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

12 In the Matter of the Accusation Against:

13 **PREMIER MED SERVICES, DBA**
14 **PREMIER MED SERVICES**
15 **AFROOZ JAVAFARD,**
16 **TARGOL BOOSTANI**
17 11207 S. La Cienega Blvd., #102
18 Los Angeles, CA 90045

19 Permit No. PHY 50857

20 Respondent.

Case No. 7084

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

21 **FINDINGS OF FACT**

22 1. On or about April 14, 2021, Complainant Anne Sodergren, in her official capacity as
23 the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed
24 Accusation No. 7084 against Premier Med Services dba Premier Med Services, Afrooz Javafard,
25 Targol Boostani (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit
A.)

26 2. On or about March 10, 2012, the Board of Pharmacy (Board) issued Permit No. PHY
27 50857 to Respondent. The Permit expired on June 2, 2015, and has not been renewed.

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1 3. On or about April 23, 2021, Respondent was served by Certified and First Class Mail
2 copies of the Accusation No. 7084, Statement to Respondent, Notice of Defense, Request for
3 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
4 Respondent's address of record which, pursuant to Business and Professions Code section 4100,
5 is required to be reported and maintained with the Board. Respondent's address of record was
6 and is: 11207 S. La Cienega Blvd., #102, Los Angeles, CA 90045.

7 4. Service of the Accusation was effective as a matter of law under the provisions of
8 Government Code section 11505(c) and/or Business and Professions Code section 124.

9 5. Government Code section 11506(c) states, in pertinent part:

10 (c) The respondent shall be entitled to a hearing on the merits if the respondent
11 files a notice of defense . . . and the notice shall be deemed a specific denial of all
12 parts of the accusation . . . not expressly admitted. Failure to file a notice of defense
13 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its
14 discretion may nevertheless grant a hearing.

15 6. The Board takes official notice of its records and the fact that Respondent failed to
16 file a Notice of Defense within 15 days after service upon them of the Accusation, and therefore
17 waived their right to a hearing on the merits of Accusation No. 7084.

18 7. California Government Code section 11520(a) states, in pertinent part:

19 (a) If the respondent either fails to file a notice of defense . . . or to appear at
20 the hearing, the agency may take action based upon the respondent's express
21 admissions or upon other evidence and affidavits may be used as evidence without
22 any notice to respondent

23 8. Pursuant to its authority under Government Code section 11520, the Board finds
24 Respondent is in default. The Board will take action without further hearing and, based on the
25 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
26 as well as taking official notice of all the investigatory reports, exhibits and statements contained
27 therein on file at the Board's offices regarding the allegations contained in Accusation No. 7084,
28 finds that the charges and allegations in Accusation No. 7084, are separately and severally, found
to be true and correct by clear and convincing evidence.

 9. The Board finds that the actual costs for Investigation and Enforcement are \$1,186.25
as of June 17, 2021.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Premier Med Services, Afrooz Javafard, Targol Boostani has subjected its Permit No. PHY 50857 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Pharmacy is authorized to revoke Respondent's Permit based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this case:

a. Business and Professions Code section 4301, subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, on the grounds of unprofessional conduct, in that Respondent Premier Med Services committed a substantially related crime, as follows: On or about December 8, 2020, after pleading guilty, Respondent Premier Med Services was convicted of two felony counts of violating Title 18, United States Code, including section 371 [conspiracy] and section 1349 [fraud conspiracy] in the criminal proceeding entitled *United States of America v. Rodefshalom, et al.* (U.S. Dist. Ct. W.D.Pa., 2020, No. 1:20-CR-0009).

b. Business and Professions Code section 4301, subsection (f), in that Respondent committed acts of dishonesty, fraud, or deceit by knowingly and willfully executing and attempting to execute a scheme to defraud a healthcare benefit program.

c. Business and Professions Code section 4301, in that Respondent knowingly made and signed documents that falsely represented the existence or nonexistence of a state of facts.

