

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

In the Matter of the Accusation Against:

**BANSI CORPORATION, dba
TOTAL CARE PHARMACY,
Pharmacy Permit No. PHY 51586;**

and

**ANANDKUMAR NATKVARLAL SHAH,
Pharmacist License No. RPH 67046,**

Respondents.

Agency Case No. 7066

OAH No. 2021080339

DECISION AND ORDER

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

This Decision shall become effective at 5:00 p.m. on April 13, 2022.

It is so ORDERED on March 14, 2022.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

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

Seung W. Oh, Pharm.D.
Board President

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10 **BEFORE THE**
BOARD OF PHARMACY
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA
12

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14 In the Matter of the Accusation Against:

15 **BANSI CORPORATION, DBA TOTAL**
CARE PHARMACY
16 **1657 E. Sixth Street**
Beaumont, CA 92223

17 **Pharmacy Permit No. PHY 51586,**

18 **and**

19 **ANANDKUMAR NATKVARLAL SHAH**
20 **11863 Columbia Ct.**
Loma Linda, CA 92354

21 **Pharmacist License No. RPH 67046**

22 Respondents.
23

Case No. 7066

OAH No. 2021080339

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

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

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1 **PARTIES**

2 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
3 (Board). She brought this action solely in her official capacity and is represented in this matter by
4 Rob Bonta, Attorney General of the State of California, by Michael M. Karimi, Deputy Attorney
5 General.

6 2. Respondent Bansi Corporation, dba Total Care Pharmacy and Anandkumar
7 Natkvarlal Shah (collectively Respondents) are represented in this proceeding Ivan Petrzela,
8 Esq. and Tony J. Park Esq., of California Pharmacy Lawyers, whose address is 55 Cetus, 1st
9 Floor, Irvine, CA 92618.

10 3. On or about August 29, 2013, the Board issued Pharmacy Permit No. PHY 51586 to
11 Bansi Corporation, dba Total Care Pharmacy (Respondent Total Care). The Pharmacy Permit
12 was in full force and effect at all times relevant to the charges brought in Accusation No. 7066,
13 and will expire on August 1, 2022, unless renewed.

14 4. On or about August 29, 2013, the Board issued Pharmacist License Number RPH
15 67046 to Anandkumar Natkvarlal Shah (Respondent Shah). The Pharmacist License was in full
16 force and effect at all times relevant to the charges brought in Accusation No. 7066, and will
17 expire on August 1, 2022, unless renewed.

18 **JURISDICTION**

19 5. Accusation No. 7066 was filed before the Board, and is currently pending against
20 Respondents. The Accusation and all other statutorily required documents were properly served
21 on Respondents on April 19, 2021. Respondents timely filed its Notice of Defense contesting the
22 Accusation.

23 6. A copy of Accusation No. 7066 is attached as exhibit A and incorporated herein by
24 reference.

25 **ADVISEMENT AND WAIVERS**

26 7. Respondents has carefully read, fully discussed with counsel, and understand the
27 charges and allegations in Accusation No. 7066. Respondents have also carefully read, fully
28 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary

1 Order.

2 8. Respondents are fully aware of its legal rights in this matter, including the right to a
3 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
4 the witnesses against them; the right to present evidence and to testify on its own behalf; the right
5 to the issuance of subpoenas to compel the attendance of witnesses and the production of
6 documents; the right to reconsideration and court review of an adverse decision; and all other
7 rights accorded by the California Administrative Procedure Act and other applicable laws.

8 9. Respondents voluntarily, knowingly, and intelligently waives and gives up each and
9 every right set forth above.

10 **CULPABILITY**

11 10. Respondents admit the truth of each and every charge and allegation in Accusation
12 No. 7066.

13 11. Respondents agree that their Pharmacy Permit and Pharmacist License are subject to
14 discipline and agree to be bound by the Board's probationary terms as set forth in the Disciplinary
15 Order below.

16 **CONTINGENCY**

17 12. This stipulation shall be subject to approval by the Board of Pharmacy. Respondents
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 its counsel. By signing the stipulation, Respondents
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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13. 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.

14. 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.

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

AS TO BANSI CORPORATION, dba TOTAL CARE PHARMACY

IT IS HEREBY ORDERED that Pharmacy Permit No. PHY 51586 issued to Respondent Bansi Corporation, dba Total Care Pharmacy is revoked. However, the revocation is stayed and Respondent is placed on probation for two (2) years on the following terms and conditions:

1. Definition: Respondent

For the purposes of this first set of terms and conditions, “respondent” shall refer to Bansi Corporation, dba Total Care 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

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.

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 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.

6. Reimbursement of Board Costs

As a condition precedent to successful completion of probation, respondent shall pay to the board its costs of investigation and prosecution in the amount of \$9,000.00. Respondent shall make said payment according to a plan that is approved by the board or its designee.

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

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

7. Probation Monitoring Costs

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

8. Status of License

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

1 If respondent's Pharmacy Permit expires or is cancelled by operation of law or otherwise at
2 any time during the period of probation, including any extensions thereof due to tolling or
3 otherwise, upon renewal or reapplication respondent's license shall be subject to all terms and
4 conditions of this probation not previously satisfied.

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

6 Following the effective date of this decision, should respondent wish to discontinue
7 business, respondent may tender the premises license to the board for surrender. The board or its
8 designee shall have the discretion whether to grant the request for surrender or take any other
9 action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the
10 license, respondent will no longer be subject to the terms and conditions of probation.

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

14 Upon acceptance of the surrender, respondent shall relinquish the premises wall and
15 renewal license to the board within ten (10) days of notification by the board that the surrender is
16 accepted. Respondent shall further submit a completed Discontinuance of Business form
17 according to board guidelines and shall notify the board of the records inventory transfer within
18 five (5) days. Respondent shall further arrange for the transfer of all records of acquisition and
19 disposition of dangerous drugs and/or devices to premises licensed and approved by the board.

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

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

4 Respondent further stipulates that it shall reimburse the board for its costs of investigation
5 and prosecution prior to the acceptance of the surrender.

