

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

In the Matter of the Accusation Against:

**SCRIPTSRUS CORP. DBA SCRIPTSRUS PHARMACY,
ROLAND ISRAEL,**

Pharmacy Permit No. PHY 52078

and

ROLAND ISRAEL

Pharmacist License No. RPH 47379

Respondents.

Agency Case No. 7042

OAH No. 2021080317

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on August 4, 2022.

It is so ORDERED on July 5, 2022.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

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

Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
2 THOMAS L. RINALDI
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8
9 **BEFORE THE**
BOARD OF PHARMACY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12
13 In the Matter of the Accusation Against:
14 **SCRIPTSRUS CORP. DBA SCRIPTSRUS**
PHARMACY, ROLAND ISRAEL
15 **15630 Ventura Blvd.**
Encino, CA 91436
16 **Pharmacy Permit No. PHY 52078**
17 **and**
18 **ROLAND ISRAEL**
19 **6350 Maryland Drive**
Los Angeles, CA 90048
20 **Pharmacist License No. RPH 47379**
21
22 Respondents.

Case No. 7042
OAH No. 2021080317
STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER AS TO
SCRIPTSRUS CORP. DBA SCRIPTSRUS
PHARMACY, PHARMACY PERMIT
NO. 52078 ONLY

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

25 **PARTIES**

26 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
27 (Board). She brought this action solely in her official capacity and is represented in this matter by

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1 Rob Bonta, Attorney General of the State of California, by Sheronda L. Edwards, Deputy
2 Attorney General.

3 2. Respondent Scriptsrus Corp. dba Scriptsrus Pharmacy, Roland Israel (Respondent) is
4 represented in this proceeding by attorney Armond Marcarian, whose address is: Marcarian Law
5 Firm, 21650 Oxnard Street, Suite 1980, Woodland Hills, CA 91367-7853.

6 3. On or about December 1, 2014, the Board issued Pharmacy Permit No. PHY 52078 to
7 Respondent. The Pharmacy Permit was in full force and effect at all times relevant to the charges
8 brought in Accusation No. 7042, and will expire on December 1, 2022, unless renewed.

9 **JURISDICTION**

10 4. Accusation No. 7042 was filed before the Board, and is currently pending against
11 Respondent. The Accusation and all other statutorily required documents were properly served on
12 Respondent on May 13, 2021. Respondent timely filed its Notice of Defense contesting the
13 Accusation.

14 5. A copy of Accusation No. 7042 is attached as exhibit A and incorporated herein by
15 reference.

16 **ADVISEMENT AND WAIVERS**

17 6. Respondent has carefully read, fully discussed with counsel, and understands the
18 charges and allegations in Accusation No. 7042. Respondent has also carefully read, fully
19 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
20 Order.

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

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

1 **CULPABILITY**

2 9. Respondent understands and agrees that the charges and allegations in Accusation
3 No. 7042, if proven at a hearing, constitute cause for imposing discipline upon its Pharmacy
4 Permit.

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

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

11 **CONTINGENCY**

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

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

24 14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
25 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
26 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
27 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary

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Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Pharmacy Permit No. PHY 52078 issued to Respondent Scriptsrus Corp. dba Scriptsrus Pharmacy, Roland Israel, is revoked. However, the revocation is stayed, and Respondent is placed on probation for five (5) years on the following terms and conditions:

1. Definition: Respondent

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

2. Obey All Laws

Respondent shall obey all state and federal laws and regulations.

Respondent shall report any of the following occurrences to the Board, in writing, within seventy-two (72) hours of such occurrence:

- an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws;
- a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal criminal proceeding to any criminal complaint, information or indictment;
- a conviction of any crime; or

- discipline, citation, or other administrative action filed by any state or federal agency which involves Respondent's Pharmacy Permit No. PHY 52078 or which is related to the practice of pharmacy or the manufacturing, obtaining, handling or distributing, billing, or charging for any dangerous drug, and/or dangerous device or controlled substance.

