

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

In the Matter of the Accusation Against:

**TOTAL REMEDY AND PRESCRIPTION CENTER PHARMACY, DBA
TOTAL REMEDY AND PRESCRIPTION CENTER,
MOHAMMAD REZA ETMINAN, OWNER
Pharmacy Permit No. PHY 53269,**

**STELLA YOUNG-MI JIN
Pharmacist License No. RPH 65190,**

and

**MOHAMMAD REZA ETMINAN
Pharmacist License No. RPH 41937**

Respondents.

Agency Case No. 7265

OAH NO. 2023100887

DECISION AND ORDER

The attached Stipulated Surrender of License and 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 June 19, 2024.

It is so ORDERED on May 20, 2024.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

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

Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
2 SHAWN P. COOK
Supervising Deputy Attorney General
3 GILLIAN E. FRIEDMAN
Deputy Attorney General
4 State Bar No. 169207
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6294
6 Facsimile: (916) 731-2126
E-mail: Gillian.Friedman@doj.ca.gov
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

13 **TOTAL REMEDY AND PRESCRIPTION**
14 **CENTER PHARMACY,**
15 **DBA TOTAL REMEDY AND**
16 **PRESCRIPTION CENTER,**
17 **MOHAMMAD REZA ETMINAN, Owner**
18 **1234 Wilshire Blvd., Suite 106**
19 **Los Angeles, CA 90017**

20 **Pharmacy Permit No. PHY 53269,**

21 **STELLA YOUNG-MI JIN**
22 **10593 Lavender Circle**
23 **Santa Fe Springs, CA 90670**

24 **Pharmacist License No. RPH 65190,**

25 **and**

26 **MOHAMMAD REZA ETMINAN**
27 **4859 W. Slauson Ave. #266**
28 **Los Angeles, CA 90056**

Pharmacist License No. RPH 41937

Respondents.

Case No. 7265

OAH No. 2023100887

STIPULATED SURRENDER OF
LICENSE AND ORDER AS TO:

(1) TOTAL REMEDY AND
PRESCRIPTION CENTER PHARMACY,
DBA TOTAL REMEDY AND
PRESCRIPTION CENTER AND

(2) MOHAMMAD REZA ETMINAN

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

3 **PARTIES**

4 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
5 (Board). She brought this action solely in her official capacity and is represented in this matter by
6 Rob Bonta, Attorney General of the State of California, by Gillian E. Friedman, Deputy Attorney
7 General.

8 2. Respondents Total Remedy and Prescription Center Pharmacy, dba Total Remedy
9 and Prescription Center and Mohammad Reza Etminan are represented in this proceeding by
10 attorney Herbert L. Weinberg, Esq., whose address is: 1990 South Bundy Drive, Suite 777 Los
11 Angeles, CA 90025.

12 3. On or about February 23, 2015, the Board issued Pharmacy Permit No. PHY 53269 to
13 Total Remedy and Prescription Center Pharmacy, dba Total Remedy and Prescription Center,
14 (Respondent Total Remedy) with respondent Mohammad Reza Etminan (Respondent Etminan)
15 as the 100% Shareholder. The Pharmacy Permit was in full force and effect at all times relevant
16 to the charges brought herein and was cancelled on August 3, 2022.

17 4. On or about August 8, 1988, the Board of Pharmacy issued Pharmacist License
18 Number RPH 41937 to Respondent Etminan. Respondent's Pharmacist License was in full force
19 and effect at all times relevant to the charges brought herein and will expire on March 31, 2024,
20 unless renewed.

21 **JURISDICTION**

22 5. Accusation No. 7265 was filed before the Board, and is currently pending against
23 Respondent. The Accusation and all other statutorily required documents were properly served
24 on Respondent on July 31, 2023. Respondent timely filed its Notice of Defense contesting the
25 Accusation. A copy of Accusation No. 7265 is attached as Exhibit A and incorporated by
26 reference.

27 ///

28 ///

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

- 2
- 3
- 4
- 5

6
7
8
9
10
11

12
13

14

15
16
17

18
19
20
21
22

23

24

25

26

27

28

1 the Board regarding this stipulation and surrender, without notice to or participation by
2 Respondents or their counsel. By signing the stipulation, Respondents understand and agree that
3 they may not withdraw their agreement or seek to rescind the stipulation prior to the time the
4 Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and
5 Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for
6 this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall
7 not be disqualified from further action by having considered this matter.