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

7 During the period of probation, should respondent sell, trade or transfer all or part of the
8 ownership of the licensed entity, discontinue doing business under the license issued to
9 respondent, or should practice at that location be assumed by another full or partial owner,
10 person, firm, business, or entity, under the same or a different premises license number, the board
11 or its designee shall have the sole discretion to determine whether to exercise continuing
12 jurisdiction over the licensed location, under the current or new premises license number, and/or
13 carry the remaining period of probation forward to be applicable to the current or new premises
14 license number of the new owner.

15 **11. Notice to Employees**

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

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

1 **12. Owners and Officers: Knowledge of the Law**

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

8 **13. Premises Open for Business**

9 Respondent shall remain open and engaged in its ordinary business as a pharmacy in
10 California for a minimum of one hundred (100) hours per calendar month. Any month during
11 which this minimum is not met shall toll the period of probation, i.e., the period of probation shall
12 be extended by one month for each month during with this minimum is not met. During any such
13 period of tolling of probation, respondent must nonetheless comply with all terms and conditions
14 of probation, unless respondent is informed otherwise in writing by the board or its designee. If
15 respondent is not open and engaged in its ordinary business as a pharmacy for a minimum of one
16 hundred (100) hours in any calendar month, for any reason (including vacation), respondent shall
17 notify the board in writing within ten (10) days of the conclusion of that calendar month. This
18 notification shall include at minimum all of the following: the date(s) and hours respondent was
19 open; the reason(s) for the interruption or why business was not conducted; and the anticipated
20 date(s) on which respondent will resume business as required. Respondent shall further notify the
21 board in writing with ten (10) days following the next calendar month during which respondent is
22 open and engaged in its ordinary business as a pharmacy in California for a minimum of one
23 hundred (100) hours. Any failure to timely provide such notification(s) shall be considered a
24 violation of probation.

25 **14. Posted Notice of Probation**

26 Respondent shall prominently post a probation notice provided by the board or its designee
27 in a place conspicuous to and readable by the public within two (2) days of receipt thereof from
28 the board or its designee. Failure to timely post such notice, or to maintain the posting during the

entire period of probation, shall be considered a violation of probation.

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

15. Violation of Probation

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

If respondent violates probation in any respect, the board, after giving respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If a petition to revoke probation or an accusation is filed against respondent during probation, the board shall have continuing jurisdiction and the period of probation shall be automatically extended until the petition to revoke probation or accusation is heard and decided, and the charges and allegations in the Accusation shall be deemed true and correct.

16. Completion of Probation

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

17. No Additional Ownership or Management of Licensed Premises

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

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AS TO ANANDKUMAR NATVARLAL SHAH

IT IS ALSO HEREBY ORDERED that Pharmacist License Number RPH 67046 issued to Respondent Shah is revoked. However, the revocation is stayed and Respondent Shah is placed on probation for two (2) 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,

1 probation shall be automatically extended until such time as the final report is made and accepted
2 by the board.

3 **3. Interview with the Board**

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

9 **4. Cooperate with Board Staff**

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

16 **5. Continuing Education**

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

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

20 During the period of probation, respondent shall notify all present and prospective
21 employers of the decision in case number 7066 and the terms, conditions and restrictions imposed
22 on respondent by the decision, as follows:

23 Within thirty (30) days of the effective date of this decision, and within ten (10) days of
24 undertaking any new employment, respondent shall report to the board in writing the name,
25 physical address, and mailing address of each of respondent's employer(s), and the name(s) and
26 telephone number(s) of all of Respondent's direct supervisor(s), as well as any pharmacist(s)-in-
27 charge, designated representative(s)-in-charge, responsible manager, or other compliance
28 supervisor(s) and the work schedule, if known. Respondent shall also include the reason(s) for

1 leaving the prior employment. Respondent shall sign and return to the board a written consent
2 authorizing the board or its designee to communicate with all of respondent's employer(s) and
3 supervisor(s), and authorizing those employer(s) or supervisor(s) to communicate with the board
4 or its designee, concerning respondent's work status, performance, and monitoring. Failure to
5 comply with the requirements or deadlines of this condition shall be considered a violation of
6 probation.

7 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
8 respondent undertaking any new employment, respondent shall cause (a) respondent's direct
9 supervisor, (b) respondent's pharmacist-in-charge, designated representative-in-charge,
10 responsible manager, or other compliance supervisor, and (c) the owner or owner representative
11 of respondent's employer, to report to the board in writing acknowledging that the listed
12 individual(s) has/have read the decision in case number 7066, and terms and conditions imposed
13 thereby. If one person serves in more than one role described in (a), (b), or (c), the
14 acknowledgment shall so state. It shall be the respondent's responsibility to ensure that these
15 acknowledgment(s) are timely submitted to the board. In the event of a change in the person(s)
16 serving the role(s) described in (a), (b), or (c) during the term of probation, respondent shall cause
17 the person(s) taking over the role(s) to report to the board in writing within fifteen (15) days of
18 the change acknowledging that he or she has read the decision in case number 7066, and the
19 terms and conditions imposed thereby.

20 If respondent works for or is employed by or through an employment service, respondent
21 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the board
22 of the decision in case number 7066, and the terms and conditions imposed thereby in advance of
23 respondent commencing work at such licensed entity. A record of this notification must be
24 provided to the board upon request.

25 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
26 (15) days of respondent undertaking any new employment by or through an employment service,
27 respondent shall cause the person(s) described in (a), (b), and (c) above at the employment service
28 to report to the board in writing acknowledging that he or she has read the decision in case

number, and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure that these acknowledgment(s) are timely submitted to the board.

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

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

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

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

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

8. Restrictions on Supervision and Oversight of Licensed Facilities

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

9. Reimbursement of Board Costs

As a condition precedent to successful completion of probation, respondent shall pay to the board its costs of investigation and prosecution in the amount of \$6,000.00. Respondent shall make said payment according to a plan that is approved by the board or its designee.