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

3. Report to the Board

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

4. Interview with the Board

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

5. Cooperate with Board Staff

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

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1 **6. Reimbursement of Board Costs**

2 As a condition precedent to successful completion of probation, Respondent shall be jointly
3 and severally responsible with Respondent Roland Israel to pay to the Board its costs of
4 investigation and prosecution in the amount of \$15,513.51. Respondent shall make said payments
5 monthly to commence within thirty (30) days of the effective date of this Decision pursuant to the
6 following terms:

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 three (3) years prior to the end
12 date of probation.

13 **7. 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 as
16 directed by the Board or its designee. Failure to pay such costs by the deadline(s) as directed shall
17 be considered a violation of probation.

18 **8. Status of License**

19 Respondent shall, at all times while on probation, maintain current Pharmacy Permit with
20 the Board. Failure to maintain current licensure shall be considered a violation of probation.

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

25 **9. License Surrender While on Probation/Suspension**

26 Following the effective date of this decision, should Respondent wish to discontinue
27 business, Respondent may tender the premises license to the Board for surrender. The Board or its
28 designee shall have the discretion whether to grant the request for surrender or take any other

1 action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the
2 license, Respondent will no longer be subject to the terms and conditions of probation.

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

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

8 Upon acceptance of the surrender, Respondent shall relinquish the premises wall and
9 renewal license to the Board within ten (10) days of notification by the Board that the surrender is
10 accepted. Respondent shall further submit a completed Discontinuance of Business form
11 according to Board guidelines and shall notify the Board of the records inventory transfer within
12 five (5) days. Respondent shall further arrange for the transfer of all records of acquisition and
13 disposition of dangerous drugs and/or devices to premises licensed and approved by the Board.

14 Respondent shall also, by the effective date of this decision, arrange for the continuation of
15 care for ongoing patients of the pharmacy by, at minimum, providing a written notice to ongoing
16 patients that specifies the anticipated closing date of the pharmacy and that identifies one or more
17 area pharmacies capable of taking up the patients' care, and by cooperating as may be necessary
18 in the transfer of records or prescriptions for ongoing patients. Within five (5) days of its
19 provision to the pharmacy's ongoing patients, Respondent shall provide a copy of the written
20 notice to the Board. For the purposes of this provision, "ongoing patients" means those patients
21 for whom the pharmacy has on file a prescription with one or more refills outstanding, or for
22 whom the pharmacy has filled a prescription within the preceding sixty (60) days.

23 **10. Sale or Discontinuance of Business**

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

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

11. Notice to Employees

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

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

12. Owners and Officers: Knowledge of the Law

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

13. Premises Open for Business

Respondent shall remain open and engaged in its ordinary business as a Pharmacy in California for a minimum of 80 hours per calendar month. Any month during which this minimum is not met shall toll the period of probation, i.e., the period of probation shall be

1 extended by one month for each month during which this minimum is not met. During any such
2 period of tolling of probation, Respondent must nonetheless comply with all terms and conditions
3 of probation, unless Respondent is informed otherwise in writing by the Board or its designee. If
4 Respondent is not open and engaged in its ordinary business as a Pharmacy for a minimum of 80
5 hours in any calendar month, for any reason (including vacation), Respondent shall notify the
6 Board in writing within ten (10) days of the conclusion of that calendar month. This notification
7 shall include at minimum all of the following: the date(s) and hours Respondent was open; the
8 reason(s) for the interruption or why business was not conducted; and the anticipated date(s) on
9 which Respondent will resume business as required. Respondent shall further notify the Board in
10 writing with ten (10) days following the next calendar month during which Respondent is open
11 and engaged in its ordinary business as a Pharmacy in California for a minimum of 80 hours. Any
12 failure to timely provide such notification(s) shall be considered a violation of probation.