8 13. The parties understand and agree that Portable Document Format (PDF) and facsimile
9 copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures
10 thereto, shall have the same force and effect as the originals.

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

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

19 **ORDER**

20 IT IS HEREBY ORDERED that Pharmacy Permit No. PHY 53269, issued to Respondent
21 Total Remedy and Prescription Center Pharmacy, dba Total Remedy and Prescription Center, is
22 surrendered and accepted by the Board.

23 IT IS FURTHER ORDERED THAT Pharmacist License Number RPH 41937 issued to
24 Respondent Mohammad Reza Etminan is surrendered and accepted by the Board.

25 1. The surrender of Respondent Total's Pharmacy Permit and Respondent Etminan's
26 Pharmacy License and the acceptance of the respective surrendered licenses by the Board shall
27 constitute the imposition of discipline against Respondents. This stipulation constitutes a record
28

1 of the discipline and shall become a part of each Respondents' respective license history with the
2 Board.

3 2. Respondent Total Remedy shall lose all rights and privileges as a Pharmacy in
4 California as of the effective date of the Board's Decision and Order.

5 3. Respondent Etminan shall lose all rights and privileges as a Pharmacist in California
6 as of the effective date of the Board's Decision and Order.

7 4. Respondents Total Remedy and Etminan shall cause to be delivered to the Board its
8 pocket license and, if one was issued, its wall certificate on or before the effective date of the
9 Decision and Order.

10 5. If Respondent Total Remedy and/or Respondent Etminan ever files an application for
11 licensure or a petition for reinstatement in the State of California, the Board shall treat it as a
12 petition for reinstatement. Respondents must comply with all the laws, regulations and
13 procedures for reinstatement of a revoked or surrendered license in effect at the time the petition
14 is filed, and all of the charges and allegations contained in Accusation No. 7265 shall be deemed
15 to be true, correct and admitted by Respondents when the Board determines whether to grant or
16 deny the petition.

17 6. Respondents shall jointly and severally be obligated to pay the agency its costs of
18 investigation and enforcement in the amount of \$21,781.25 prior to issuance of a new or
19 reinstated license.

20 7. If Respondent Total Remedy and/or Respondent Etminan should ever apply or
21 reapply for a new license or certification, or petition for reinstatement of a license, by any other
22 health care licensing agency in the State of California, all of the charges and allegations contained
23 in Accusation, No. 7265 shall be deemed to be true, correct, and admitted by Respondents for the
24 purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

25 ///

26 ///

27 ///

28 ///

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney Herbert L. Weinberg, Esq.. I understand the stipulation and the effect it will have on Pharmacy Permit No. PHY 53269, issued to Total Remedy and Prescription Center Pharmacy, dba Total Remedy and Prescription Center. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: _____

MOHAMMAD REZA ETMINAN as owner
of TOTAL REMEDY AND PRESCRIPTION
CENTER PHARMACY, DBA TOTAL
REMEDY AND PRESCRIPTION CENTER
Respondent

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney Herbert L. Weinberg, Esq.. I understand the stipulation and the effect it will have on my Pharmacist License Number RPH 41937. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: _____

MOHAMMAD REZA ETMINAN
Respondent

I have read and fully discussed with Mohammad Reza Etminan, individually and on behalf of Total Remedy and Prescription Center Pharmacy, dba Total Remedy and Prescription Center, the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

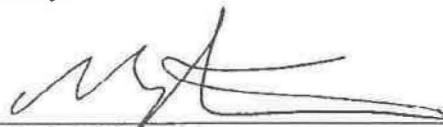
DATED: _____

HERBERT L. WEINBERG, ESQ.
Attorney for Respondents

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney Herbert L. Weinberg, Esq.. I understand the stipulation and the effect it will have on Pharmacy Permit No. PHY 53269, issued to Total Remedy and Prescription Center Pharmacy, dba Total Remedy and Prescription Center. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 02-20-24