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

Respondent shall be permitted to pay these costs in a payment plan approved by the board or its designee, so long as full payment is completed no later than one (1) year prior to the end

1 date of probation.

2 **10. Probation Monitoring Costs**

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

7 **11. Status of License**

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

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

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

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

25 Upon acceptance of the surrender, respondent shall relinquish her pocket and/or wall
26 license, including any indicia of licensure not previously provided to the board within ten (10)
27 days of notification by the board that the surrender is accepted if not already provided.
28 Respondent may not reapply for any license from the board for three (3) years from the effective

1 date of the surrender. Respondent shall meet all requirements applicable to the license sought as
2 of the date the application for that license is submitted to the board, including any outstanding
3 costs.

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

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

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

20 It is a violation of probation for respondent's probation to be extended pursuant to the
21 provisions of this condition for a total period, counting consecutive and non-consecutive months,
22 exceeding thirty-six (36) months. The board or its designee may post a notice of the extended
23 probation period on its website.

24 **14. Violation of Probation**

25 If respondent has not complied with any term or condition of probation, the board shall
26 have continuing jurisdiction over respondent, and the board shall provide notice to respondent
27 that probation shall automatically be extended, until all terms and conditions have been satisfied
28 or the board has taken other action as deemed appropriate to treat the failure to comply as a

violation of probation, to terminate probation, and to impose the penalty that was stayed. The board or its designee may post a notice of the extended probation period on its website.

If respondent violates probation in any respect, the board, after giving respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If a petition to revoke probation or an accusation is filed against respondent during probation, or the preparation of an accusation or petition to revoke probation is requested from the Office of the Attorney General, the board shall have continuing jurisdiction and the period of probation shall be automatically extended until the petition to revoke probation or accusation is heard and decided.

15. Completion of Probation

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

16. Remedial Education

Within sixty (60) days of the effective date of this decision, respondent shall submit to the board or its designee, for prior approval, an appropriate program of remedial education related to pharmacy law and USP 795. The program of remedial education shall consist of at least five (5) hours per year in pharmacy law and an additional five (5) hours per year in USP 795 during the period of probation, and shall be completed at respondent's own expense.

Respondent shall complete at least half of every year's required amount of hours of remedial education in person. All remedial education shall be in addition to, and shall not be credited toward, continuing education (CE) courses used for license renewal purposes for pharmacists.

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

Following the completion of each course, the board or its designee may require the respondent, at his own expense, to take an approved examination to test the respondent's

1 knowledge of the course. If the respondent does not achieve a passing score on the examination
2 that course shall not count towards satisfaction of this term. Respondent shall take another course
3 approved by the board in the same subject area.

4 **17. Ethics Course**

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

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

14 Respondent shall not own, have any legal or beneficial interest in, nor serve as a manager,
15 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
16 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell
17 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)
18 days following the effective date of this decision and shall immediately thereafter provide written
19 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide
20 documentation thereof shall be considered a violation of probation.

21 ///

22 ///

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28 ///

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Ivan Petrzelka, Esq. and Tony J. Park Esq., of California Pharmacy Lawyers. 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: _____

_____, as the
authorized agent on behalf of
BANSI CORPORATION, DBA TOTAL CARE
PHARMACY
Respondent

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Ivan Petrzelka, Esq. and Tony J. Park Esq., of California Pharmacy Lawyers. 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: _____

ANANDKUMAR NATKVARLAL SHAH
Respondent

I have read and fully discussed with Respondent Bansi Corporation, dba Total Care Pharmacy and Respondent Anandkumar Natkvarlal Shah the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: _____

IVAN PETRZELKA
Attorney for Respondents

///

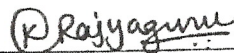
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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Ivan Petrzeka, Esq. and Tony J. Park Esq., of California Pharmacy Lawyers. 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: 02/01/2022



Komal Rajyaguru, CEO
as the
authorized agent on behalf of
BANSI CORPORATION, DBA TOTAL CARE
PHARMACY
Respondent

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

DATED: 2/1/22



ANANDKUMAR NATKVARLAL SHAH
Respondent

I have read and fully discussed with Respondent Bansi Corporation, dba Total Care Pharmacy and Respondent Anandkumar Natkvarlal Shah the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: February 1, 2022



IVAN PETRZELKA
Attorney for Respondents

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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
GREGORY J. SALUTE
Supervising Deputy Attorney General

MICHAEL M. KARIMI
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: February 1, 2022

Respectfully submitted,

ROB BONTA
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GREGORY J. SALUTE
Supervising Deputy Attorney General



MICHAEL M. KARIMI
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 7066

1 XAVIER BECERRA
Attorney General of California
2 JAMES M. LEDAKIS
Supervising Deputy Attorney General
3 MICHAEL M. KARIMI
Deputy Attorney General
4 State Bar No. 260906
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9607
7 Facsimile: (619) 645-2061
E-mail: Michael.Karimi@doj.ca.gov
8 *Attorneys for Complainant*

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

13 In the Matter of the Accusation Against:

Case No. 7066

14 **BANSI CORPORATION, DBA TOTAL**
15 **CARE PHARMACY; KOMAL RATILAL**
16 **RAJYAGURU**
17 **PRESIDENT/SECRETARY; RATILAL D.**
18 **RAJAGURU VICE-**
19 **PRESIDENT/TREASURER/CFO**
1657 E. Sixth Street
Beaumont, CA 92223

ACCUSATION

20 **Pharmacy Permit No. PHY 51586,**

and

21 **ANANDKUMAR NATKVARLAL SHAH**
11863 Columbia Ct.
22 Loma Linda, CA 92354

23 **Pharmacist License No. RPH 67046**

24 Respondents.

25
26 **PARTIES**

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

2. On or about August 29, 2013, the Board of Pharmacy issued Pharmacy Permit Number PHY 51586 to Bansi Corporation, dba Total Care Pharmacy; Komal Ratilal Rajyaguru President/Secretary; Ratilal D. Rajaguru Vice-President/Treasurer/CFO (Total Care) with Anandkumar Natvarlal Shah designated as the Pharmacist-in-Charge since that date. The Pharmacy Permit was in full force and effect at all times relevant to the charges brought herein and will expire on August 1, 2021, unless renewed.