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ORDER

IT IS SO ORDERED that Permit No. PHY 50857, issued to Respondent Premier Med Services, Afrooz Javafard, Targol Boostani, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective at 5:00 pm on August 25, 2021.

It is so ORDERED on July 26, 2021.

FOR THE BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS

By



64307498.DOCX
DOJ Matter ID:LA2021600645

Attachment:
Exhibit A: Accusation

Seung W. Oh, Pharm D
Board President

Exhibit A

Accusation

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

In the Matter of the Accusation Against:

Case No. 7084

**PREMIER MED SERVICES, DBA
PREMIER MED SERVICES
AFROOZ JAVAFARD,
TARGOL BOOSTANI**
11207 S. La Cienega Blvd., #102
Los Angeles, CA 90045

ACCUSATION

Permit No. PHY 50857

Respondent.

PARTIES

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

2. On or about March 10, 2012, the Board of Pharmacy issued Permit Number PHY 50857 to Premier Med Services dba Premier Med Services (Respondent Premier med Services), with Afrooz Javafard designated as the President and 50% shareholder from March 10, 2012 to August 12, 2015, and Targol Boostani designated as Secretary and 50% shareholder from March 10, 2015 to August 12, 2015. The Permit expired on June 2, 2015, and has not been renewed.

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JURISDICTION

3. 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 unless otherwise indicated.

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

5. Section 4300.1 states:

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

STATUTORY PROVISIONS

6. Section 490 provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

7. Section 4301 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 shall include, but is not limited to, any of the following:

....

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

(g) Knowingly making or signing any certificate or other document that falsely represents the existence or nonexistence of a state of facts.

....

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled

substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision. The board may take action when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

8. Section 4307 states, in pertinent part:

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

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

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

REGULATORY PROVISIONS

9. California Code of Regulations, title 16, section 1770, states:

For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the qualifications, functions or duties of a licensee or registrant if to a substantial degree it evidences present or potential unfitness of a licensee or registrant to perform the functions authorized by his license or registration in a manner consistent with the public health, safety, or welfare.

COST RECOVERY

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

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Conviction of a Substantially Related Crime)**

3 11. Respondent Premier Med Services is subject to disciplinary action under section
4 4301, subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770,
5 on the grounds of unprofessional conduct, in that Respondent Premier Med Services committed a
6 substantially related crime, as follows:

7 a. On or about December 8, 2020 , after pleading guilty, Respondent Premier Med
8 Services was convicted of two felony counts, Count 1, violating Title 18, United States Code
9 section 371 [conspiracy], and Count 2 , violating Title 18, United States Code section 1349 [fraud
10 conspiracy] in the criminal proceeding entitled *United States of America v. Rodefshalom, et al.*
11 (U.S. Dist. Ct. W.D.Pa., 2020, No. 1:20-CR-0009). As part of the plea agreement, all defendants
12 agreed to pay \$54,500,000 in restitution and voluntarily forfeit \$48,284,978.20.

13 b. The circumstances underlying the conviction are that from between September
14 2013 through May 2018, Nima Rodefshalom (Rodefshalom), Mehran David Kohanbash
15 (Kohanbash), and Joseph Kohan (Kohan) conspired with others, including Respondent Premier
16 Med Services, to engage in a healthcare fraud scheme that involved targeting bariatric surgical
17 patients with misleading advertisements for nutritional shakes. Specifically, online
18 advertisements and the pharmacy's website falsely claimed nutritional shakes would be covered
19 by the patient's health insurance. In addition to the nutritional shakes, the patients were
20 convinced by the pharmacies to solicit their physicians for medications that were both expensive
21 and medically unnecessary. These additional medications were either compounded or
22 manufactured by other pharmacies that were under the management and control of Rodefshalom,
23 Kohanbash, and Kohan. They also purchased generic prescription drugs and over-the counter
24 products and relabeled them so their pharmacies could appear to be the original manufacturer,
25 which enabled them to charge higher prices for medications that would otherwise have been less
26 expensive. In furtherance of the fraud scheme, the pharmacies used prepaid debit cards to charge
27 fictitious transactions at the same dollar amount of the copay to falsely represent that copays were
28 actually being collected when in fact they were not. Both private insurances carries and

