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

In the Matter of the Accusation Against:

ARDEN DRUGS INC. DBA ARDEN MEDICAL PHARMACY, KAMBIZ FARZAMDOOST

Pharmacy Permit No. PHY 53636,

and

KAMBIZ FARZAMDOOST,

Pharmacist License No. PHY 48839

Respondents.

Agency Case No. 7229

OAH No. 2022100250

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 July 7, 2023.

It is so ORDERED on June 7, 2023.

BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

By

Seung W. Oh, Pharm.D. Board President

1	ROB BONTA		
2	Attorney General of California SHAWN P. COOK		
3	Supervising Deputy Attorney General SHERONDA L. EDWARDS		
4	Deputy Attorney General State Bar No. 225404		
5	300 So. Spring Street, Suite 1702 Los Angeles, CA 90013		
6	Telephone: (213) 269-6296 Facsimile: (916) 731-2126		
7	E-mail: Sheronda.Edwards@doj.ca.gov Attorneys for Complainant		
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9	BEFORE THE BOARD OF PHARMACY		
10	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
11	STATE OF CALIFORNIA		
12			
13	In the Matter of the Accusation Against:	Case No. 7229	
14	ARDEN DRUGS INC. DBA ARDEN MEDICAL PHARMACY,	OAH No. 2022100250	
15	KAMBIZ FARZAMDOOST 435 Arden Avenue, Suite 110	STIPULATED SETTLEMENT AND DISCIPLINARY ORDER AS TO	
16	Glendale, CA 91203-1130	PHARMACIST KAMBIZ	
17	Pharmacy Permit No. PHY 53636	FARZAMDOOST, PHARMACIST LICENSE NO. RPH 48839 ONLY	
18	and		
19	KAMBIZ FARZAMDOOST 18034 Medley Dr.		
20	Encino, CA 91316		
21	Pharmacist License No. RPH 48839		
22	Respondents.		
23			
24	IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-		
25	entitled proceedings that the following matters are true:		
26	<u>PARTIES</u>		
27	1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy		
28	(Board). She brought this action solely in her official capacity and is represented in this matter by		
		1	

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

- Respondent Kambiz Farzamdoost is represented in this proceeding by attorney
 Herbert L. Weinberg, Esq., whose address is: 1990 South Bundy Drive, Suite 777, Los Angeles,
 California 90025.
- 3. On or about August 15, 1996, the Board issued Pharmacy License No. RPH 48839 to Respondent Pharmacist-in-Charge Kambiz Farzamdoost (Respondent). The Pharmacist License was in full force and effect at all times relevant to the charges brought in Accusation No. 7229, and will expire on July 31, 2024, unless renewed. Respondent is and has been the Pharmacist-in-Charge, Chief Executive Officer, President, 100 percent Shareholder, Treasurer, Chief Financial Officer, and Secretary of Arden Drugs Inc. dba Arden Medical Pharmacy since September 29, 2015.

JURISDICTION

- 4. Accusation No. 7229 was filed before the Board and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on July 1, 2022. Respondent timely filed its Notice of Defense contesting the Accusation.
- 5. A copy of Accusation No. 7229 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

- 6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 7229. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.
- 7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of

documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

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

CULPABILITY

- 9. Respondent admits the truth of each and every charge and allegation in Accusation No. 7229.
- 10. Respondent agrees that his Pharmacy License is subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

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

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Pharmacist License No. RPH No. 48839 issued to Respondent Kambiz Farzamdoost is revoked. However, the revocation is stayed, and Respondent is placed on probation for five (5) years on the following terms and conditions:

1. Obey All Laws

Respondent shall obey all state and federal laws and regulations.

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

- an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws;
- a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal criminal proceeding to any criminal complaint, information, or indictment;
- a conviction of any crime;
- the filing of a disciplinary pleading, issuance of a citation, or initiation of another
 administrative action filed by any state or federal agency which involves
 Respondent's license or which is related to the practice of pharmacy or the
 manufacturing, obtaining, handling, distributing, billing, or charging for any drug,
 device or controlled substance.