3. On or about April 17, 2012, the Board of Pharmacy issued Pharmacist License Number RPH 67046 to Anandkumar Natkvarlal Shah (Respondent Shah). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2021, unless renewed.

JURISDICTION

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

5. Section 4011 provides that the Board shall administer and enforce both the Pharmacy Law and the Uniform Controlled Substances Act.

6. Code section 4300 provides, in pertinent part, that every license issued by the Board is subject to discipline, including suspension or revocation.

7. Code section 4300.1 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

STATUTORY PROVISIONS

8. Section 4022 of the Code states:

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

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

(b) Any device that bears the statement: Caution: federal law restricts this device to sale by or on the order of a _____, Rx only, or words of similar

import, the blank to be filled in with the designation of the practitioner licensed to use or order use of the device.

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

9. Section 4059 of the Code states, in pertinent part, that 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.

10. Section 4063 of the Code states, that no prescription for any dangerous drug or dangerous device may be refilled except upon authorization of the prescriber. The authorization may be given orally or at the time of giving the original prescription. No prescription for any dangerous drug that is a controlled substance may be designated refillable as needed.

11. Section 4333 of the Code states, in pertinent part, that all prescriptions filled by a pharmacy and all other records required by Section 4081 shall be maintained on the premises and available for inspection by authorized officers of the law for a period of at least three years. In cases where the pharmacy discontinues business, these records shall be maintained in a board-licensed facility for at least three years.

12. Section 4081 of the Code states:

(a) All records of manufacture and of sale, acquisition, or disposition of dangerous drugs or dangerous devices shall be at all times during business hours open to inspection by authorized officers of the law, and shall be preserved for at least three years from the date of making. A current inventory shall be kept by every manufacturer, wholesaler, pharmacy, veterinary food-animal drug retailer, physician, dentist, podiatrist, veterinarian, laboratory, clinic, hospital, institution, or establishment holding a currently valid and unrevoked certificate, license, permit, registration, or exemption under Division 2 (commencing with Section 1200) of the Health and Safety Code or under Part 4 (commencing with Section 16000) of Division 9 of the Welfare and Institutions Code who maintains a stock of dangerous drugs or dangerous devices.

(b) The owner, officer, and partner of any pharmacy, wholesaler, or veterinary food-animal drug retailer shall be jointly responsible, with the pharmacist-in-charge or representative-in-charge, for maintaining the records and inventory described in this section.

(c) The pharmacist-in-charge or representative-in-charge shall not be criminally responsible for acts of the owner, officer, partner, or employee that violate this section and of which the pharmacist-in-charge or representative-in-charge had no knowledge, or in which he or she did not knowingly participate.

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

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

4 ...

5 (f) The commission of any act involving moral turpitude, dishonesty, fraud,
6 deceit, or corruption, whether the act is committed in the course of relations as a
7 licensee or otherwise, and whether the act is a felony or misdemeanor or not.

8 ...

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

14 (p) Actions or conduct that would have warranted denial of a license.

15 ...

16 14. Section 4113 of the Code states, in pertinent part:

17 ...

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

20 15. Section 4307 of the Code states:

21 (a) Any person who has been denied a license or whose license has been revoked or
22 is under suspension, or who has failed to renew his or her license while it was under
23 suspension, or who has been a manager, administrator, owner, member, officer, director,
24 associate, partner, or any other person with management or control of any partnership,
25 corporation, trust, firm, or association whose application for a license has been denied or
26 revoked, is under suspension or has been placed on probation, and while acting as the
27 manager, administrator, owner, member, officer, director, associate, partner, or any other
28 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.

REGULATORY PROVISIONS

16. Title 16, section 1716, of the California Code of Regulations states, in pertinent part:

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

17. Title 16, section 1714, of the California Code of Regulations states, in pertinent part:

...

(b) Each pharmacy licensed by the board shall maintain its facilities, space, fixtures, and equipment so that drugs are safely and properly prepared, maintained, secured and distributed. The pharmacy shall be of sufficient size and unobstructed area to accommodate the safe practice of pharmacy.

...

18. Title 16, section 1764, of the California Code of Regulations states:

No pharmacist shall exhibit, discuss, or reveal the contents of any prescription, the therapeutic effect thereof, the nature, extent, or degree of illness suffered by any patient or any medical information furnished by the prescriber with any person other than the patient or his or her authorized representative, the prescriber or other licensed practitioner then caring for the patient, another licensed pharmacist serving the patient, or a person duly authorized by law to receive such information.

19. Title 16, section 1735, of the California Code of Regulations states:

(a) "Compounding" means any of the following activities occurring in a licensed pharmacy, by or under the supervision of a licensed pharmacist, pursuant to a prescription:

(1) Altering the dosage form or delivery system of a drug

(2) Altering the strength of a drug

(3) Combining components or active ingredients

(4) Preparing a compounded drug preparation from chemicals or bulk drug substances

(b) "Compounding" does not include reconstitution of a drug pursuant to a manufacturer's direction(s), nor does it include the sole act of tablet splitting or crushing, capsule opening, or the addition of flavoring agent(s) to enhance

1 palatability.

2 (c) The parameters and requirements stated by Article 4.5 (Section 1735 et seq.)
3 apply to all compounding practices. Additional parameters and requirements
4 applicable solely to sterile compounding are stated by Article 7 (Section 1751 et
5 seq.).

6 20. Title 16, section 1735.3, of the California Code of Regulations states, in pertinent
7 part:

8 (a) For each compounded drug preparation, pharmacy records shall include:

9 ...

10 (2) A compounding log consisting of a single document containing all of the
11 following:

12 ...

13 (C) The identity of any pharmacy personnel engaged in compounding the
14 drug preparation.