13 **14. Posted Notice of Probation**

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

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

22 **15. Violation of Probation**

23 If a Respondent has not complied with any term or condition of probation, the Board shall
24 have continuing jurisdiction over Respondent, and probation shall be automatically extended,
25 until all terms and conditions have been satisfied or the Board has taken other action as deemed
26 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and
27 to impose the penalty that was stayed.

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1 If Respondent violates probation in any respect, the Board, after giving Respondent notice
2 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
3 was stayed. If a petition to revoke probation or an accusation is filed against Respondent during
4 probation, the Board shall have continuing jurisdiction and the period of probation shall be
5 automatically extended until the petition to revoke probation or accusation is heard and decided,
6 and the charges and allegations in Accusation No. 7042 shall be deemed true and correct.

7 **16. Completion of Probation**

8 Upon written notice by the Board or its designee indicating successful completion of
9 probation, Respondent's Pharmacy Permit will be fully restored.

10 **17. No Additional Ownership or Management of Licensed Premises**

11 Respondent shall not acquire any additional ownership, legal or beneficial interest in, nor
12 serve as a manager, administrator, member, officer, director, associate, partner or any business,
13 firm, partnership, or corporation currently or hereinafter licensed by the Board except as approved
14 by the Board or its designee. Violations of this restriction shall be considered a violation of
15 probation.

16 **17. Consultant Review of Pharmacy Operations**

17 During the period of probation, Respondent Pharmacy shall retain an independent
18 consultant at its own expense who shall be responsible for conducting an inspection to review
19 the operations of Respondent Pharmacy on a monthly basis for compliance by Respondent
20 Pharmacy with state and federal laws and regulations governing the practice of pharmacy, and
21 compliance by Respondent. During the period of probation, the Board or its designee, retains the
22 discretion to modify the frequency of the inspection of the pharmacist consultant's review.

23 The consultant shall be a pharmacist licensed by and not on probation with the Board
24 and whose name shall be submitted to the Board or its designee, for prior approval, within
25 thirty (30) days of the effective date of this decision.

26 Failure to timely retain, seek approval of, or ensure timely reporting by the consultant
27 shall be considered a violation of probation.

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ACCEPTANCE

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

DATED: _____

SCRIPTSRUS CORP. DBA SCRIPTSRUS
PHARMACY, ROLAND ISRAEL
Respondent

I have read and fully discussed with Respondent Scriptsrus Corp. dba Scriptsrus Pharmacy, Roland Israel the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: _____

ARMOND MARCARIAN
Attorney for Respondent

ACCEPTANCE

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

DATED:

4-21-22


SCRIPTSRUS CORP. DBA SCRIPTSRUS
PHARMACY, ROLAND ISRAEL
Respondent

I have read and fully discussed with Respondent Scriptsrus Corp. dba Scriptsrus Pharmacy, Roland Israel the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED:

April 22, 2022


ARMOND MARCARIAN
Attorney for Respondent

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ENDORSEMENT

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

DATED: _____

Respectfully submitted,

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

SHERONDA L. EDWARDS
Deputy Attorney General
Attorneys for Complainant

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ENDORSEMENT

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

DATED: April 22, 2022

Respectfully submitted,

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

Sheronda Edwards
SHERONDA L. EDWARDS
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 7042

MATTHEW RODRIQUEZ
Acting Attorney General of California
THOMAS L. RINALDI
Supervising Deputy Attorney General
SHERONDA L. EDWARDS
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Attorneys for Complainant

**BEFORE THE
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**SCRIPTSRUS, CORP. DBA
SCRIPTSRUS PHARMACY,
ROLAND ISRAEL
15630 Ventura Blvd
Encino, CA 91436**

ACCUSATION

Pharmacy Permit No. PHY 52078,

and

**ROLAND ISRAEL
6350 Maryland Drive
Los Angeles, CA 90048**

Pharmacist License No. RPH 47379,

Respondents.