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

2. Report to the Board

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

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

3. Interview with the Board

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

4. Cooperate with Board Staff

Respondent shall timely cooperate with the Board's inspection program and with the Board's monitoring and investigation of Respondent's compliance with the terms and conditions of 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.

5. Continuing Education

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

6. Reporting of Employment and Notice to Employers

During the period of probation, Respondent shall notify all present and prospective employers of the Decision in case number 7229 and the terms, conditions, and restrictions imposed on Respondent by the Decision, as follows:

Within thirty (30) days of the effective date of this Decision, and within ten (10) days of undertaking any new employment, Respondent shall report to the Board in writing the name, physical address, and mailing address of each of his employer(s), and the name(s) and telephone

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

Within thirty (30) days of the effective date of this Decision, and within fifteen (15) days of Respondent undertaking any new employment, Respondent shall cause (a) his direct supervisor, (b) his pharmacist-in-charge, designated representative-in-charge, responsible manager, or other compliance supervisor, and (c) the owner or owner representative of his employer, to report to the Board in writing acknowledging that the listed individual(s) has/have read the Decision in case number 7229, and terms and conditions imposed thereby. If one person serves in more than one role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the Respondent's responsibility to ensure that these acknowledgment(s) are timely submitted to the Board. In the event of a change in the person(s) serving the role(s) described in (a), (b), or (c) during the term of probation, Respondent shall cause the person(s) taking over the role(s) to report to the Board in writing within fifteen (15) days of the change acknowledging that he or she has read the Decision in case number 7229, and the terms and conditions imposed thereby.

If Respondent works for or is employed by or through an employment service, Respondent must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the Board of the Decision in case number 7229, and the terms and conditions imposed thereby in advance of Respondent commencing work at such licensed entity. A record of this notification must be provided to the Board upon request.

Furthermore, within thirty (30) days of the effective date of this Decision, and within fifteen (15) days of Respondent undertaking any new employment by or through an employment service, Respondent shall cause the person(s) described in (a), (b), and (c) above at the employment

service to report to the Board in writing acknowledging that he or she has read the Decision in case number 7229, 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 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 or serve as a consultant to any entity licensed by the Board. Respondent may be a pharmacist-in-charge, designated representative-in-charge, responsible manager, or other compliance supervisor of any single entity licensed by the Board, but only if Respondent or that entity retains, at their expense, an independent consultant who shall be responsible for reviewing the operations of the entity on a frequency basis to be determined by the Board or its designee for compliance by Respondent and the entity with state and federal laws and regulations governing the practice of the entity, and compliance by Respondent with the obligations of his supervisory position. Respondent may serve in such a position at only one entity licensed by the Board, only upon approval by the Board or its designee. Any such approval shall be site specific. The consultant shall be a pharmacist licensed by and not on probation with the Board who has been approved by the Board or its designee to serve in this position. Respondent shall submit the name of the

proposed consultant to the Board or its designee for approval within thirty (30) days of the effective date of the Decision or prior to the assumption of duties allowed in this term.

Assumption of any unauthorized supervision responsibilities shall be considered a violation of probation. In addition, failure to timely seek approval for, timely retain or ensure timely reporting by the consultant shall be considered a violation of probation.

9. Reimbursement of Board Costs

As a condition precedent to successful completion of probation, Respondent shall be jointly and severally responsible with Respondent Arden Drugs Inc. dba Arden Medical Pharmacy, Kambiz Farzamdoost, to pay the Board its costs of investigation and prosecution in the amount of \$17,837. Respondent shall make said payments monthly to commence within thirty (30) days of the effective date of this Decision pursuant to the following terms.

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

10. **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.

11. Status of License

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

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

12. License Surrender While on Probation/Suspension

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

Upon acceptance of the surrender, Respondent shall relinquish his pocket and/or wall license, including any indicia of licensure not previously provided to the Board, within ten (10) days of notification by the Board that the surrender is accepted if not already provided.

Respondent may not reapply for any license from the Board for three (3) years from the effective date of the surrender. Respondent shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the Board, including any outstanding costs.