15 (D) The identity of the pharmacist reviewing the final drug preparation.

16 ...

17 21. Title 16, section 1735.5, of the California Code of Regulations states, in pertinent
18 part:

19 (a) Any pharmacy engaged in compounding shall maintain written policies and
20 procedures for compounding that establishes procurement procedures, methodologies
21 for the formulation and compounding of drugs, facilities and equipment cleaning,
22 maintenance, operation, and other standard operating procedures related to
23 compounding. Any material failure to follow the pharmacy's written policies and
24 procedures shall constitute a basis for disciplinary action.

25 (b) The policies and procedures shall be reviewed and such review shall be
26 documented on an annual basis by the pharmacist-in-charge. The policies and
27 procedures shall be updated whenever changes in policies and procedures are
28 implemented.

(c) The policies and procedures shall include at least the following:

...

(7) Dates and signatures reflecting all annual reviews of the policies and
procedures by the pharmacist-in-charge.

...

22. Title 16, section 1735.6, of the California Code of Regulations states, in pertinent
part:

...

(e) Hazardous drug compounding shall be completed in an externally exhausted
physically separate room with the following requirements:

1 (1) Minimum of 30 air changes per hour except that 12 air changes per hour
2 are acceptable for segregated compounding areas with a BSC or CACI when
products are assigned a BUD of 12 hours or less or when non sterile
products are compounded; and

3 (2) Maintained at a negative pressure of 0.01 to 0.03 inches of water column
4 relative to all adjacent spaces (rooms, above ceiling, and corridors); and

5 (3) (A) For sterile compounding, each BSC or CACI shall be externally
exhausted.

6 (B) For nonsterile compounding, a BSC, a CACI, or other containment
7 ventilated enclosure shall be used and shall either use a redundant-HEPA
filter in series or be externally exhausted. For purposes of this paragraph, a
8 containment ventilated enclosure means a full or partial enclosure that uses
ventilation principles to capture, contain, and remove airborne contaminants
9 through high-efficiency particulate air (HEPA) filtration and to prevent their
release into the work environment.

10 (4) All surfaces within the room shall be smooth, seamless, impervious, and
11 non-shedding. Pharmacists shall not deviate from the requirements of a
prescription except upon the prior consent of the prescriber or to select the
12 drug product in accordance with Section 4073 of the Business and
Professions Code.

13 ...

14 23. Title 16, section 1735.7, of the California Code of Regulations states, in pertinent
15 part:

16 (a) A pharmacy engaged in compounding shall maintain documentation
17 demonstrating that personnel involved in compounding have the skills and training
required to properly and accurately perform their assigned responsibilities and
18 documentation demonstrating that all personnel involved in compounding are trained
in all aspects of policies and procedures. This training shall include but is not limited
19 to support personnel (e.g. institutional environmental services, housekeeping),
maintenance staff, supervising pharmacist and all others whose jobs are related to the
20 compounding process.

21 (b) The pharmacy shall develop and maintain an on-going competency
evaluation process for pharmacy personnel involved in compounding, and shall
22 maintain documentation of any and all training related to compounding undertaken by
pharmacy personnel.

23 (c) Pharmacy personnel assigned to compounding duties shall demonstrate
24 knowledge about processes and procedures used in compounding prior to
compounding any drug preparation.

25 24. Title 16, section 1715.65, of the California Code of Regulations states, in pertinent
26 part:

27 ...
28

1 (c) A pharmacy or clinic shall compile an inventory reconciliation report of all
2 federal Schedule II controlled substances at least every three months. This
3 compilation shall require:

4 (1) A physical count, not an estimate, of all quantities of federal Schedule II
5 controlled substances. The biennial inventory of controlled substances
6 required by federal law may serve as one of the mandated inventories under
7 this section in the year where the federal biennial inventory is performed,
8 provided the biennial inventory was taken no more than three months from
9 the last inventory required by this section;

10 (2) A review of all acquisitions and dispositions of federal Schedule II
11 controlled substances since the last inventory reconciliation report;

12 (3) A comparison of (1) and (2) to determine if there are any variances;

13 (4) All records used to compile each inventory reconciliation report shall be
14 maintained in the pharmacy or clinic for at least three years in a readily
15 retrievable form; and

16 (5) Possible causes of overages shall be identified in writing and
17 incorporated into the inventory reconciliation report. Pharmacists shall not
18 deviate from the requirements of a prescription except upon the prior
19 consent of the prescriber or to select the drug product in accordance with
20 Section 4073 of the Business and Professions Code.

21 ...

22 **COST RECOVERY**

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

27 **FACTUAL ALLEGATIONS**

28 26. At all times relevant herein, Respondent Shah was the pharmacist-in-charge at Total
Care.

29 27. On or about December 9, 2019, the Board received a complaint concerning a patient,
30 identified here by the initials C.M., who was hospitalized in the ICU after Total Care had
31 dispensed the prescription of another patient to C.M. Patient C.M. was visually impaired at the
32 time, and took the medication dispensed to him without realizing it was for another patient.

33 28. Total Care had dispensed potassium tablets to C.M. under Rx # 271965. The label on
34 this prescription dispensed to C.M. was for a patient identified here by the initials T.H.

1 29. On or about May 14, 2020, the Board contacted Respondent Shah and informed him
2 of the incident. Total Care's records document that Rx # 271965 was dispensed to T.H. on
3 November 15, 2019, and that multiple medications were dispensed to C.M. in the same time
4 period. Respondent Shah stated that Rx # 271965 had not been individually scanned at the point-
5 of-sale and that the system did not identify individual cashiers. Respondent Shah also stated that
6 he was unable to identify the cause of the incident due to the time that had passed since the
7 medication was dispensed, but that changes would be made to Total Care's procedures to prevent
8 similar errors.

9 30. On or about September 1, 2020 the Board conducted an inspection of Total Care.
10 This investigation identified violations related to insurance claim processing for medication not
11 picked up by a patient, record keeping, and drug compounding.

