

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

In the Matter of the Accusation Against:

**PACIFIC PHARMACY MANAGEMENT INC., DBA ALLIANCE
PHARMACY, JOSEPH VARGHESE CHERIAN**

Pharmacy Permit No. PHY 51160;

and

JOSEPH VARGHESE CHERIAN

Pharmacist License No. RPH 51944;

Respondents

Agency Case No. 7050

OAH No. 2021040214

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 December 22, 2021.

It is so ORDERED on November 22, 2021.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

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

Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
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7 *Attorneys for Complainant*

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

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13 In the Matter of the Accusation Against:

14 **PACIFIC PHARMACY MANAGEMENT**
15 **INC., DBA ALLIANCE PHARMACY,**
16 **JOSEPH VARGHESE CHERIAN**
323 N. Prairie Ave, Ste 100
Inglewood, CA 90301

17 Pharmacy Permit No. PHY 51160,

18 and

19 **JOSEPH VARGHESE CHERIAN**
15022 San Feliciano Dr.
20 La Mirada, CA 90638

21 Pharmacist License No. RPH 51944

22 Respondents.

Case No. 7050

OAH No. 2021040214

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER AS TO
RESPONDENT JOSEPH VARGHESE
CHERIAN, PHARMACIST LICENSE
NO. RPH 51944 ONLY

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

26 **PARTIES**

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

1 Rob Bonta, Attorney General of the State of California, by Marissa N. Hamilton, Deputy
2 Attorney General.

3 2. Respondent Joseph Varghese Cherian is represented in this proceeding by attorney
4 Tony J. Park, whose address is: 55 Cetus, 1st Floor, Irvine, CA 92618.

5 3. On or about August 31, 2000, the Board issued Pharmacist License No. RPH 51944
6 to Joseph Varghese Cherian (Respondent). The Pharmacist License was in full force and effect at
7 all times relevant to the charges brought in Accusation No. 7050, and will expire on August 31,
8 2022, unless renewed.

9 **JURISDICTION**

10 4. Accusation No. 7050 was filed before the Board, and is currently pending against
11 Respondent. The Accusation and all other statutorily required documents were properly served
12 on Respondent on February 22, 2021. Respondent timely filed his Notice of Defense contesting
13 the Accusation.

14 5. A copy of Accusation No. 7050 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. 7050. 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 him; the right to present evidence and to testify on his own behalf; the right
24 to 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. 7050, if proven at a hearing, constitute cause for imposing discipline upon his Pharmacist
4 License.

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 his right to contest
8 those charges.

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

11 **RESERVATION**

12 12. The admissions made by Respondent herein are only for the purposes of this
13 proceeding, or any other proceedings in which the Board of Pharmacy or other professional
14 licensing agency is involved, and shall not be admissible in any other criminal or civil
15 proceeding.

16 **CONTINGENCY**

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

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

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

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Pharmacist License No. RPH 51944 issued to Respondent Joseph Varghese Cherian is revoked. However, the revocation is stayed and Respondent is placed on probation for four (4) years on the following terms and conditions:

1. 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
- the filing of a disciplinary pleading, issuance of a citation, or initiation of another administrative action filed by any state or federal agency which involves

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

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

2. 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.

3. 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.

4. 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 Respondent's 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.

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 7050 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 Respondent's employer(s), and the name(s) and
11 telephone number(s) of all of Respondent's direct supervisor(s), as well as any pharmacist(s)-in-
12 charge, designated representative(s)-in-charge, responsible manager, or other compliance
13 supervisor(s) and the work schedule, if known. Respondent shall also include the reason(s) for
14 leaving the prior employment. Respondent shall sign and return to the Board a written consent
15 authorizing the Board or its designee to communicate with all of Respondent's employer(s) and
16 supervisor(s), and authorizing those employer(s) or supervisor(s) to communicate with the Board
17 or its designee, concerning Respondent's work status, performance, and monitoring. Failure to
18 comply with the requirements or deadlines of this condition shall be considered a violation of
19 probation.

20 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
21 Respondent undertaking any new employment, Respondent shall cause (a) Respondent's direct
22 supervisor, (b) Respondent's pharmacist-in-charge, designated representative-in-charge,
23 responsible manager, or other compliance supervisor, and (c) the owner or owner representative
24 of Respondent's employer, to report to the Board in writing acknowledging that the listed
25 individual(s) has/have read the decision in case number 7050, and terms and conditions imposed
26 thereby. If one person serves in more than one role described in (a), (b), or (c), the
27 acknowledgment shall so state. It shall be the Respondent's responsibility to ensure that these
28 acknowledgment(s) are timely submitted to the Board. In the event of a change in the person(s)

1 serving the role(s) described in (a), (b), or (c) during the term of probation, Respondent shall
2 cause the person(s) taking over the role(s) to report to the Board in writing within fifteen (15)
3 days of the change acknowledging that he or she has read the decision in case number 7050, and
4 the terms and conditions imposed thereby.