PARTIES

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

2. On or about December 1, 2014, the Board issued Permit Number PHY 52078 to Scriptsrus, Corp. dba Scriptsrus Pharmacy, Roland Israel (Respondent Scriptsrus). The Permit was

1 in full force and effect at all times relevant to the charges brought herein and will expire on
2 December 1, 2021, unless renewed.

3 3. On or about August 5, 1994, the Board issued Pharmacist License Number RPH 47379
4 to Respondent Pharmacist-in-Charge, Roland Israel (Respondent Israel). The Pharmacist License
5 was in full force and effect at all times relevant to the charges brought herein and will expire on
6 June 30, 2022, unless renewed. Respondent Israel is and has been the Pharmacist-in-Charge,
7 President, Partner, and Secretary of Respondent Scriptsrus since September 8, 2014.

8 **JURISDICTION**

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

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

15 6. Section 4300 of the Code states:

16 (a) Every license issued may be suspended or revoked.

17 (b) The board shall discipline the holder of any license issued by the board, whose
18 default has been entered or whose case has been heard by the board and found guilty, by
19 any of the following methods:

20 (1) Suspending judgment.

21 (2) Placing him or her upon probation.

22 (3) Suspending his or her right to practice for a period not exceeding one year.

23 (4) Revoking his or her license.

24 (5) Taking any other action in relation to disciplining him or her as the board in its
25 discretion may deem proper.

26 ...

27 (e) The proceedings under this article shall be conducted in accordance with
28 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government
Code, and the board shall have all the powers granted therein. The action shall be final,

except that the propriety of the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

7. Section 4300.1 of the Code states:

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

8. Section 4302 of the Code states:

The board may deny, suspend, or revoke any license where conditions exist in relation to any person holding 10 percent or more of the ownership interest or where conditions exist in relation to any officer, director, or other person with management or control of the license that would constitute grounds for disciplinary action against a licensee.

9. Section 4307 of the Code states:

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

(1) Where a probationary license is issued or where an existing license is placed on probation, this prohibition shall remain in effect for a period not to exceed five years.

(2) Where the license is denied or revoked, the prohibition shall continue until the license is issued or reinstated.

(b) "Manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control of a license" as used in this section and Section 4308, may refer to a pharmacist or to any other person who serves in such capacity in or for a licensee.

(c) The provisions of subdivision (a) may be alleged in any pleading filed pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the

Government Code. However, no order may be issued in that case except as to a person who is named in the caption, as to whom the pleading alleges the applicability of this section, and where the person has been given notice of the proceeding as required by Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code. The authority to proceed as provided by this subdivision shall be in addition to the board's authority to proceed under Section 4339 or any other provision of law.

BUSINESS AND PROFESSIONS CODE PROVISIONS

10. Section 4021 of the Code states:

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

11. Section 4022 of the Codes 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.

...

12. Section 4113 of the Code states:

...

(c) The pharmacist-in-charge shall be responsible for a pharmacy's compliance with all state and federal laws and regulations pertaining to the practice of pharmacy.

13. Section 4156 of the Code states:

A pharmacy corporation shall not do, or fail to do, any act where doing or failing to do the act would constitute unprofessional conduct under any statute or regulation. In the conduct of its practice, a pharmacy corporation shall observe and be bound by the laws and regulations that apply to a person licensed under this chapter.

14. 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.

...

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

...

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

...

15. Section 4306.5 of the Code states:

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

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

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

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

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

HEALTH AND SAFETY CODE PROVISIONS

16. Section 11152 of the Code states:

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

17. Section 11153 of the Code states:

(a) A prescription for a controlled substance shall only be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his or her professional practice. The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner, but a corresponding

responsibility rests with the pharmacist who fills the prescription. Except as authorized by this division, the following are not legal prescriptions: (1) an order purporting to be a prescription which is issued not in the usual course of professional treatment or in legitimate and authorized research; or (2) an order for an addict or habitual user of controlled substances, which is issued not in the course of professional treatment or as part of an authorized narcotic treatment program, for the purpose of providing the user with controlled substances, sufficient to keep him or her comfortable by maintaining customary use.