12 31. Standard of practice when a filled prescription is not picked up is to reverse the
13 insurance claim and return it to stock after 12 days, with an additional 48 hour extension if
14 requested by the patient. Total Care included this practice in its policies and procedures.

15 32. At the time of the inspection, Total Care had filled prescriptions waiting for pickup
16 hanging in rows on 10 racks within the pharmacy. One row was selected at random and
17 reviewed. Within that row, 100 filled prescriptions for 43 different patients were found which
18 were older than 30 days, the oldest of which was dated November 27 2019. Within that row, 91
19 of the prescriptions older than 30 days had been adjudicated to an insurance company and not
20 reversed. Many of the prescriptions within that row were for patients with more than one such
21 prescription older than 30 days, but which had been filled on different dates. For instance, a
22 patient identified by the initials LL had prescriptions waiting for pickup which had been billed to
23 Medicare and had been filled in April 2020, May 2020, and June 2020. Half of a second row of
24 filled prescriptions was selected at random and reviewed. Approximately 40 prescriptions in that
25 portion of the second row selected were older than 30 days.

26 33. The temperature of medication in cold storage must be documented daily to ensure it
27 is properly stored and maintained. A pharmacy engaged in compounding must maintain a log
28 which identifies the pharmacy personnel engaged in compounding the drug preparation, and the

1 pharmacist reviewing the final drug preparation. The pharmacy must also maintain certain
2 written policies and procedures for compounding, follow those policies, and document the annual
3 review of those policies and procedures by the pharmacist-in-charge. The area where drugs are
4 compounded must meet a variety of safety requirements and the personnel engaged in
5 compounding must meet a variety of training requirements. A pharmacy must perform Schedule
6 II controlled substance reconciliation at least once every three months.

7 34. At the time of the inspection, temperature logs attached to a refrigerator and freezer
8 used as cold storage for medication were reviewed. The logs were missing temperature entries
9 for multiple days, and one of the logs did not have either the month or year written at the top of
10 the sheet.

11 35. At the time of the inspection, Total Care was unable to provide compounding logs for
12 its then current activities. Compounding logs dated from 2016 and 2017 were located during the
13 inspection. Several days following the inspection, Respondent Shah provided logs for drugs
14 compounded at Total Care in 2020. These compounding logs contained multiple prescriptions
15 from different days on the same worksheet and lacked information such as the identity of the
16 personnel who compounded the drug and the pharmacist who verified the final product.

17 36. At the time of the inspection, Total Care's written policies and procedures were
18 reviewed. The written manual provided by Total Care was a commercially available general set
19 of policies and procedures. This general set of policies and procedures requires the utilizing
20 pharmacy to adapt the general procedures provided in it to the pharmacy's own specific
21 operations. Specifically with regard to the policy for compounding drugs, Total Care failed to
22 adapt the general policy and procedure to its operations by entering site specific information
23 where called for. In addition, this compounding policy dated for 2018 was not signed by the
24 pharmacist-in-charge to reflect an annual review of the policy.

25 37. At the time of the inspection, Total Care maintained a compounding area stocked
26 with hazardous drugs, including bottles of the hormones progesterone, testosterone, and estradiol.
27 This compounding area was not physically separated from the pharmacy and was not externally
28 vented to the outside. There was no powder hood, and the surrounding area was not made of

1 surfaces which were smooth, seamless, impervious, and non-shedding.

2 38. At the time of the inspection, Total Care was unable to provide competency and
3 training records for compounding staff. A certificate for Respondent Shah dated for 2013 was
4 provided. This certificate did not state specific compounding skills covered by the certification.
5 In addition, many compounding regulations were updated or changed in 2017, which would
6 render training from 2013 obsolete.

7 39. Several days following the inspection, Total Care produced inventory reports dated
8 for March 29, 2020 and June 28, 2020 in response to a request for its reconciliation reports for all
9 schedule II controlled substances. The reports produced did not include acquisition data,
10 disposition data, or a comparison of the two to determine if there were any variances.

11 **FIRST CAUSE FOR DISCIPLINE**

12 (Unprofessional Conduct)

13 40. Respondent Bansi Corporation, dba Total Care Pharmacy is subject to disciplinary
14 action under Code section 4301, including subdivisions (f) and (o), for unprofessional conduct for
15 varying from the requirements of a prescription, unauthorized disclosure of a prescription, failing
16 to reverse insurance claims for prescriptions older than 14 days, and the failure to document or
17 maintain appropriate temperature logs, compounding logs, compounding policies and procedures,
18 compounding facilities and equipment, compounding training, and inventory reconciliation, as set
19 forth in paragraphs 25 through 38, above, which are incorporated herein as though set forth in
20 full.

21 **SECOND CAUSE FOR DISCIPLINE**

22 (Variation from Prescription)

23 41. Respondent Bansi Corporation, dba Total Care Pharmacy is subject to disciplinary action
24 under Code sections 4301, subdivision (o), and 4040, subdivision (a)(1)(B), and 1716 of Title 16
25 of the California Code of Regulations for deviating from the requirements of the prescription by
26 incorrectly dispensing medication to patient C.M. as set forth in paragraphs 26 through 28, above,
27 which are incorporated herein as though set forth in full.

28 ///

1 **THIRD CAUSE FOR DISCIPLINE**

2 (Unauthorized Disclosure of Prescription)

3 42. Respondent Bansi Corporation, dba Total Care Pharmacy is subject to disciplinary action
4 under Code section 4301, subdivision (o), Civil Code section 56.10, subdivision (a), and 1764 of
5 Title 16 of the California Code of Regulations for the unauthorized disclosure of T.H.'s
6 prescription information as set forth in paragraphs 26 through 28, above, which are incorporated
7 herein as though set forth in full.

8 **FOURTH CAUSE FOR DISCIPLINE**

9 (Failure to Comply with Operational Standards and Security Requirements)

10 43. Respondent Bansi Corporation, dba Total Care Pharmacy is subject to disciplinary
11 action under Code section 4301, subdivision (o) and section 1714, subdivision (b), of title 16 of
12 the California Code of Regulations for failing to properly maintain temperature logs for
13 medication kept in cold storage as set forth in paragraphs 32 through 33, above, which are
14 incorporated herein as though set forth in full.