5 If Respondent works for or is employed by or through an employment service, Respondent
6 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the Board
7 of the decision in case number 7050, and the terms and conditions imposed thereby in advance of
8 Respondent commencing work at such licensed entity. A record of this notification must be
9 provided to the Board upon request.

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

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

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

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

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

26 Failure to timely notify the Board of any change in employer, name, address, or phone
27 number shall be considered a violation of probation.

28 ///

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

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

6 **9. Reimbursement of Board Costs**

7 As a condition precedent to successful completion of probation, Respondent shall pay to the
8 Board its costs of investigation and prosecution in the amount of \$20,000. Respondent and
9 Pacific Pharmacy Management Inc., dba Alliance Pharmacy shall be jointly and severally
10 responsible for payment of these costs.

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

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

17 **10. Probation Monitoring Costs**

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

22 **11. Status of License**

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

27 If Respondent's Pharmacist License expires or is cancelled by operation of law or otherwise
28 at any time during the period of probation, including any extensions thereof due to tolling or

otherwise, upon renewal or reapplication Respondent's license shall be subject to all terms and conditions of this probation not previously satisfied.

12. License Surrender While on Probation/Suspension

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

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

13. Practice Requirement – Extension of Probation

Except during periods of suspension, Respondent shall, at all times while on probation, be employed as a Pharmacist in California for a minimum of 60 hours per calendar month. Any month during which this minimum is not met shall extend the period of probation by one month. During any such period of insufficient employment, Respondent must nonetheless comply with all terms and conditions of probation, unless Respondent receives a waiver in writing from the Board or its designee.

If Respondent does not practice as a pharmacist in California for the minimum number of hours in any calendar month, for any reason (including vacation), Respondent shall notify the Board in writing within ten (10) days of the conclusion of that calendar month. This notification

1 shall include at least: the date(s), location(s), and hours of last practice; the reason(s) for the
2 interruption or reduction in practice; and the anticipated date(s) on which Respondent will resume
3 practice at the required level. Respondent shall further notify the Board in writing within ten (10)
4 days following the next calendar month during which Respondent practices as a Pharmacist in
5 California for the minimum of hours. Any failure to timely provide such notification(s) shall be
6 considered a violation of probation.

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

11 14. **Violation of Probation**

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

18 If Respondent violates probation in any respect, the Board, after giving Respondent notice
19 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
20 was stayed. If a petition to revoke probation or an accusation is filed against Respondent during
21 probation, or the preparation of an accusation or petition to revoke probation is requested from
22 the Office of the Attorney General, the Board shall have continuing jurisdiction and the period of
23 probation shall be automatically extended until the petition to revoke probation or accusation is
24 heard and decided, and the charges and allegations in Accusation No. 7050 shall be deemed true
25 and correct.

26 15. **Completion of Probation**

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

1 **16. Remedial Education**

2 Within one (1) year of the effective date of this decision, Respondent shall complete and
3 submit proof to the Board completion of the Prescription Drug Abuse Prevention education
4 course. Thereafter, the program of remedial education shall consist of at least six (6) hours per
5 year. All remedial education shall be completed at Respondent's own expense. Respondent shall
6 submit to the Board or its designee, for prior approval, of an appropriate program of remedial
7 education. All remedial education shall be in addition to, and shall not be credited toward,
8 continuing education (CE) courses used for license renewal purposes for pharmacists.

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 acquire any new ownership, legal or beneficial interest nor serve as a manager, administrator, member, officer, director, trustee, associate, or partner of any additional business, firm, partnership, or corporation licensed by the Board. If Respondent currently owns or has any legal or beneficial interest in, or serves 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, Respondent may continue to serve in such capacity or hold that interest, but only to the extent of that position or interest as of the effective date of this decision. Violation of this restriction 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, Tony J. Park. I understand the stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 9/30/2021


JOSEPH VARGHESE CHERIAN
Respondent

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

DATED: _____

TONY J. PARK
Attorney for Respondent

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18. **No Ownership or Management of Licensed Premises**

Respondent shall not acquire any new ownership, legal or beneficial interest nor serve as a manager, administrator, member, officer, director, trustee, associate, or partner of any additional business, firm, partnership, or corporation licensed by the Board. If Respondent currently owns or has any legal or beneficial interest in, or serves 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, Respondent may continue to serve in such capacity or hold that interest, but only to the extent of that position or interest as of the effective date of this decision. Violation of this restriction 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, Tony J. Park. I understand the stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: _____

JOSEPH VARGHESE CHERIAN
Respondent

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

DATED: 10/01/2021


TONY J. PARK
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: 10/1/2021

Respectfully submitted,

ROB BONTA
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General

Marissa N. Hamilton

MARISSA N. HAMILTON
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 7050

1 XAVIER BECERRA
Attorney General of California
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Supervising Deputy Attorney General
3 MARISSA N. HAMILTON
Deputy Attorney General
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7 *Attorneys for Complainant*