...

18. Section 11162.1 of the Code states:

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

...

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

...

(6) A description of the security features included on each prescription form.

...

(9) The preprinted name, category of licensure, license number, federal controlled substance registration number, and address of the prescribing practitioner.

...

(15) A uniquely serialized number, in a manner prescribed by the Department of Justice in accordance with Section 11162.2.

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

19. Section 11164 of the Code states:

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

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

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STATE REGULATORY PROVISION

20. Section 1761 of the California Code of Regulations, title 16, 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.

COST RECOVERY

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

DRUG CLASSIFICATIONS

BRAND NAME	GENERIC NAME	DANGEROUS DRUG PER B&PC § 4022	CONTROLLED SUBSTANCE PER H&SC	INDICATIONS FOR USE
Xanax	Alprazolam	Yes	Yes – Schedule IV, H&SC § 11057(d)(1)	Anxiety
Adderall	Amphetamine Salts	Yes	Yes – Schedule II, H&SC § 11055(d)(1)	ADD/ADHD
Norco/Lortab	Hydrocodone/ Acetaminophen (APAP)	Yes	Yes – Schedule II, H&SC § 11055(l)(i) Yes – Schedule II, Title 21 CFR § 1308.12	Pain
Percolone/ Roxicodone	Oxycodone	Yes	Yes – Schedule II, H&SC § 11055(b)(1)(M)	Pain
Phenergan with Codeine Syrup	Promethazine/ Codeine Syrup	Yes	Yes, Schedule V, H&SC § 11058(c)(1)	Cough

1 **FACTUAL ALLEGATIONS**

2 22. On May 1, 2020, a Board Inspector emailed Respondent Israel a request for pharmacy
3 records and original prescriptions for Respondent Scriptsrus. Subsequently, the Inspector received
4 Respondent Scriptsrus' dispensing records for April 30, 2017 through April 30, 2020, and copies
5 of prescription documents instead of originals. On June 10, 2020, the Inspector received the original
6 prescriptions, after a second request, and unsolicited documents not previously provided.

7 Doctors MB, DB, and JK

8 23. The Board's investigation revealed that from June 29, 2017 through March 1, 2019,
9 Respondent Scriptsrus and Respondent Israel (collectively Respondents) dispensed 63 controlled
10 substance prescriptions from prescribers Dr. MB, Dr. DB, and Dr. JK on invalid security
11 prescription forms for Alprazolam, Amphetamine Salts, and Oxycodone classified as Schedule IV
12 controlled substances and Promethazine/Codeine classified as a Schedule V controlled substance,
13 which were missing required features described as follows, but not limited to:

- 14 (a) Prescription documents were missing a watermark printed on the backside of the
15 prescription, which reads: "California Security Prescription."
16 (b) Repeat sequential form numbers were used on some prescriptions.
17 (c) Dr. MB's prescriptions lacked a valid DEA number.

18 24. These prescriptions had enough red flags of illegitimacy to be recognized as the illegal
19 distribution of controlled substances for diversion and abuse.

20 25. The Board's investigation also revealed that Respondents failed to exercise their
21 corresponding responsibility from April 30, 2017 through April 30, 2020, as to 89 prescriptions of
22 Alprazolam 2mg for 7,620 doses, 99 prescriptions of Amphetamine Salts 30 mg for 8,400 doses,
23 154 prescriptions of Oxycodone 30 mg for 14,880 doses, and 15 prescriptions of
24 Promethazine/Codeine (5ml/dose) for 1,232 doses for a total number of 357 prescriptions and
25 37,063 total number of doses as described below.

26 26. Specifically, Respondents dispensed 63 controlled substance prescriptions from Dr.
27 MB, Dr. DB, and Dr. JK after ignoring or failing to recognize multiple objective factors which

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showed the prescriptions were irregular and not medically legitimate prescriptions. The objective factors of illegitimacy, irregularity and abuse include, but were not limited to the following:

(a) Long distances traveled from patient homes in Van Nuys to prescribers Dr. MB's office in Santa Ana and Dr. DB's office in West Hollywood.