15 **FIFTH CAUSE FOR DISCIPLINE**

16 (Failure Satisfy Compounding Log Requirements)

17 44. Respondent Bansi Corporation, dba Total Care Pharmacy is subject to disciplinary
18 action under Code section 4301, subdivision (o) and section 1735.3, subdivisions (a)(2)(C) and
19 (a)(2)(D), of title 16 of the California Code of Regulations for failing to properly maintain drug
20 compounding logs as set forth in paragraphs 32 and 34, above, which are incorporated herein as
21 though set forth in full.

22 **SIXTH CAUSE FOR DISCIPLINE**

23 (Failure to Satisfy Compounding Policies and Procedures Requirements)

24 45. Respondent Bansi Corporation, dba Total Care Pharmacy is subject to disciplinary
25 action under Code section 4301, subdivision (o) and section 1735.5, subdivisions (a) and (b), of
26 title 16 of the California Code of Regulations for failing to properly maintain drug compounding
27 policies and procedures as set forth in paragraphs 32 and 35, above, which are incorporated herein
28 as though set forth in full.

1 **SEVENTH CAUSE FOR DISCIPLINE**

2 (Failure to Satisfy Compounding Facilities and Equipment Requirements)

3 46. Respondent Banshi Corporation, dba Total Care Pharmacy is subject to disciplinary
4 action under Code section 4301, subdivision (o) and section 1735.6, subdivision (e), of title 16 of
5 the California Code of Regulations for engaging in hazardous drug compounding in an area with
6 inadequate facilities and equipment as set forth in paragraphs 32 and 36, above, which are
7 incorporated herein as though set forth in full.

8 **EIGHTH CAUSE FOR DISCIPLINE**

9 (Failure to Comply with Compounding Training Requirements)

10 47. Respondent Banshi Corporation, dba Total Care Pharmacy is subject to disciplinary
11 action under Code section 4301, subdivision (o) and section 1735.7, of title 16 of the California
12 Code of Regulations for failing to properly train, maintain training records, maintain an on-going
13 competency evaluation process, and ensure pharmacy personnel assigned to compounding duties
14 have demonstrated adequate knowledge prior to compounding any drug preparation as set forth in
15 paragraphs 32 and 37, above, which are incorporated herein as though set forth in full.

16 **NINTH CAUSE FOR DISCIPLINE**

17 (Failure to Comply with Inventory Reconciliation Requirements)

18 48. Respondent Banshi Corporation, dba Total Care Pharmacy is subject to disciplinary
19 action under Code section 4301, subdivision (o) and section 1735.65, subdivisions (c) and (d), of
20 title 16 of the California Code of Regulations for failing to properly perform controlled substance
21 inventory reconciliation and reporting as set forth in paragraphs 32 and 38, above, which are
22 incorporated herein as though set forth in full.

23 **TENTH CAUSE FOR DISCIPLINE**

24 (Unprofessional Conduct)

25 49. Respondent Anandkumar Natkvarlal Shah is subject to disciplinary action under Code
26 section 4301, including subdivisions (f) and (o), for unprofessional conduct for varying from the
27 requirements of a prescription, unauthorized disclosure of a prescription, failing to reverse
28 insurance claims for prescriptions older than 14 days, and the failure to document or maintain

appropriate temperature logs, compounding logs, compounding policies and procedures, compounding facilities and equipment, compounding training, and inventory reconciliation, as set forth in paragraphs 25 through 38, above, which are incorporated herein as though set forth in full.

ELEVENTH CAUSE FOR DISCIPLINE

(Variation from Prescription)

50. Respondent Anandkumar Natkvarlal Shah is subject to disciplinary action under Code sections 4301, subdivision (o), and 4040, subdivision (a)(1)(B), and 1716 of Title 16 of the California Code of Regulations for deviating from the requirements of the prescription by incorrectly dispensing medication to patient C.M. as set forth in paragraphs 26 through 28, above, which are incorporated herein as though set forth in full.

TWELFTH CAUSE FOR DISCIPLINE

(Unauthorized Disclosure of Prescription)

51. Respondent Anandkumar Natkvarlal Shah is subject to disciplinary action under Code section 4301, subdivision (o), Civil Code section 56.10, subdivision (a), and 1764 of Title 16 of the California Code of Regulations for the unauthorized disclosure of T.H.'s prescription information as set forth in paragraphs 26 through 28, above, which are incorporated herein as though set forth in full.

THIRTEENTH CAUSE FOR DISCIPLINE

(Failure to Comply with Operational Standards and Security Requirements)

52. Respondent Anandkumar Natkvarlal Shah is subject to disciplinary action under Code section 4301, subdivision (o) and section 1714, subdivision (b), of title 16 of the California Code of Regulations for failing to properly maintain temperature logs for medication kept in cold storage as set forth in paragraphs 32 through 33, above, which are incorporated herein as though set forth in full.

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1 **FOURTEENTH CAUSE FOR DISCIPLINE**

2 (Failure Satisfy Compounding Log Requirements)

3 53. Respondent Anandkumar Natkvarlal Shah is subject to disciplinary action under Code
4 section 4301, subdivision (o) and section 1735.3, subdivisions (a)(2)(C) and (a)(2)(D), of title 16
5 of the California Code of Regulations for failing to properly maintain drug compounding logs as
6 set forth in paragraphs 32 and 34, above, which are incorporated herein as though set forth in full.

7 **FIFTEENTH CAUSE FOR DISCIPLINE**

8 (Failure to Satisfy Compounding Policies and Procedures Requirements)

9 54. Respondent Anandkumar Natkvarlal Shah is subject to disciplinary action under Code
10 section 4301, subdivision (o) and section 1735.5, subdivisions (a) and (b), of title 16 of the
11 California Code of Regulations for failing to properly maintain drug compounding policies and
12 procedures as set forth in paragraphs 32 and 35, above, which are incorporated herein as though
13 set forth in full.