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14 **INC., DBA ALLIANCE PHARMACY,**
15 **JOSEPH VARGHESE CHERIAN**
323 N. Prairie Ave, Ste 100
16 Inglewood, CA 90301

ACCUSATION

17 **Pharmacy Permit No. PHY 51160,**

18 **and**

19 **JOSEPH VARGHESE CHERIAN**
15022 San Feliciano Dr.
20 La Mirada, CA 90638

21 **Pharmacist License No. RPH 51944**

22 Respondents.

23
24 **PARTIES**

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

27 2. On or about November 8, 2012, the Board of Pharmacy issued Pharmacy Permit
28 Number PHY 51160 to Pacific Pharmacy Management Inc., dba Alliance Pharmacy, Joseph

1 Varghese Cherian (Respondent Alliance Pharmacy). Joseph Varghese Cherian has been the
2 Pharmacist-In-Charge since November 8, 2012. The Pharmacy Permit was in full force and
3 effect at all times relevant to the charges brought herein and will expire on November 1, 2021,
4 unless renewed.

5 3. On or about August 31, 2000, the Board of Pharmacy issued Pharmacist License
6 Number RPH 51944 to Joseph Varghese Cherian (Respondent Cherian). The Pharmacist License
7 was in full force and effect at all times relevant to the charges brought herein and will expire on
8 August 31, 2022, unless renewed.

9 **JURISDICTION**

10 4. This Accusation is brought before the Board of Pharmacy (Board), Department of
11 Consumer Affairs, under the authority of the following laws. All section references are to the
12 Business and Professions Code (Code) unless otherwise indicated.

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

16 6. Section 4300 of the Code states, in pertinent part, that “[e]very license issued may be
17 suspended or revoked.”

18 7. Section 4300.1 of the Code states:

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

25 8. Section 4302 of the Code states:

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

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STATUTORY PROVISIONS

9. Section 4036.5 of the Code states:

“Pharmacist-in-charge” means a pharmacist proposed by a pharmacy and approved by the board as the supervisor or manager responsible for ensuring the pharmacy's compliance with all state and federal laws and regulations pertaining to the practice of pharmacy.

10. Section 4059 of the Code states:

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

11. Section 4113, subdivision (c), of the Code states, in pertinent part, [t]he 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.”

12. Section 4301 of the Code states, in pertinent part:

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

...

(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.

13. Section 4306.5 of the Code states:

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

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

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

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

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

11 14. Section 4307 of the Code states:

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

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

27 (2) Where the license is denied or revoked, the prohibition shall continue until
28 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.

15. Health and Safety Code Section 11153 states, in pertinent part:

(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.

...

16. Health and Safety Code section 11162.1 states, in pertinent part:

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

(1) A latent, repetitive "void" pattern shall be printed across the entire front of the prescription blank; if a prescription is scanned or photocopied, the word "void" shall appear in a pattern across the entire front of the prescription.

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

(3) A chemical void protection that prevents alteration by chemical washing.

(4) A feature printed in thermochromic ink.

(5) An area of opaque writing so that the writing disappears if the prescription is lightened.

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

(7)(A) Six quantity check off boxes shall be printed on the form so that the prescriber may indicate the quantity by checking the applicable box where the following quantities shall appear:

1-24
25-49
50-74
75-100
101-150
151 and over.

...

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

...

(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.

...

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

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

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

REGULATORY PROVISIONS

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

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

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

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

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

• • •

DANGEROUS DRUGS / CONTROLLED SUBSTANCES

20. Section 4021 of the Code states, in pertinent part:

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

21. Section 4022 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.

22. Drug classifications are as follows:

Generic Name	Brand Name	Dangerous Drug Per Code Section 4022	Controlled Substance Per Health & Safety Code (HSC)	Indications for Use
Acetaminophen/codeine	Tylenol #4	Yes	Yes – Schedule III per HSC 11056(e)(2)	Pain
Carisoprodol	Soma	Yes	Yes – Schedule IV per Title 21 CFR 1308.14(c)(7)	Muscle relaxant
Hydrocodone/acetaminophen	Norco	Yes	Yes – Schedule II per 21 CFR 1308.12(b)(1)(vi) and HSC 11055(b)(1)(l)(ii) as of 1/1/19	Pain
Oxycodone	Roxicodone	Yes	Yes – Schedule II per HSC 11055(b)(1)(M)	Pain
Oxymorphone	Opana	Yes	Yes – Schedule II per HSC 11055(b)(1)(N)	Pain
Promethazine/codeine syrup	Phenegran with codeine	Yes	Yes – Schedule V per HSC 11058(c)(l)	Cough