(b) Patients had appointments on the same day with prescribers in different cities.

(c) Patients issued the same prescriptions on the same day at different offices.

(d) Initial prescriptions were written for high starting doses described below:

i. 07/09/2018 for Oxycodone 30 mg, RX 106466, by Dr. DB, to patient NS.

ii. 10/03/2018 for Alprazolam 2 mg, RX 107321, by Dr. MB, to patient NS.

iii. 08/06/2018 for Oxycodone 30 mg, RX 106725, by Dr. DB, to patient RS.

27. Also, prescribers Dr. MB, Dr. DB, and Dr. JK only prescribed the highest strength of controlled substances¹ described below:

PRESCRIBER	DRUG	NUMBER OF RXs	TOTAL QUANTITY
MB	Alprazolam 2 mg	14	840
	Amphetamine Salts 30 mg	16	960
DB	Oxycodone 30 mg	17	2,040
JK	Alprazolam 2 mg	6	600
	Amphetamine Salts 30 mg	6	540
	Oxycodone 30 mg	4	480
	Total	63	5,460

28. These 63 fraudulent prescriptions had enough red flags of illegitimacy to be recognized as the illegal distribution of controlled substances. None of the prescription documents submitted indicated resolution of the irregularities of prescribing controlled substances.

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¹ Alprazolam is available in 0.25 mg to 2 mg immediate release tablets. Amphetamine Salts are available in various strengths from 5 mg to 30 mg immediate release tablets. Oxycodone is available in 5, 10, 15, 20, and 30 mg immediate release tablets.

1 Dr. JMK

2 29. In addition, the investigation revealed that from April 30, 2018 through April 30, 2020,
3 Respondents dispensed 82 controlled substance prescriptions from prescriber Dr. JMK with
4 patterns of irregularities and red flags of abuse without ensuring the prescriptions to patients VT,
5 PF, AA, AB, SE, AE, FL, and RT were issued for a legitimate medical purpose in the usual course
6 of professional practice. The objective factors of illegitimacy, irregularity and abuse include, but
7 were not limited to the following:

8 (a) All 82 Oxycodone prescriptions for 7,160 tablets were for 30 mg, the highest
9 strength available.

10 (b) Every patient was prescribed Oxycodone 30 mg without adjustment to varying
11 patient demographic data.

12 30. These patterns are apparent deviations from the usual course of professional practice.

13 Physician Assistant JME

14 31. The investigation records further revealed that from January 31, 2019 through April
15 16, 2020, Respondents dispensed 212 controlled substances from prescriber Physician Assistant
16 JME with patterns of irregularities and red flags of abuse without ensuring the prescriptions to
17 patients JB, EM, SR, LF, NS, RF, JC, TA, PO, and IS were issued for a legitimate medical purpose
18 in the usual course of professional practice, described as follows:

19 (a) All 51 Oxycodone prescriptions were for 30 mg for 5,200 tablets, the highest
20 strength available.

21 (b) All 77 Amphetamine Salts prescriptions were for 30 mg for 6,900 tablets, the
22 highest strength available.

23 (c) All 69 Alprazolam prescriptions were for 2 mg for 6,180 tablets, the highest
24 strength available.

25 (d) High percentage of cash payments for controlled substances.

26 (e) Numerous patients prescribed Oxycodone, Amphetamine Salts, Alprazolam, and
27 or Promethazine/Codeine in a pattern of overlapping treatment, for which there
28 is a boxed warning of serious risks.

(f) Each of the 15 Promethazine/Codeine prescriptions was prescribed with Oxycodone 30 mg.

(g) Most of the 15 Promethazine/Codeine prescriptions were for 473 ml, a full pint size bottle.