13. Practice Requirement – Extension of Probation

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

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If Respondent does not practice as a Pharmacist in California for the minimum number of hours in any calendar month for any reason (including vacation), Respondent shall notify the Board in writing within ten (10) days of the conclusion of that calendar month. This notification shall include at least: the date(s), location(s), and hours of last practice; the reason(s) for the interruption or reduction in practice; and the anticipated date(s) on which Respondent will resume practice at the required level. Respondent shall further notify the Board in writing within ten (10) days following the next calendar month, during which Respondent practices as a Pharmacist in California for a minimum of 100 hours. Any failure to timely provide such notification(s) shall be considered a violation of probation.

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

14. Violation of Probation

If Respondent has not complied with any term or condition of probation, the Board shall have continuing jurisdiction over Respondent, and the Board shall provide notice to Respondent that probation shall automatically be 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. 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.

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15. 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 fifty (50) percent in-person or livestream related to the underlying violations charged in the accusation. The program of remedial education shall consist of at least six (6) hours per year of probation at Respondent's own expense. The first year of remedial education must include completion of the Board's Prescription Drug Abuse Prevention Training. 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 knowledge of the course. If the Respondent does not achieve a passing score on the examination, that course shall not count towards satisfaction of this term. Respondent shall take another course approved by the Board in the same subject area.

16. Ethics Course

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

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No Ownership or Management of Licensed Premises 1 2 Respondent shall not acquire any new ownership, legal or beneficial interest nor serve as a manager, administrator, member, officer, director, trustee, associate, or partner of any additional 3 business, firm, partnership, or corporation licensed by the Board. If Respondent currently owns or 4 has any legal or beneficial interest in or serves as a manager, administrator, member, officer, 5 director, trustee, associate, or partner of any business, firm, partnership, or corporation currently 6 or hereinafter licensed by the Board, Respondent may continue to serve in such capacity or hold 7 that interest, but only to the extent of that position or interest as of the effective date of this 8 9 Decision. Violation of this restriction shall be considered a violation of probation. **Completion of Probation** 10 18. Upon written notice by the Board or its designee indicating successful completion of 11 probation, Respondent's license will be fully restored. 12 **ACCEPTANCE** 13 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully 14 discussed it with my attorney, Herbert L. Weinberg. I understand the stipulation and the effect it 15 will have on my Pharmacy License. I enter into this Stipulated Settlement and Disciplinary Order 16 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the 17 Board of Pharmacy. 18 19 DATED: 20 KAMBIZ FARZAMDOOST 21 Respondent 22 23 I have read and fully discussed with Respondent Kambiz Farzamdoost the terms and 24 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. 25 I approve of its form and content. 26 DATED: HERBERT L. WEINBERG, ESQ. 27 Attorney for Respondent 28

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No Ownership or Management of Licensed Premises

Respondent shall not acquire any new ownership, legal or beneficial interest nor serve as a manager, administrator, member, officer, director, trustee, associate, or partner of any additional business, firm, partnership, or corporation licensed by the Board. If Respondent currently owns or has any legal or beneficial interest in or serves as a manager, administrator, member, officer, director, trustee, associate, or partner of any business, firm, partnership, or corporation currently or hereinafter licensed by the Board, Respondent may continue to serve in such capacity or hold that interest, but only to the extent of that position or interest as of the effective date of this Decision. Violation of this restriction shall be considered a violation of probation.

18. Completion of Probation

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

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Herbert L. Weinberg. I understand the stipulation and the effect it will have on my Pharmacy 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.

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DATED:	41	10	12022
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Respondent

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

HERBERT L. WEINBERG, ESQ. Attorney for Respondent

1	1 ENDORSEMENT			
2		The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully		
3	submitted for consideration by the Board of Pharmacy.			
4		business for consideration by the Dourd of Flatinacy.		
5	DATED: Respe	ctfully submitted,		
6	ROB P	SONTA nev General of California		
7	SHAW 7 Super	ney General of California NP. COOK vising Deputy Attorney General		
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9	9 Crusa e	NID. I. EDWIDDS		
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	STIPULATED SETTLEMENT AS TO PHARMA	ACIST KAMBIZ FARZAMDOOST (7229)		