COST RECOVERY

23. Section 125.3 of the Code provides, 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, with failure of the licensee to comply subjecting the license to not being

renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

FACTUAL ALLEGATIONS

24. On or about June 19, 2019, a Board Inspector conducted an inspection at Alliance Pharmacy. During the inspection, Respondent Cherian, pharmacist-in-charge, was not present, and staff pharmacist Nausher Kanji assisted the Board Inspector with the inspection. The Board Inspector learned that Alliance Pharmacy is an independent pharmacy in a medical building with offices, including a pain clinic, and dispenses about 200 prescriptions per day. During the inspection, the Board Inspector reviewed completed prescription documents, and collected the following:

- 50 prescription documents and associated verifications from Dr. Rahil Khan;
- 12 prescription documents from Dr. Eugene Hubbard;
- 8 prescription documents and associated verifications from Dr. Mark Glasberg;
- 12 prescription documents and associated verifications from Dr. Young Yi;
- 2 prescription documents and associated verifications from Dr. John Korzelius;
- 8 prescription documents and associated verifications from PA Vinod Satya; and
- 6 prescription documents and associated verifications from Dr. Dean Weiss.

25. At the end of the inspection, the Board Inspector requested the Pharmacy provide the Board a file detailing all prescriptions that Respondent Alliance Pharmacy filled from June 19, 2016 through June 19, 2019. The Board Inspector also requested that Respondent Cherian complete and return a questionnaire about corresponding responsibility.

26. On or about July 17, 2019, Respondent Cherian provided the Board Inspector with the previously requested file detailing all prescriptions that Respondent Alliance Pharmacy filled from June 19, 2016 through June 19, 2019 as well as the completed questionnaire about corresponding responsibility.

General dispensing trends

27. Based on a review of the Pharmacy's dispensing records, the Board Inspector noted the following general dispensing trends from the time period of June 19, 2016 through June 19, 2019:

1 a. Respondent Alliance Pharmacy filled approximately 3,348 controlled substance
2 prescriptions under the prescribing authority of Dr. Rahil Khan, Dr. Eugene Hubbard, Dr. Mark
3 Glasberg, Dr. Young Yi, Dr. John Korzelius, PA Vinod Satya, and Dr. Dean Weiss.

4 b. Respondent Cherian was noted in the Pharmacy's dispensing records as the verifying
5 pharmacist for 95% of the controlled substance prescriptions from Dr. Khan, Dr. Glasberg, Dr.
6 Yi, Dr. Korzelius, Dr. Weiss, and PA Satya. Including Dr. Hubbard, Respondent Cherian was
7 noted in the Pharmacy's dispensing records as the verifying pharmacist for over 50% of the
8 prescriptions from these 7 prescribers.

9 c. One of the most commonly dispensed controlled substances of these 7 prescribers
10 was oxycodone 30mg, a commonly abused controlled substances. The prescriptions included 952
11 prescriptions for oxycodone 30 mg, totaling 79,375 oxycodone 30 mg tablets.

12 **Irregularities in prescriptions and prescribing patterns**

13 28. Based on review of the Pharmacy dispensing records and original prescription
14 documents, the Board Inspector determined that while Respondent Cherian was the pharmacist-
15 in-charge, Respondent Alliance Pharmacy had dispensed several prescriptions for controlled
16 substances during the time period of June 19, 2016 through June 19, 2019 that exhibited objective
17 factors of irregularity—or red flags—for potential abuse without adequately ensuring the
18 prescriptions were issued for a legitimate medical purpose in the usual course of professional
19 practice. Factors of irregularity were evident in the prescription documents and prescribing
20 patterns generated under the purported prescribing credentials of at least 7 prescribers, including
21 but not limited to the following:

22 29. **Dr. Rahil Khan:**

23 a. Respondent Alliance Pharmacy filled approximately 673 prescriptions under the
24 prescribing authority of Dr. Rahil Khan during the query period. All of these prescriptions were
25 dispensed between April 27, 2017 and November 18, 2017.

26 b. Oxycodone 30 mg was Dr. Khan's most commonly prescribed medication,
27 accounting for 19.02% of his total prescribing.

28 ///

1 c. All of Dr. Khan's 128 prescriptions for oxycodone were prescribed exclusively in the
2 highest available strength despite inter-patient variability.

3 d. All of the 57 patients who received prescriptions from Dr. Khan during the query
4 period received a controlled substance. Of these 57 patients, 46 patients received at least one
5 prescription for oxycodone 30 mg.

6 e. Dr. Khan's frequent prescribing of oxycodone 30 mg, oxymorphone 40 mg, and
7 promethazine/codeine syrup is incongruent with what would be expected for a physician
8 practicing within the scope of Dr. Khan's self-reported practice (i.e., general practice and
9 dermatology).

10 f. There were numerous instances when Respondent Alliance Pharmacy processed
11 similar or identical prescriptions for oxycodone 30 mg from Dr. Khan on the same day.

12 g. Dr. Khan's address listed in the Pharmacy's dispensing data is located in Northridge,
13 California, 26 miles from Respondent Alliance Pharmacy, resulting in patients traveling unusual
14 distances from Dr. Khan's office to Respondent Alliance Pharmacy to obtain prescriptions.