MOHAMMAD REZA ETMINAN as owner
of TOTAL REMEDY AND PRESCRIPTION
CENTER PHARMACY, DBA TOTAL
REMEDY AND PRESCRIPTION CENTER
Respondent

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney Herbert L. Weinberg, Esq.. I understand the stipulation and the effect it will have on my Pharmacist License Number RPH 41937. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

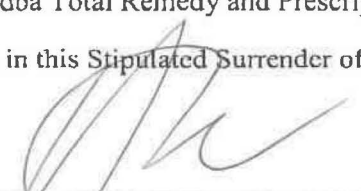
DATED: 02-20-24



MOHAMMAD REZA ETMINAN
Respondent

I have read and fully discussed with Mohammad Reza Etminan, individually and on behalf of Total Remedy and Prescription Center Pharmacy, dba Total Remedy and Prescription Center, the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 2/20/2024



HERBERT L. WEINBERG, ESQ.
Attorney for Respondents

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: _____

Respectfully submitted,

ROB BONTA
Attorney General of California
SHAWN P. COOK
Supervising Deputy Attorney General

GILLIAN E. FRIEDMAN
Deputy Attorney General
Attorneys for Complainant

LA2022600986
66566021.docx

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: February 15, 2024

Respectfully submitted,

ROB BONTA
Attorney General of California
SHAWN P. COOK
Supervising Deputy Attorney General



GILLIAN E. FRIEDMAN
Deputy Attorney General
Attorneys for Complainant

LA2022600986
66566021.docx

Exhibit A

Accusation No. 7265

1 ROB BONTA
Attorney General of California
2 SHAWN P. COOK
Supervising Deputy Attorney General
3 GILLIAN E. FRIEDMAN
Deputy Attorney General
4 State Bar No. 169207
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6294
6 Facsimile: (916) 731-2126
E-mail: Gillian.Friedman@doj.ca.gov
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 7265

13 **TOTAL REMEDY AND PRESCRIPTION**
14 **CENTER PHARMACY,**
15 **DBA TOTAL REMEDY AND**
PRESCRIPTION CENTER
16 **Mohammad Reza Etminan, Owner**
1234 Wilshire Blvd., Suite 106
17 **Los Angeles, CA 90017**

ACCUSATION

18 **Pharmacy Permit No. PHY 53269,**

19 **STELLA YOUNG-MI JIN**
20 **10593 Lavender Circle**
21 **Santa Fe springs, CA 90670**

22 **Pharmacist License No. RPH 65190,**

23 **and**

24 **MOHAMMAD REZA ETMINAN**
25 **4859 W. Slavson Ave. #266**
Los Angeles, CA 90056

26 **Pharmacist License No. RPH 41937**

27 Respondents.
28

1 **PARTIES**

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

4 2. On or about February 23, 2015, the Board of Pharmacy issued Pharmacy Permit
5 Number PHY 53269 to Total Remedy and Prescription Center Pharmacy, dba Total Remedy and
6 Prescription Center, (Respondent Pharmacy), with respondent Mohammad Reza Etminan
7 (Respondent Etminan) as the 100% Shareholder. The Pharmacy Permit was in full force and
8 effect at all times relevant to the charges brought herein and was cancelled on August 3, 2022.

9 3. On or about February 8, 2011, the Board of Pharmacy issued Pharmacist License
10 Number RPH 65190 to Stella Young-Mi Jin (Respondent Jin). Respondent Jin has served and
11 been listed in Board records as Pharmacist-in-Charge of Respondent Pharmacy from April 30,
12 2018 until August 3, 2022. The Pharmacist License was in full force and effect at all times
13 relevant to the charges brought herein and will expire on September 30, 2024, unless renewed.

14 4. On or about August 8, 1988, the Board of Pharmacy issued Pharmacist License
15 Number RPH 41937 to Respondent Etminan. Respondent Etminan is the 100% shareholder and
16 President. In addition, he has served and been listed in Board records as Pharmacist-in-Charge of
17 Respondent Pharmacy from February 23, 2015 until April 30, 2018. The Pharmacist License was
18 in full force and effect at all times relevant to the charges brought herein and will expire on
19 March 31, 2024, unless renewed.