1	ENDO	RSEMENT	
2	The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully		
3	submitted for consideration by the Board of Pharmacy.		
4	DATED: _April 10, 2023	Respectfully submitted,	
5	DATED:	ROB BONTA	
6 7		Attorney General of California SHAWN P. COOK Supervising Deputy Attorney General	
8			
9		Sheronda Edwards	
10		SHERONDA L. EDWARDS Deputy Attorney General Attorneys for Complainant	
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Exhibit A

Accusation No. 7229

1	ROB BONTA		
2	Attorney General of California SHAWN P. COOK		
3	Supervising Deputy Attorney General SHERONDA L. EDWARDS		
4	Deputy Attorney General State Bar No. 225404		
5	300 So. Spring Street, Suite 1702 Los Angeles, CA 90013		
6	Telephone: (213) 269-6296 Facsimile: (916) 731-2126		
7	E-mail: Sheronda.Edwards@doj.ca.gov Attorneys for Complainant		
8	PEROP		
9	BEFOR BOARD OF P		
10	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
11			
12	In the Matter of the Accusation Against:	Case No. 7229	
13	ARDEN DRUGS INC. DBA		
14	ARDEN MEDICAL PHARMACY, KAMBIZ FARZAMDOOST	ACCUSATION	
15	435 Arden Avenue, Suite 110 Glendale, CA 91203-1130		
16	Pharmacy Permit No. PHY 53636,		
17	and		
18 19	KAMBIZ FARZAMDOOST 18034 Medley Dr. Encino, CA 91316		
20	Pharmacist License No. RPH 48839,		
21	Respondents.		
22			
23			
24	PART	<u> TIES</u>	
25	1. Anne Sodergren (Complainant) brings this Accusation solely in her official capacity		
26	as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.		
27	2. On or about September 29, 2015, the Board of Pharmacy issued Permit Number PHY		
28	53636 to Arden Drugs Inc. dba Arden Medical	• •	
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	(ARDEN DRUGS INC. DBA ARDEN MEI	DICAL PHARMACY, KAMBIZ FARZAMDOOST and KAMBIZ FARZAMDOOST) ACCUSATION	

7. Section 4300.1 of the Code states:

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

8. Section 4302 of the Code states:

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

9. Section 4307 of the Code states:

- (a) Any person who has been denied a license or whose license has been revoked or is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control of any partnership, corporation, trust, firm, or association whose application for a license has been denied or revoked, is under suspension or has been placed on probation, and while acting as the manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control had knowledge of or knowingly participated in any conduct for which the license was denied, revoked, suspended, or placed on probation, shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, partner, or in any other position with management or control of a licensee as follows:
- (1) Where a probationary license is issued or where an existing license is placed on probation, this prohibition shall remain in effect for a period not to exceed five years.
- (2) Where the license is denied or revoked, the prohibition shall continue until the license is issued or reinstated.
- (b) "Manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control of a license" as used in this section and Section 4308, may refer to a pharmacist or to any other person who serves in such capacity in or for a licensee.
- (c) The provisions of subdivision (a) may be alleged in any pleading filed pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code. However, no order may be issued in that case except as to a person who is named in the caption, as to whom the pleading alleges the applicability of this

1	(j) The violation of any of the statutes of this state, of any other state, or of the United States regulating controlled substances and dangerous drugs.	
2		
3	(o) Violating or attempting to violate, directly or indirectly, or assisting in or	
4	abetting the violation of or conspiring to violate any provision or term of this chapter or of the applicable federal and state laws and regulations governing pharmacy,	
5	including regulations established by the board or by any other state or federal regulatory agency.	
6		
7	15. Section 4306.5 of the Code states:	
8	Unprofessional conduct for a pharmacist may include any of the following:	
9	(a) Acts or omissions that involve, in whole or in part, the inappropriate exercise	
10	of his or her education, training, or experience as a pharmacist, whether or not the act or omission arises in the course of the practice of pharmacy or the ownership, management, administration, or operation of a pharmacy or other entity licensed by the	
11	board.	
12	(b) Acts or omissions that involve, in whole or in part, the failure to exercise or	
13 14	implement his or her best professional judgment or corresponding responsibility w regard to the dispensing or furnishing of controlled substances, dangerous drugs, dangerous devices, or with regard to the provision of services	
15	(c) Acts or omissions that involve, in whole or in part, the failure to consult	
16	appropriate patient, prescription, and other records pertaining to the performance of any pharmacy function.	
17	(d) Acts or omissions that involve, in whole or in part, the failure to ful	
18	maintain and retain appropriate patient-specific information pertaining to th performance of any pharmacy function.	
19	HEALTH AND SAFETY CODE PROVISIONS	
20		
21	16. Section 11153 of the Code states:	
22	(a) A prescription for a controlled substance shall only be issued for a legitimate	
23	medical purpose by an individual practitioner acting in the usual course of his or her professional practice. The responsibility for the proper prescribing and dispensing of	
24	controlled substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription. Except as authorized	
25	by this division, the following are not legal prescriptions: (1) an order purporting to be a prescription which is issued not in the usual course of professional treatment or in	
26	legitimate and authorized research; or (2) an order for an addict or habitual user of	
27	controlled substances, which is issued not in the course of professional treatment or as part of an authorized narcotic treatment program, for the purpose of providing the user	
28		