(h) Multiple patients issued similar or identical controlled substances prescriptions on the same day regardless of patient demographic data.

32. These patterns are apparent deviations from the usual course of professional practice.

Initial Prescriptions Written for Strong Controlled Substances and Other Irregularities

33. Furthermore, the investigation revealed that from June 7, 2018 through March 18, 2020, Respondents dispensed controlled substance prescriptions from prescribers Dr. JMK, Dr. MB, Dr. DB, Dr. MG, and Dr. AF with the following additional patterns of irregularities and red flags of abuse:

(a) Prescriptions dispensed days and even weeks after the date prescribed.

(b) Cash payments.

(c) Patients were not tolerant to opioids.

(d) High Oxycodone doses greater than 90 MME/day.²

(e) High Alprazolam doses.

(f) High Amphetamine Salts doses.

(g) Out of area patients (between 25-50 miles away).

(h) Out of area prescribers (25 miles away).

(i) Patients JC and TA were dispensed almost identical prescriptions on the same day.

34. In addition, these eleven patients were dispensed unusually high doses at least twice the recommended safe dose of Oxycodone, Amphetamine Salts, and or Alprazolam without any documentation of effective intervention by a pharmacist. Also, ten of eleven patients were started or restarted on opioid doses above the CDC recommendation limit of 90 MME/day for opioids.

² According to the Centers for Disease Control and Prevention (CDC), higher opioid doses are associated with a higher risk of overdose and death. The concept of Morphine Milligram Equivalent (MME) has come into everyday use to facilitate dosing decisions. The CDC guidelines recommend caution when prescribing opioids at any dosage. Doses above 90 MME/day (60 mg/day of Oxycodone) should be avoided or carefully justified and titrated accordingly.

1 **FIRST CAUSE FOR DISCIPLINE**

2 (Requirements of Controlled Substance Prescriptions)

3 35. Respondent Scriptsrus and Respondent Israel are subject to disciplinary action
4 under Code section 4301, subdivisions (j) and (o), for violating Health and Safety Code sections
5 11152, 11162.1 and 11164, in conjunction with California Code of Regulations, title 16, section
6 1761, in that Respondents dispensed controlled substances written on deficient and noncompliant
7 prescription forms by prescribers Dr. MB, Dr. DB, and Dr. JK for a total of 63 prescriptions.
8 Complainant refers to, and by reference, incorporates the allegations set forth above in paragraphs
9 22 through 24, as though set forth fully.

10 **SECOND CAUSE FOR DISCIPLINE**

11 (Failure to Exercise Corresponding Responsibility)

12 36. Respondent Scriptsrus and Respondent Israel are subject to disciplinary action under
13 Code section 4301, subdivisions (c), (d), (j), and (o), and section 4306.5, in conjunction with the
14 Health and Safety Code section 11153, subdivision (a), and California Code of Regulations, title
15 16, section 1761, in that between April 30, 2017 through April 30, 2020, Respondents operated in
16 a grossly negligent manner, which constituted unprofessional conduct by excessively furnishing
17 357 prescriptions and 37,063 doses of controlled substances, despite multiple cues of irregularity
18 and uncertainty related to patient and prescriber factors, and in failing to comply with their
19 corresponding responsibility to ensure that controlled substances were dispensed for a legitimate
20 medical purpose. Complainant refers to, and by this reference, incorporates the allegations set forth
21 above in paragraphs 22 through 34, as though set forth fully.

22 **THIRD CAUSE FOR DISCIPLINE**

23 (Unprofessional Conduct - Respondent Israel)

24 37. Respondent Israel is subject to disciplinary action under Code sections 4301, 4113,
25 subdivision (c), and 4306.5, in that between April 30, 2017 through April 30, 2020, as the
26 Pharmacist-in-Charge of Respondent Scriptsrus Pharmacy, Respondent Israel committed acts of
27 unprofessional conduct when he failed to ensure that Respondent Scriptsrus exercised its
28 corresponding responsibility to ensure the legitimacy of controlled substance prescriptions

1 dispensed. Respondent Israel approved to be dispensed 357 prescriptions and 37,063 doses of
2 controlled substances, despite multiple cues of irregularity and uncertainty related to patient and
3 prescriber factors, and failed to ensure that controlled substances were dispensed for a legitimate
4 medical purpose. Complainant refers to, and by this reference, incorporates the allegations set forth
5 above in paragraphs 22 through 34, as though set forth fully.