20 **JURISDICTION**

21 5. This Accusation is brought before the Board of Pharmacy (Board) under the authority
22 of the following laws. Unless otherwise indicated, all section references are to the Business and
23 Professions Code (Code).

24 6. Code section 4011 provides that the Board shall administer and enforce both the
25 Pharmacy Law (Bus. & Prof. Code, § 4000 *et seq.*) and the Uniform Controlled Substances Act
26 (Health & Safety Code, § 11000 *et seq.*).

27 7. Code section 4300, subdivision (a) provides that every license issued by the Board
28 may be suspended or revoked.

1 8. Section 4300.1 of the Code states:

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

7 9. Section 4302 of the Code states:

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

12 10. Section 4307 of the Code states:

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

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

28 (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.

11. Code section 4342, subdivision (a) states:

The board may institute any action or actions as may be provided by law and that, in its discretion, are necessary, to prevent the sale of pharmaceutical preparations and drugs that do not conform to the standard and tests as to quality and strength, provided in the latest edition of the United States Pharmacopoeia or the National Formulary, or that violate any provision of the Sherman Food, Drug, and Cosmetic Law (Part 5 (commencing with section 109875) of Division 104 of the Health & Safety Code).

STATUTORY PROVISIONS

12. 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.

....

(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.

13. Section 4113, subdivision (c), of the Code states: "The pharmacist-in-charge shall be responsible for a pharmacy's compliance with all state and federal laws and regulations pertaining to the practice of pharmacy."

14. Section 4081, subdivision (a), of the Code states in pertinent part:

(a) All records of manufacture and of sale, acquisition, receipt, shipment, 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, third-party logistics provider, pharmacy, ..., 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.

1 15. Section 4126.5, subdivision (a)(4), of the Code states:

2 (a) A pharmacy may furnish dangerous drugs only to the following:

3 ...

4 (4) Another pharmacy or wholesaler to alleviate a temporary shortage of a
5 dangerous drug that could result in the denial of health care. A pharmacy furnishing
6 dangerous drugs pursuant to this paragraph may only furnish a quantity sufficient to
7 alleviate the temporary shortage.

8 ...

9 16. Code section 4169, subdivision (a)(2), states:

10 (a) A person or entity shall not do any of the following:

11 ...

12 (2) Purchase, trade, sell, or transfer dangerous drugs or dangerous devices that
13 the person knew or reasonably should have known were adulterated, as set forth in
14 Article 2 (commencing with Section 111250) of Chapter 6 of Part 5 of Division 104
15 of the Health and Safety Code.

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

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

20 ...

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

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

26 ...

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

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

regulatory agency.

18. Section 4306.5, subdivision (a), of the Code states:

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

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

19. Health and Safety Code section 11164 subdivision (b)(1) states:

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

....

(b)

(1) Notwithstanding paragraph (1) of subdivision (a) of Section 11162.1, any controlled substance classified in Schedule III, IV, or V may be dispensed upon an oral or electronically transmitted prescription, which shall be produced in hard copy form and signed and dated by the pharmacist filling the prescription or by any other person expressly authorized by provisions of the Business and Professions Code. Any person who transmits, maintains, or receives any electronically transmitted prescription shall ensure the security, integrity, authority, and confidentiality of the prescription.

....

20. Health and Safety Code section 111250 states:

Any drug or device is adulterated if it consists, in whole or in part, of any filthy, putrid, or decomposed substance.

21. Health and Safety Code section 111255 states:

Any drug or device is adulterated if it has been produced, prepared, packed, or held under conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health.

22. Health and Safety Code section 111290 states:

Any drug or device is adulterated if any substance has been mixed or packed with it so as to reduce its quality or strength or if any substance has been substituted, wholly or in part, for the drug or device.

23. Health and Safety Code section 111295 states:

It is unlawful for any person to manufacture, sell, deliver, hold, or offer for sale any drug or device that is adulterated.

1 24. Health and Safety Code section 111330 states:

2 Any drug or device is misbranded if its labeling is false or misleading in any
3 particular.

4 25. Health and Safety Code section 111395 states:

5 Any drug is misbranded in any of the following cases:

6 (a) It is an imitation of another drug.

7 (b) It is offered for sale under the name of another drug.