15 h. Of the 50 prescription documents collected by the Board Inspector during the
16 inspection, 47 of the prescription documents, which contained a total of 61 controlled substance
17 prescriptions, did not conform to the requirements of Health and Safety Code section 11162.1 in
18 that they did not contain the "California Security Prescription" watermark. This omitted security
19 feature alone invalidated the prescriptions and visibly indicated that the prescriptions were not
20 written legitimately. Each of the 47 non-compliant prescription documents contained a
21 prescription for oxycodone 30 mg and/or oxymorphone 40 mg. Respondent Cherian was noted in
22 the Pharmacy dispensing records as the verifying pharmacist for all 47 non-compliant
23 prescription documents from Dr. Khan.

24 i. On 8 occasions, Dr. Khan's prescriptions for oxymorphone 40 mg contained an error
25 in prescribing, bearing directions to take one tablet by mouth every four to six hours as needed.
26 In each of these instances, Respondent Alliance Pharmacy staff contacted Dr. Khan's office and
27 corrected the prescription to direct the patient to take 2 tablets by mouth every 12 hours.

28 ///

j. Despite the irregularities discussed above, the prescription documents collected did not contain documentation indicating that the Pharmacy contacted Dr. Khan to specifically address these irregularities prior to filling the prescriptions.

30. **Dr. Eugene Hubbard**

a. Respondent Alliance Pharmacy filled approximately 7,115 prescriptions under the prescribing authority of Dr. Eugene Hubbard during the query period. All of these prescriptions were dispensed between June 20, 2016 and September 27, 2017.

b. Carisoprodol 350 mg, acetaminophen/codeine 300/60 mg, and Hydrocodone/acetaminophen 10-325 mg were some of Dr. Hubbard's most commonly prescribed medications, accounting for 13.75%, 10.25% , and 7.58% of Dr. Hubbard's total prescribing, respectively. Together, these three controlled substances accounted for 31.58% of Dr. Hubbard's total prescribing.

c. Dr. Hubbard prescribed hydrocodone/acetaminophen almost exclusively in the highest available strength, with 539 of the 541 prescriptions for hydrocodone/acetaminophen prescribed in the highest available strength despite inter-patient variability.

d. Approximately 33.3% of the prescriptions were paid in cash, without the aid of prescription insurance. There were numerous instances when Respondent Alliance Pharmacy processed prescriptions for several cash-paying patients of Dr. Hubbard's on the same day, and often these prescriptions were assigned consecutive prescription numbers.

e. Many of Dr. Hubbard's patients travelled unusual distances from their homes to Respondent Alliance Pharmacy to obtain prescriptions. For example, multiple patients had addresses listed in Long Beach, Pasadena, Sylmar, Anaheim, and Victorville, 22.9 miles, 23.6 miles, 32 miles, 34.5 miles, and 95.3 miles from Respondent Alliance Pharmacy, respectively.

f. Of the 12 prescription documents the Board Inspector collected during the inspection, 11 prescription documents from Dr. Hubbard, containing 20 prescriptions for controlled substances, did not conform to the requirements of Health and Safety Code section 11162.1 in that they lacked the "California Security Prescription" watermark. This omitted security feature alone invalidated the prescriptions and visibly indicated that the prescriptions were not written

1 legitimately. Respondent Cherian was noted in the Pharmacy dispensing records as the verifying
2 pharmacist for 3 of the non-compliant prescription documents from Dr. Hubbard.

3 g. Despite the irregularities discussed above, the prescription documents collected did
4 not contain documentation indicating that the Pharmacy contacted Dr. Hubbard to specifically
5 address these irregularities prior to filling the prescriptions.

6 31. **Dr. Mark Glasberg**

7 a. Respondent Alliance Pharmacy filled approximately 693 prescriptions under the
8 prescribing authority of Dr. Mark Glasberg during the query period. All of these prescriptions
9 were dispensed between June 14, 2018 and March 21, 2019.

10 b. Oxycodone 30 mg was Dr. Glasberg's most commonly prescribed medication,
11 accounting for 18.9% of his total prescriptions.

12 c. Dr. Glasberg prescribed immediate release oxycodone almost exclusively in the
13 highest available strength, with 131 of the 132 prescriptions for immediate release oxycodone
14 prescribed in the highest available strength despite inter-patient variability.

15 d. Of Dr. Glasberg's 57 patients who received prescriptions during the query period, 53
16 patients received at least one prescription for oxycodone 30 mg.

17 e. There were numerous instances when Respondent Alliance Pharmacy processed
18 similar or identical prescriptions for oxycodone 30 mg from Dr. Glasberg on the same day.

19 f. Dr. Glasberg's frequent prescribing of oxycodone 30 mg is incongruent with what
20 would be expected for a physician practicing within the scope of Dr. Glasberg's self-reported area
21 of practice (i.e., neurology and neurosurgery).