14 **SIXTEENTH CAUSE FOR DISCIPLINE**

15 (Failure to Satisfy Compounding Facilities and Equipment Requirements)

16 55. Respondent Anandkumar Natkvarlal Shah is subject to disciplinary action under Code
17 section 4301, subdivision (o) and section 1735.6, subdivision (e), of title 16 of the California
18 Code of Regulations for engaging in hazardous drug compounding in an area with inadequate
19 facilities and equipment as set forth in paragraphs 32 and 36, above, which are incorporated
20 herein as though set forth in full.

21 **SEVENTEENTH CAUSE FOR DISCIPLINE**

22 (Failure to Comply with Compounding Training Requirements)

23 56. Respondent Anandkumar Natkvarlal Shah is subject to disciplinary action under Code
24 section 4301, subdivision (o) and section 1735.7, of title 16 of the California Code of Regulations
25 for failing to properly train, maintain training records, maintain an on-going competency
26 evaluation process, and ensure pharmacy personnel assigned to compounding duties have
27 demonstrated adequate knowledge prior to compounding any drug preparation as set forth in
28 paragraphs 32 and 37, above, which are incorporated herein as though set forth in full.

1 **EIGHTEENTH CAUSE FOR DISCIPLINE**

2 (Failure to Comply with Inventory Reconciliation Requirements)

3 57. Respondent Anandkumar Natkvarlal Shah is subject to disciplinary action under Code
4 section 4301, subdivision (o) and section 1735.65, subdivisions (c) and (d), of title 16 of the
5 California Code of Regulations for failing to properly perform controlled substance inventory
6 reconciliation and reporting as set forth in paragraphs 32 and 38, above, which are incorporated
7 herein as though set forth in full.

8 **OTHER MATTERS**

9 58. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY
10 51586 issued to Bansi Corporation, dba Total Care Pharmacy, then Bansi Corporation shall be
11 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,
12 partner, or in any position with management or control of a license for five years if Pharmacy
13 Permit Number PHY 51586 is placed on probation or until Pharmacy Permit Number 51586 is
14 reinstated if it is revoked.

15 59. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY
16 51586 issued to Bansi Corporation, dba Total Care Pharmacy, and Komal Raitlal Rajyaguru had
17 knowledge of, or knowingly participated in, the conduct for which the license is disciplined, then
18 Komal Raitlal Rajyaguru shall be prohibited from serving as a manager, administrator, owner,
19 member, officer, director, associate, partner, or in any position with management or control of a
20 license for five years if Pharmacy Permit Number PHY 51586 is placed on probation or until
21 Pharmacy Permit Number 51586 is reinstated if it is revoked.

22 60. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY
23 51586 issued to Bansi Corporation, dba Total Care Pharmacy, and Ratilal D. Rajaguru had
24 knowledge of, or knowingly participated in, the conduct for which the license is disciplined, then
25 Ratilal D. Rajaguru shall be prohibited from serving as a manager, administrator, owner, member,
26 officer, director, associate, partner, or in any position with management or control of a license for
27 five years if Pharmacy Permit Number PHY 51586 is placed on probation or until Pharmacy
28 Permit Number 51586 is reinstated if it is revoked.

61. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY 51586 issued to Bansi Corporation, dba Total Care Pharmacy, and Anandkumar Natvarlal Shah had knowledge of, or knowingly participated in, the conduct for which the license is disciplined, then Anandkumar Natvarlal Shah shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, partner, or in any position with management or control of a license for five years if Pharmacy Permit Number PHY 51586 is placed on probation or until Pharmacy Permit Number 51586 is reinstated if it is revoked.

62. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License No. RPH 67046 issued to Anandkumar Natvarlal Shah, then Anandkumar Natvarlal Shah shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, partner, or in any position with management or control of a license for five years if Pharmacist License No. RPH 67046 is placed on probation or until Pharmacy Permit Number 67046 is reinstated if it is revoked.

PRAYER

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

1. Revoking or suspending Pharmacy Permit Number PHY 51586, issued to Bansi Corporation, dba Total Care Pharmacy;

2. Revoking or suspending Pharmacist License Number RPH 67046, issued to Anandkumar Natkvarlal Shah;

3. Prohibiting Bansi Corporation from serving as a manager, administrator, owner, member, officer, director, associate, partner, or in any position with management or control of a license for five years if Pharmacy Permit Number 51586, issued to Bansi Corporation, dba Total Care Pharmacy, is placed on probation or until Pharmacy Permit Number 51586 is reinstated if it is revoked;

4. Prohibiting Komal Raitlal Rajyaguru from serving as a manager, administrator, owner, member, officer, director, associate, partner, or in any position with management or control of a license for five years if Pharmacy Permit Number 51586, issued to Bansi

Corporation, dba Total Care Pharmacy, is placed on probation or until Pharmacy Permit Number 51586 is reinstated if it is revoked;

5. Prohibiting Ratilal D. Rajaguru from serving as a manager, administrator, owner, member, officer, director, associate, partner, or in any position with management or control of a license for five years if Pharmacy Permit Number 51586, issued to Banshi Corporation, dba Total Care Pharmacy, is placed on probation or until Pharmacy Permit Number 51586 is reinstated if it is revoked;

6. Prohibiting Anandkumar Natkvarlal Shah from serving as a manager, administrator, owner, member, officer, director, associate, partner, or in any position with management or control of a license for five years if either Pharmacist License Number RPH 67046 or Pharmacy Permit Number 51586, issued to Banshi Corporation, dba Total Care Pharmacy, is placed on probation or until both Pharmacist License Number RPH 67046 and Pharmacy Permit Number 51586 are reinstated if either or both are revoked;

7. Ordering Banshi Corporation, dba Total Care Pharmacy and Anandkumar Natkvarlal Shah 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,

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

DATED: 4/12/2021

Signature on File

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

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