1 government-run health programs were defrauded when reimbursement claims for these
2 medications were submitted.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Dishonesty, Fraud, or Deceit)**

5 12. Respondent Premier Med Services is subject to disciplinary action under section
6 4301, subsection (f), in that it committed acts of dishonesty, fraud, or deceit by knowingly and
7 willfully executing and attempting to execute a scheme to defraud a healthcare benefit program.
8 Complainant refers to, and by this reference incorporates, the allegations set forth above in
9 paragraph 11, as though set forth fully herein.

10 **THIRD CAUSE FOR DISCIPLINE**

11 **(Knowingly Made or Signed Any Documents That**

12 **Falsely Represent the Existence or Nonexistence of a State Of Facts)**

13 13. Respondent Premier Med Services is subject to disciplinary action under section
14 4301, in that they knowingly made and signed documents that falsely represented the existence or
15 nonexistence of a state of facts. Complainant refers to and by this reference incorporates the
16 allegations set forth above in paragraph 11, as though set forth fully herein.

17 **DISCIPLINE CONSIDERATIONS**

18 14. To determine the degree of discipline, if any, to be imposed on Respondent Premier
19 Med Services, Complainant alleges, as follows: On or about October 2, 2017, the Board issued
20 Respondent Premier Med Services administrative Citation No. CI 2014 62717 without fine. The
21 citation alleged violations of sections 4081 [records of dangerous drugs and devices kept open for
22 inspection/maintenance of records] and 4059.5 [dangerous drugs or devices transferred, sold or
23 delivered to unlicensed wholesaler]. The Citation is final and incorporate herein by reference.

24 **OTHER MATTERS**

25 15. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
26 PHY 50857, issued to Respondent Premier Med Services, Respondent Premier Med Services
27 shall be prohibited from serving as a manager, administrator, owner, member, officer, director,

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1 associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 50857 is placed
2 on probation or until Pharmacy Permit Number PHY 50857 is reinstated if it is revoked.

3 16. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
4 PHY 50857, issued to Respondent Premier Med Services, while Afrooz Javarad and/or Targol
5 Boostani have been an officer, director, and/or owner and had knowledge of or knowingly
6 participated in any conduct for which the licensee was disciplined, Afrooz Javarad and/or Targol
7 Boostani shall be prohibited from serving as a manager, administrator, owner, member, officer,
8 director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 50857
9 is placed on probation or until Pharmacy Permit Number PHY 50857 is reinstated if it is revoked.

10 **PRAYER**

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

13 1. Revoking or suspending Permit Number PHY 50857, issued to Premier Med
14 Services, Afrooz Javafard, Targol Boostani;

15 2. Prohibiting Premier Med Services, from serving as a manager, administrator, owner,
16 member, officer, director, associate, or partner of a licensee for five years if Permit Number PHY
17 50857 is placed on probation or until Pharmacy Permit Number PHY 50857 is reinstated if it is
18 revoked;

19 3. Prohibiting Afrooz Javafard and/or Targo Boostani from serving as a manager,
20 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if
21 Pharmacy Permit Number PHY 50857 is placed on probation or until Pharmacy Permit Number
22 PHY 50857 is reinstated if it is revoked;

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1 4. Ordering Premier Med Services to pay the Board of Pharmacy the reasonable costs of
2 the investigation and enforcement of this case, pursuant to Business and Professions Code section
3 125.3; and,

4 5. Taking such other and further action as deemed necessary and proper.
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7 DATED: 4/14/2021 _____

Signature on File _____

8 ANNE SODERGREN
9 Executive Officer
10 Board of Pharmacy
11 Department of Consumer Affairs
12 State of California
13 *Complainant*

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