22 g. Despite the irregularities discussed above, the prescription documents collected did
23 not contain documentation indicating that the Pharmacy contacted Dr. Glasberg to specifically
24 address these irregularities prior to filling the prescriptions.

25 32. **Dr. Young Yi**

26 a. Respondent Alliance Pharmacy filled approximately 835 prescriptions under the
27 prescribing authority of Dr. Young Yi during the query period. All of these prescriptions were
28 dispensed between December 27, 2016 and October 29, 2018.

b. Oxycodone 30 mg and hydrocodone/acetaminophen 10/325 mg were Dr. Yi's most commonly prescribed medication, accounting for 31.98% and 17.72% of his total prescribing, respectively. Together, these two commonly abused controlled substances made up 49.7% of Dr. Yi's total prescribing.

c. All 237 of Dr. Yi's prescriptions for oxycodone were prescribed exclusively in the highest available strength despite inter-patient variability. Moreover, all 148 of Dr. Yi's prescriptions for hydrocodone/acetaminophen were prescribed exclusively in the highest available strength despite inter-patient variability.

d. Of the 119 patients that received prescriptions from Dr. Yi during the query period, 118 of these patients received a prescription for a controlled substance. Further, 60 patients received at least one prescription for oxycodone 30 mg and 60 patients received at least one prescription for hydrocodone/acetaminophen 10/325 mg.

e. There were numerous instances when Respondent Alliance Pharmacy processed similar or identical prescriptions for oxycodone 30 mg and/or hydrocodone/acetaminophen 10/325 mg from Dr. Yi on the same day.

f. Despite the irregularities discussed above, the prescription documents collected did not contain documentation indicating that the Pharmacy contacted Dr. Yi to specifically address these irregularities prior to filling the prescriptions.

33. **Dr. John Korzelius**

a. Respondent Alliance Pharmacy filled approximately 121 prescriptions under the prescribing authority of Dr. John Korzelius during the query period. All of these prescriptions were dispensed between August 10, 2017 and February 22, 2019.

b. Oxycodone 30 mg was Dr. Korzelius's most commonly prescribed medication accounting for 48.76% of his total prescribing.

c. All 18 of Dr. Korzelius's patients received at least one prescription for oxycodone 30 mg.

d. All 59 of Dr. Korzelius's prescriptions for immediate release oxycodone were prescribed exclusively in the highest available strength despite inter-patient variability.

1 e. There were numerous instances when Respondent Alliance Pharmacy processed
2 similar or identical prescriptions for oxycodone 30 mg from Dr. Korzelius on the same day.

3 f. The prescription documents collected by the Board Inspector during the inspection
4 list an address for Dr. Korzelius in Encino, California, 20.1 miles from Respondent Alliance
5 Pharmacy. Moreover, the Pharmacy's dispensing record also listed two additional addresses for
6 Dr. Korzelius, located in Granada Hills and Santa Ana, 27.2 miles and 37.7 miles away from
7 Respondent Alliance Pharmacy, respectively. This means that patients traveled unusual
8 distances from Dr. Korzelius's office to Respondent Alliance Pharmacy to obtain prescriptions.

9 g. Despite the irregularities discussed above, the prescription documents collected did
10 not contain documentation indicating that the Pharmacy contacted Dr. Korzelius to specifically
11 address these irregularities prior to filling the prescriptions.

12 34. **PA Vinod Satya**

13 a. Respondent Alliance Pharmacy filled approximately 196 prescriptions under the
14 prescribing authority of Physician Assistant Vinod Satya during the query period. All of these
15 prescriptions were dispensed between January 11, 2018 and June 26, 2018. The prescription
16 documents collected by the Board Inspector during the inspection indicated that PA Satya
17 practiced under the supervision of Dr. Korzelius during this time period.

18 b. Oxycodone 30 mg was PA Satya's most commonly prescribed medication
19 accounting for 38.78% of his total prescribing.

20 c. All 36 of PA Satya's patients received at least one prescription for oxycodone 30 mg.

21 d. All 76 of PA Satya's prescriptions for immediate release oxycodone were prescribed
22 exclusively in the highest available strength despite inter-patient variability.

23 e. There were numerous instances when Respondent Alliance Pharmacy processed
24 similar or identical prescriptions for oxycodone 30 mg from PA Satya on the same day.

25 f. The prescription documents collected by the Board Inspector during the inspection
26 list an address for PA Satya in Santa Ana, California, 37 miles from Respondent Alliance
27 Pharmacy, resulting in patients traveling unusual distances from PA Satya's office to Respondent
28 Alliance Pharmacy to obtain prescriptions.

g. Despite the irregularities discussed above, the prescription documents collected did not contain documentation indicating that the Pharmacy contacted PA Satya to specifically address these irregularities prior to filling the prescriptions.