6 **OTHER MATTERS**

7 38. Pursuant to section 4307 of the Code, if discipline is imposed on Pharmacy Permit
8 Number PHY 52078 issued to Scriptsrus Pharmacy, Corp. dba Scriptsrus Pharmacy, Roland Isreal,
9 Scriptsrus Pharmacy, Corp. dba Scriptsrus Pharmacy, Roland Isreal shall be prohibited from
10 serving as a manager, administrator, owner, member, officer, director, associate, partner, or any
11 other person with management or control of a licensee for five years if Pharmacy Permit Number
12 PHY 52078 is placed on probation or until Pharmacy Permit Number PHY 52078 is reinstated if it
13 is revoked.

14 39. Pursuant to section 4307 of the Code, if discipline is imposed on Pharmacy Permit
15 Number PHY 52078, issued to Scriptsrus, Corp. dba Scriptsrus Pharmacy, Roland Israel, for
16 conduct that occurred while Respondent Israel, a Pharmacist-in-Charge, President, Partner, and
17 Secretary, had knowledge of or knowingly participated in the conduct for which Respondent
18 Scriptsrus was disciplined, then Respondent Israel shall be prohibited from serving as a manager,
19 administrator, owner, member, officer, director, associate, partner, or any other person with
20 management or control of a licensee for five years if Pharmacy Permit Number PHY 52078 is
21 placed on probation or until Pharmacy Permit Number PHY 52078 is reinstated if it is revoked.

22 40. Pursuant to section 4307 of the Code, if discipline is imposed on Pharmacist License
23 Number RPH 47379 issued to Roland Israel, Roland Isreal shall be prohibited from serving as a
24 manager, administrator, owner, member, officer, director, associate, partner, or any other person
25 with management or control of a licensee for five years if Pharmacist License Number RPH 47379
26 is placed on probation or until Pharmacist License Number RPH 47379 is reinstated if it is revoked.

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PRAYER

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

1. Revoking or suspending Permit Number PHY 52078, issued to Scriptsrus Pharmacy, Corp. dba Scriptsrus Pharmacy, Roland Israel;

2. Revoking or suspending Pharmacist License Number RPH 47379, issued to Roland Israel;

3. Prohibiting Scriptsrus Pharmacy Corp., dba Scriptsrus Pharmacy, Roland Israel from serving as a manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control of a licensee for five years if Pharmacy Permit Number PHY 52078 is placed on probation or until Pharmacy Permit Number PHY 52078 is reinstated if Pharmacy Permit Number PHY 52078 issued to Scriptsrus Pharmacy, Corp. dba Scriptsrus Pharmacy, Roland Israel is revoked;

4. Prohibiting Roland Israel from serving as a manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control of a licensee for five years if Pharmacy Permit Number PHY 52078 is placed on probation or until Pharmacy Permit Number PHY 52078 is reinstated if Pharmacy Permit Number PHY 52078 issued to Scriptsrus Pharmacy, Corp. dba Scriptsrus Pharmacy, Roland Isreal is revoked;

5. Prohibiting Roland Israel from serving as a manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control of a licensee for five years if Pharmacist License Number RPH 47379 is placed on probation or until Pharmacist License Number RPH 47379 is reinstated if Pharmacist License Number RPH 47379 issued to Roland Isreal is revoked;

6. Ordering Scriptsrus Pharmacy, Corp. dba Scriptsrus Pharmacy and Roland Israel 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,

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

DATED: 5/4/2021

Signature on File

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

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