with controlled substances, sufficient to keep him or her comfortable by maintaining customary use.

. . .

STATE REGULATORY PROVISION

- 17. Section 1761 of the California Code of Regulations, title 16, states:
- (a) No pharmacist shall compound or dispense any prescription which contains any significant error, omission, irregularity, uncertainty, ambiguity or alteration. Upon receipt of any such prescription, the pharmacist shall contact the prescriber to obtain the information needed to validate the prescription.
- (b) Even after conferring with the prescriber, a pharmacist shall not compound or dispense a controlled substance prescription where the pharmacist knows or has objective reason to know that said prescription was not issued for a legitimate medical purpose.

COST RECOVERY

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

DRUG CLASSIFICATIONS

BRAND NAME	GENERIC NAME	DANGEROUS DRUG PER B&PC § 4022	CONTROLLED SUBSTANCE PER H&SC	INDICATIONS FOR USE
Xanax	Alprazolam	Yes	Yes – Schedule IV, H&SC	Anxiety
			§ 11057(d)(1)	
Percolone/	Oxycodone	Yes	Yes – Schedule II,	Pain
Roxicodone			H&SC	
			§ 11055(b)(1)(M)	

FACTUAL ALLEGATIONS

Board Contact with Respondent Farzamdoost

19. On February 24, 2021, a Board inspector e-mailed Respondent Farzamdoost a request for electronic data for all prescriptions dispensed from February 24, 2017 to February 24, 2021, and a request to complete a statement form. Subsequently, on March 9, 2021, the inspector received Respondent Arden Pharmacy's electronic dispensing data in four separate Excel files.

Respondent Farzamdoost also submitted an attestation that the computer software was the primary source of recordkeeping and was a true and accurate representation of the hardcopy prescription record.

20. On April 1, 2021, pursuant to a second request, the inspector received 48 original prescription documents from Respondent Farzamdoost, and the inspector acknowledged receipt by sending an official receipt for the documents. Later, the inspector received Respondent Farzamdoost's completed questionnaire and self-assessment.

The Board's Analysis of Pharmacy Records

- 21. The Board's investigation revealed that from February 24, 2017 to February 24, 2021, Respondents dispensed 40 Schedule II controlled substance prescriptions in the presence of significant factors of irregularity, suggesting the prescriptions were not legitimately written. Objective factors indicating these prescriptions were not written for legitimate medical purposes include the following:
 - (a) All 40 prescriptions were written for a strong opioid, Oxycodone, and dispensed as an initial treatment to patients who appeared to be opioid naïve or opioid nontolerant.
 - (b) There was evidence the pharmacist accessed CURES¹ data before filling a prescription; however, it did not appear the pharmacist utilized this tool to evaluate the appropriateness of dosage for the patients according to recommendations and guidelines available and accessible to pharmacists.
 - (c) At least eight (8) of these patients were also dispensed the highest dosage of Alprazolam as an initial treatment to patients who appeared to be naïve to

¹ The Controlled Substance Utilization Review and Evaluation System (CURES) is California's Prescription Drug Monitoring Program (PDMP). Pharmacies in California are required to report all filled prescriptions for Schedule II, III, and IV controlled substances to the database every week. The data is collected statewide and can be used by licensed prescribers and pharmacists to evaluate and determine whether their patients are utilizing controlled substances correctly, and whether a patient has used multiple prescribers and multiple pharmacies to fill controlled substance prescriptions. Law enforcement and regulatory agencies, such as the Board, have access to the CURES database for official oversight or investigatory purposes.

