed by
3 PA Edwards. For Dr. Korzelius, pharmacy records revealed:

4 (a) 9 of 10 patients were prescribed oxycodone;

5 (b) All oxycodone prescriptions were for 30 mg, the highest strength available;

6 (c) All controlled substance prescriptions were for cash payment;

7 (d) Uniformity of treatment for multiple patients receiving similar or identical
8 controlled substances;

9 (e) Multiple patients receiving identical or similar prescriptions on the same days.

10 **Respondent Elahi**

11 33. Respondent Elahi failed to use available records and information, and her education
12 training, and experience, and best professional judgement, in the evaluation of controlled
13 substance dispensing decisions when she personally approved for dispensing 129 oxycodone
14 prescriptions with high starting doses.

15 **Respondent Khani**

16 34. Respondent Khani failed to use available records and information, and her education,
17 training and experience, and best professional judgement, in evaluation of controlled substance
18 dispensing decisions when she personally approved for dispensing 6 controlled substance
19 prescriptions for 540 tablets of oxycodone 30 mg which had irregularities and red flags of
20 illegitimacy.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 (Unprofessional Conduct: Failure to Exercise Corresponding Responsibility)

3 (Against Respondent Pico, Respondent Elahi, Respondent Samouha, Respondent Azizzadeh and
4 Respondent Khani.)

5 35. Respondent Pico, Respondent Elahi, Respondent Samouha, Respondent Azizzadeh
6 and Respondent Khani are each and severally subject to disciplinary action under section 4301,
7 subdivisions (c) and (d) and section 4306.5 of the Code, Health and Safety code section 11152,
8 and section 11153, subdivision (a), and section 11164 subdivision (a)(1) and California Code of
9 Regulations, title 16, section 1761, subdivisions (a) and (b), in that Respondents operated in a
10 grossly negligent matter, which constituted unprofessional conduct, by excessively furnishing
11 controlled substances, with an established history of a high potential abuse, despite multiple cues
12 of irregularity and uncertainty related to patient and prescriber factors, and in failing to comply
13 with their corresponding responsibility to ensure that controlled substances are dispensed for a
14 legitimate medical purpose. Complainant refers to, and by this reference, incorporates the
15 allegations set forth above in paragraphs 23-34, as though set forth fully.

16 **OTHER MATTERS**

17 36. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
18 PHY 41037 issued to Century Pico Pharmacy Inc., dba Century Pico Pharmacy Inc., while Joseph
19 Amin has been an owner and had knowledge of or knowingly participated in any conduct for
20 which the licensee was discipline, Joseph Amin, shall be prohibited from serving as a manager,
21 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if
22 Pharmacy Permit Number PHY 41037 is placed on probation or until Pharmacy Permit Number
23 PHY 41037 is reinstated if it is revoked.

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