35. **Dr. Dean Weiss**

a. Respondent Alliance Pharmacy filled approximately 1,695 prescriptions under the prescribing authority of Dr. Dean Weiss during the query period. All of these prescriptions were dispensed between October 30, 2018 and June 18, 2019.

b. Oxycodone 30 mg was Dr. Weiss's most commonly prescribed medication, accounting for 17.17% of his total prescribing.

c. Of Dr. Weiss's 68 patients who received prescriptions during the query period, 62 patients received at least one prescription for oxycodone 30 mg.

d. Dr. Weiss's prescriptions for immediate release oxycodone were prescribed almost exclusively in the highest available strength, with 291 of the 292 prescriptions for immediate release oxycodone prescribed in the highest available strength despite inter-patient variability.

e. There were numerous instances when Respondent Alliance Pharmacy processed similar or identical prescriptions for oxycodone 30 mg from Dr. Weiss on the same day.

f. Dr. Weiss's address in the Pharmacy's dispensing record is located in Monterey Park, California, 18.2 miles from Respondent Alliance Pharmacy, resulting in many of Dr. Weiss's patients traveling unusual distances to Respondent Alliance Pharmacy to obtain prescriptions.

g. Despite the irregularities discussed above, the prescription documents collected did not contain documentation indicating that the Pharmacy contacted Dr. Weiss to specifically address these irregularities prior to filling the prescriptions.

36. Based on a review of the Pharmacy documentation collected and Patient Activity Reports, the Board Inspector determined that at least 26 patients were likely opioid naïve, yet these patients initiated opioid therapy at Respondent Alliance Pharmacy with the highest available strength of immediate release oxycodone. Respondent Cheria was noted in the Pharmacy's dispensing records as the verifying pharmacist for all 26 of these prescriptions. These prescriptions are summarized in the following table:

Date	Rx No.	Patient Name	Medication	Prescriber	Previous Opioids in Pharmacy Data	Previous Opioids in Patient Activity Report
1/8/19	252925	LDA	Oxycodone 30 mg	Dr. Glasberg	None	None since at least 4/23/15
1/7/19	252915	EB	Oxycodone 30 mg	Dr. Glasberg	None	None for last 18 months
11/28/18	249172	DB	Oxycodone 30 mg	Dr. Glasberg	None	None since at least 4/23/15
9/11/18	241049	AG	Oxycodone 30 mg	Dr. Glasberg	None	None for last 17 months
9/6/18	240759	GS	Oxycodone 30 mg	Dr. Glasberg	None	None since at least 6/1/17
9/6/18	240735	BD	Oxycodone 30 mg	Dr. Yi	None	None since at least 1/1/16
8/14/18	238644	RC	Oxycodone 30 mg	Dr. Smith	None	None since at least 4/23/15
8/9/18	238218	KB	Oxycodone 30 mg	Dr. Glasberg	None	None for last 33 months
7/25/18	235238	ME	Oxycodone 30 mg	Dr. Glasberg	None	None for last 34 months
7/5/18	235228	DC	Oxycodone 30 mg	Dr. Glasberg	None	None for last 22 months
5/15/18	230826	DS	Oxycodone 30 mg	PA Satya	None	None since at least 6/1/17
5/14/18	230504	KW	Oxycodone 30 mg	PA Satya	None	None for last 8 months
5/14/18	230574	DW	Oxycodone 30 mg	PA Satya	None	None since at least 6/1/17
4/13/18	228177	AC	Oxycodone 30 mg	Dr. Friedman	None	None since at least 4/23/15
4/9/18	227564	AQS	Oxycodone 30 mg	PA Satya	None	None for last 11 months
2/26/18	224087	KBL	Oxycodone 30 mg	PA Satya	None	None since at least 4/23/15
2/23/18	224029	BW	Oxycodone 30 mg	PA Satya	None	None since at least 6/1/17
2/6/18	223570	AS	Oxycodone 30 mg	Dr. Korzelius	None	None since at least 6/1/17
7/7/17	206999	JC	Oxycodone 30 mg	Dr. Khan	None	None since at least 7/30/16
6/21/17	205842	LJ	Oxycodone 30 mg	Dr. Khan	None	None since at least 7/30/16
6/14/17	205252	TF	Oxycodone 30 mg	Dr. Khan	None	None since at least 7/30/16

6/9/17	204940	TH	Oxycodone 30 mg	Dr. Khan	None	None since at least 7/30/16
6/7/17	204708	BL	Oxycodone 30 mg	Dr. Khan	None	None since at least 7/30/16
5/23/17	203697	BHO	Oxycodone 30 mg	Dr. Khan	None	None since at least 7/30/16
5/16/17	203212	BHU	Oxycodone 30 mg	Dr. Khan	None	None since at least 7/30/16
11/7/16	186548	JB	Oxycodone 30 mg	Dr. Shah	None	None since at least 1/1/16

FIRST CAUSE FOR DISCIPLINE

(Failure to Exercise or Implement Corresponding Responsibility)

37. Respondent Alliance Pharmacy and Respondent Cherian are subject to disciplinary action under Code sections 4301, subdivisions (d), (j) and (o), 4306.5, subdivisions (a) and (b), and 4113, subdivision (c), in conjunction with Health and Safety Code section 11153, subdivision (a), California Code of Regulations, title 16, section 1761, and Federal Code of Regulations, title 21, section 1306.04, in that Respondents failed to exercise or implement their best professional judgment or corresponding responsibility with regard to the dispensing or furnishing of controlled substances or dangerous drugs, or with regard to the provision of services. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 24 through 36, as though set forth in full herein.