8 (c) The contents of the original package have been, wholly or partly, removed
9 and replaced with other material in the package.

10 26. Health and Safety Code section 111440 states:

11 It is unlawful for any person to manufacture, sell, deliver, hold, or offer for sale
12 any drug or device that is misbranded.

13 27. Health and Safety Code section 111445 states:

14 It is unlawful for any person to misbrand any drug or device.
15

16 **REGULATORY PROVISIONS**

17 28. California Code of Regulations, title 16, section 1718, states:

18 "Current Inventory" as used in Sections 4081 and 4332 of the Business and
19 Professions Code shall be considered to include complete accountability for all
dangerous drugs handled by every licensee enumerated in Sections 4081 and 4332.

20 The controlled substances inventories required by Title 21, CFR, Section 1304 shall be
21 available for inspection upon request for at least 3 years after the date of the inventory.

22 29. California Code of Regulations, title 16, section 1714, subdivision (b) states:

23

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

27

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

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

8 **COST RECOVERY**

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

13 **DRUGS**

14 32. Abilify – (Aripiprazole) is used for the short-term treatment of agitation that occurs
15 with certain mental/mood disorders and is categorized as a dangerous drug pursuant to Business
16 and Professions Code section 4022.

17 33. Acetaminophen/codeine, is a Schedule III controlled substance combination drug as
18 defined in Health and Safety Code section 11056(e)(2); and is a dangerous drug pursuant to
19 section 4022 of the Code.

20 34. Azithromycin is a dangerous drug pursuant to Business and Professions Code section
21 4022.

22 35. Bethanecol is a dangerous drug pursuant to Business and Professions Code section
23 4022.

24 36. Butalbital is a short to intermediate - acting barbiturate and a Schedule IV controlled
25 substance pursuant to Health and Safety Code section 11057(d)(2) and is categorized as a
26 dangerous drug pursuant to Business and Professions Code section 4022.

27 37. Cefuroxime is a dangerous drug pursuant to section 4022 of the Code.

28 38. Complera (emtricitabine/rilpivirine/ tenofovir) is a dangerous drug pursuant to section
4022 of the Code.

39. Coreg is a dangerous drug pursuant to Business and Professions Code section 4022.

- 1 40. Crestor is a dangerous drug pursuant to Business and Professions Code section 4022.
- 2 41. Diclofenac ER is a dangerous drug pursuant to Business and Professions Code section
- 3 4022.
- 4 42. Diphenoxylate is a Schedule V controlled substance as designated by Health and
- 5 Safety Code section 11058 and is a dangerous drug pursuant to Business and Professions Code
- 6 section 4022.
- 7 43. Glyburide/metformin is a dangerous drug pursuant to Business and Professions Code
- 8 section 4022.
- 9 44. Intelence (etravirine) is a dangerous drug pursuant to Business and Professions Code
- 10 section 4022.
- 11 45. Juluca is a dangerous drug pursuant to Business and Professions Code section 4022.
- 12 46. Kaletra is a dangerous drug pursuant to Business and Professions Code section 4022.
- 13 47. Lorazepam (benzodiazepines, mild tranquilizer, depressant) is a Schedule IV
- 14 controlled substance as designated by Health and Safety Code section 11057, subdivision (d)(16),
- 15 and is a dangerous drug pursuant to Business and Professions Code section 4022.
- 16 48. Mavyret (glecaprevir/oibrentasvir) is a dangerous drug pursuant to Business and
- 17 Professions Code section 4022.
- 18 49. Metoprolol succinate is a dangerous drug pursuant to Business and Professions Code
- 19 section 4022.
- 20 50. Norvir (ritonavir) is a dangerous drug pursuant to Business and Professions Code
- 21 section 4022.
- 22 51. Omeprazole is a dangerous drug pursuant to Business and Professions Code section
- 23 4022.
- 24 52. Promethazine/codeine is a Schedule V controlled substance as designated by Health
- 25 and Safety Code section 11058 and is a dangerous drug pursuant to Business and Professions
- 26 Code section 4022.
- 27 53. Prazosinis a dangerous drug pursuant to Business and Professions Code section 4022.
- 28

1 54. Risperidone is a dangerous drug pursuant to Business and Professions Code section
2 4022.