24. On July 23, 2021, the inspector e-mailed Respondent Farzamdoost a cover letter and written notice of violation of pharmacy laws relative to the prescriptions mentioned above.

FIRST CAUSE FOR DISCIPLINE

(Failure to Exercise Corresponding Responsibility)

25. Respondent Arden Pharmacy and Respondent Farzamdoost are subject to disciplinary action under Code section 4301, subdivisions (c), (d), (j), and (o), and section 4306.5, in conjunction with the Health and Safety Code section 11153, subdivision (a), and California Code of Regulations, title 16, section 1761, in that between February 24, 2017 to February 24, 2021, Respondents operated in a grossly negligent manner, which constituted unprofessional conduct by excessively furnishing Schedule II prescriptions of 37,550 tablets of Oxycodone 30 mg and 630 tablets of Alprazolam 2 mg, despite multiple cues of irregularity and uncertainty related to patient and prescriber factors, and in failing to comply with their corresponding responsibility to ensure that controlled substances were dispensed for a legitimate medical purpose. Complainant refers to, and by this reference, incorporates the allegations set forth above in paragraphs 19 through 24, as though set forth fully.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Respondent Farzamdoost)

26. Respondent Kambiz Farzamdoost is subject to disciplinary action under Code section 4301, 4113, subdivision (c), and 4306.5, in that between February 24, 2017, to February 24, 2021, as the Pharmacist-in-Charge of Respondent Arden Pharmacy, Respondent Farzamdoost committed acts of unprofessional conduct when he failed to ensure that Respondent Arden Pharmacy exercised its corresponding responsibility to ensure the legitimacy of controlled substance prescriptions dispensed. Respondent Farzamdoost approved to be dispensed Schedule II prescriptions of 37,550 tablets of Oxycodone 30 mg and 630 tablets of Alprazolam 2 mg, despite multiple cues of irregularity and uncertainty related to patient and prescriber factors and failing to comply with their corresponding responsibility to ensure that controlled substances were dispensed for a legitimate medical purpose. Complainant refers to, and by this reference, incorporates the allegations set forth above in paragraphs 19 through 24, as though set forth fully.

OTHER MATTERS

- 27. Pursuant to section 4307 of the Code, if discipline is imposed on Pharmacy Permit Number PHY 53636 issued to Arden Drugs Inc., dba Arden Medical Pharmacy, Kambiz Farzamdoost shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control of a licensee for five years if Pharmacy Permit Number PHY 53636 is placed on probation or until Pharmacy Permit Number PHY 53636 is reinstated if it is revoked.
- 28. Pursuant to section 4307 of the Code, if discipline is imposed on Pharmacy Permit Number PHY 53636, issued to Arden Drugs Inc., dba Arden Medical Pharmacy, Kambiz Farzamdoost, for conduct that occurred while Respondent Farzamdoost, Pharmacist-in-Charge, Chief Executive Officer, President, 100% Shareholder, Treasurer, Chief Financial Officer, and Secretary, had knowledge of or knowingly participated in the conduct for which Respondent Arden Pharmacy was disciplined, then Respondent Farzamdoost shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control of a licensee for five years if Pharmacy Permit Number PHY 53636 is reinstated if it is revoked.
- 29. Pursuant to section 4307 of the Code, if discipline is imposed on Pharmacist License Number RPH 48839 issued to Kambiz Farzamdoost shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control of a licensee for five years if Pharmacist License Number RPH 48839 is placed on probation or until Pharmacist License Number RPH 48839 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 California State Board of Pharmacy issue a decision:

- Revoking or suspending Pharmacy Permit Number PHY 53636, issued to Arden
 Drugs Inc. dba Arden Medical Pharmacy, Kambiz Farzamdoost;
- 2. Revoking or suspending Pharmacist License Number RPH 48839, issued to Kambiz Farzamdoost;