SECOND CAUSE FOR DISCIPLINE

(Filling or Dispensing Improper Prescriptions for Controlled Substances)

38. Respondent Alliance Pharmacy and Respondent Cherian are subject to disciplinary action under Code sections 4301, subdivisions (d), (j), and (o), 4306.5, subdivision (b), and 4113, subdivision (c), in conjunction with Health and Safety Code sections 11162.1, subdivisions (a) and (b), and 11164, California Code of Regulations, title 16, section 1761, and Federal Code of Regulations, title 21, section 1306.04, in that Respondents filled or dispensed controlled substance prescriptions that did not comply with the form requirements of Health and Safety Code section 11162.1, or contained any significant error, omission, irregularity, uncertainty, ambiguity or alteration. Complainant refers to, and by this reference incorporates, the allegations set forth in above paragraphs 24 through 36, as though set forth in full herein.

DISCIPLINARY CONSIDERATIONS

39. To determine the degree of discipline, if any, to be imposed on Respondent Alliance Pharmacy, Complainant alleges that on or about August 3, 2017, in a prior action, the Board issued Respondent Alliance Pharmacy Citation Number CI 2014 66095 and ordered Respondent Alliance Pharmacy to pay an administrative fine of \$5,000. That citation is now final.

40. To determine the degree of discipline, if any, to be imposed on Respondent Cherian, Complainant alleges that on or about August 3, 2017, in a prior action, the Board issued Respondent Cherian Citation Number CI 2017 75965 and ordered Respondent Cherian to pay an administrative fine of \$5,000. That citation is now final.

41. To determine the degree of discipline, if any, to be imposed on Respondent Cherian, Complainant alleges that on or about December 17, 2019, in a prior action, the Board issued Respondent Cherian Citation Number CI 2019 86482. That citation is now final.

OTHER MATTERS

42. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number PHY 51160, issued to Pacific Pharmacy Management Inc., dba Alliance Pharmacy, Respondent Alliance Pharmacy shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 51160 is placed on probation or until Pharmacy Permit Number PHY 51160 is reinstated if it is revoked.

43. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number PHY 51160, issued to Pacific Pharmacy Management Inc., dba Alliance Pharmacy, while Joseph Varghese Cherian has been an officer, director, and/or owner and had knowledge of or knowingly participated in any conduct for which the licensee was disciplined, Respondent Cherian shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 51160 is placed on probation or until Pharmacy Permit Number PHY 51160 is reinstated if it is revoked.

44. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License Number RPH 51944, issued to Joseph Varghese Cherian, Respondent Cherian shall be prohibited

1 from serving as a manager, administrator, owner, member, officer, director, associate, or partner
2 of a licensee for five years if Pharmacist License Number RPH 51944 is placed on probation or
3 until Pharmacist License Number RPH 51944 is reinstated if it is revoked.

4 **PRAYER**

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

7 1. Revoking or suspending Pharmacy Permit Number PHY 51160, issued to Pacific
8 Pharmacy Management Inc., dba Alliance Pharmacy, Joseph Varghese Cherian;

9 2. Revoking or suspending Pharmacist License Number RPH 51944, issued to Joseph
10 Varghese Cherian;

11 3. Prohibiting Pacific Pharmacy Management Inc., dba Alliance Pharmacy from serving
12 as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee
13 for five years if Pharmacy Permit Number PHY 51160 is placed on probation or until Pharmacy
14 Permit Number PHY 51160 is reinstated if Pharmacy Permit Number PHY 51160 is revoked;

15 4. Prohibiting Joseph Varghese Cherian from serving as a manager, administrator,
16 owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy
17 Permit Number PHY 51160 is placed on probation or until Pharmacy Permit Number PHY 51160
18 is reinstated if Pharmacy Permit Number PHY 51160 is revoked;

19 5. Prohibiting Joseph Varghese Cherian from serving as a manager, administrator,
20 owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacist
21 License Number RPH 51944 is placed on probation or until Pharmacist License Number RPH
22 51944 is reinstated if Pharmacist License Number RPH 51944 is revoked;

23 6. Ordering Alliance Pharmacy and Joseph Varghese Cherian to pay the Board of
24 Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to
25 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: 2/17/2021

Signature on File

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

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