3 55. Tramadol is a dangerous drug pursuant to Business and Professions Code section
4 4022.

5 56. Trazadone, is a dangerous drug pursuant to Business and Professions Code section
6 4022.

7 57. Zidovudine is a dangerous drug pursuant to Business and Professions Code section
8 4022.

9 **FIRST CAUSE FOR DISCIPLINE - ALL RESPONDENTS**

10 (Adulterated Drugs)

11 58. Respondents Pharmacy, Jin and Etminan are subject to disciplinary action under
12 Business and Professions Code section 4301, subdivision (j) and/or (o), for violating Health and
13 Safety Code section 111295 and Business and Professions Code section 4169, subdivision (a)(2),
14 in that on May 14, 2019, Respondent Pharmacy held, sold, offered for sale and/or delivered drugs
15 that were adulterated within the meaning of Health and Safety Code section 111250 and/or
16 111255. The adulterated drugs that were held within the active pharmacy stock that were beyond
17 their expiration dates in April 2019 were as follows: Glyburide/metformin 2.5/500 mg tablets,
18 Risperidone 0.5mg tablets, Bethanechol 25mg tablets, Coreg 12.5mg tablets, Crestor 20mg
19 tablets, Abilify 15mg tablets, Zidovudine 100mg capsules; and Prazosin 5mg capsules.

20 **SECOND CAUSE FOR DISCIPLINE- ALL RESPONDENTS**

21 (Failure to Maintain Current Records)

22 59. Respondents Pharmacy, Jin and Etminan are subject to disciplinary action under Code
23 section 4301, subdivision (o), for violating Business and Professions Code section 4081,
24 subdivision (a). Respondents failed to maintain all records of disposition and/or acquisition, in
25 that between April 26, 2017¹ and June 26, 2019, Respondents failed to properly maintain a
26

27 _____
28 ¹ Respondent Jin did not become PIC until April 30, 2018 and was therefore not in
violation of this section until that date.

1 current inventory as defined by CCR section 1718. The records of inventory showed that
2 Respondent Pharmacy sold more drugs than it purchased. The circumstances are as follows:

3 60. Respondent Pharmacy's files and records demonstrated that it sold more of the
4 following dangerous drugs than it purchased. The subject drugs are described as follows:

- 5 (a) Respondent Pharmacy sold 4,636 more Intelence 200mg tablets than it purchased;
- 6 (b) Respondent Pharmacy sold 92 more Complera tablets than it purchased;
- 7 (c) Respondent Pharmacy sold 26,561 more Norvir 100mg tablets than it purchased; and
- 8 (d) Respondent Pharmacy sold 7,642 more Ritonavir 100 mg tablets than it purchased.

9 **THIRD CAUSE FOR DISCIPLINE- ALL RESPONDENTS**

10 (Failure to Maintain Current Inventory)

11 61. Respondents Pharmacy, Jin and Etminan are subject to disciplinary action under
12 Code section 4301, subdivision (o), for failing to maintain a current inventory as required by title
13 16, California Code of Regulations, section 1718. The circumstances are that between April 26,
14 2017 and June 26, 2019, Respondents failed to properly maintain a current inventory as defined
15 by CCR section 1718. The records of inventory showed that Respondent Pharmacy sold more
16 drugs than it purchased. The circumstances are set forth more fully in paragraph 60 and
17 incorporated herein by this reference.

18 **FOURTH CAUSE FOR DISCIPLINE- ALL RESPONDENTS**

19 (Failure to Comply with Requirements for Faxed Controlled Substance Prescriptions)

20 62. Respondents Pharmacy, Jin and Etminan are subject to disciplinary action for
21 unprofessional conduct under Business and Professions Code section 4301, subdivision (j) and/or
22 (o), for violating Health and Safety Code section 11164 subdivision (b)(1) in that Respondents Jin
23 and Etminan failed to validate the authenticity of faxed prescriptions, where the prescriptions
24 were for controlled substances classified as Schedule III, IV or V. The circumstances are as
25 follows:

26 63. On or about June 26, 2019, Respondents filled the following faxed prescriptions
27 without the pharmacists independently verifying for authenticity the prescriptions and providing
28 verification notes in the respective patient's profiles:

- 1 a. Respondents filled prescription (Rx #4421646) dated February 8, 2019 for patient
2 AM for lorazepam 0.5mg, a Schedule IV controlled substance;
- 3 b. Respondents filled prescription (Rx #4421650) dated February 11, 2019 for patient
4 MB for butalbital/acetaminophen/caffeine, a Schedule III controlled substance;
- 5 c. Respondents filled prescriptions (Rx #4421622 and Rx 4421624) dated February 5,
6 2019 for patient TD for diphenoxylate/atropine, a Schedule V controlled substance and lorazepam
7 1mg, a Schedule IV controlled substance;
- 8 d. Respondents filled prescription (Rx #4421609) (undated) for patient EJ for tramadol
9 50mg, a Schedule IV drug; and
- 10 e. Respondents filled prescription (Rx #4421631) (undated) for patient MB for
11 promethazine /codeine, a Schedule V controlled substance.

12 **FIFTH CAUSE FOR DISCIPLINE- ALL RESPONDENTS**

13 **(Held or Offered for Sale Misbranded Drugs)**

14 64. Respondents Pharmacy, Jin and Etminan are subject to disciplinary action under Code
15 section 4301 subdivision (j) for violating Health and Safety Code section 111440 in that during an
16 inspection by the Board inspectors on or about May 14, 2019, Respondent Pharmacy was found
17 in possession of dangerous drugs in its pharmacy stock that were misbranded within the meaning
18 of Health and Safety Code section 111330 and 111395, as follows:

19 65. Respondents held certain dangerous drugs in bottles that were not the original
20 manufacturers' bottles and did not have lot numbers. These drugs included, but are not limited to
21 the following: diclofenac sodium 100mg ER, azithromycin 600mg, metoprolol succinate 25mg,
22 Kaletra 200mg, omeprazole 20mg, trazadone 150mg, metoprolol succinate 50mg; and Juluca
23 50/25mg.

24 66. Respondents held certain dangerous drugs in bottles that were original manufacturer
25 bottles, but that did not have the complete lot numbers. These drugs included, but are not limited
26 to the following: ritonavir 100mg, cefuroxime 500mg; and acetaminophen/codeine 300/15mg.

27 ///

28 ///

1 **SIXTH CAUSE FOR DISCIPLINE- ALL RESPONDENTS**

2 (Dishonest Acts)

3 67. Respondents Pharmacy, Jin and Etminan are subject to disciplinary action under Code
4 section 4301, subdivision (f), in that Respondents committed acts involving dishonesty, fraud,
5 deceit or corruption in that Respondent Etminan as owner of Respondent Pharmacy, and
6 Respondent Jin as manager of Respondent Pharmacy committed acts involving dishonesty, fraud,
7 or deceit in that Respondents failed to comply with the written policies and procedures of the
8 pharmacy as follows:

9 68. On or after April 30, 2018, while Respondent Jin was Pharmacist in Charge of
10 Respondent Pharmacy, Respondent Jin had policies and procedures that stated that prescriptions
11 not picked up within fourteen (14) days would be returned to stock and the billing reversed.

12 69. Respondents committed acts involving dishonesty, fraud, deceit or corruption when
13 they failed to reverse adjudicated prescriptions in a timely basis, which had not been picked up
14 and were left in the will-call area for significant periods of time. Specifically, on or about June
15 26, 2019, Respondent Pharmacy was found to be in possession of thirty-four (34) prescriptions
16 for twelve (12) different patients in its “will-call” area of the pharmacy.

17 **SEVENTH CAUSE FOR DISCIPLINE- ALL RESPONDENTS**

18 (Made Documents that Falsely Represent Facts)

19 70. Respondents Pharmacy, Jin and Etminan Respondents are subject to disciplinary
20 action under Code section 4301, subdivision (g), in that Respondents made documents that falsely
21 represented the existence of a state of facts, in that Respondent Etminan as owner of Respondent
22 Pharmacy, and Respondent Jin as manager of Respondent Pharmacy committed acts involving
23 dishonesty, fraud, or deceit in that Respondents failed to comply with the written policies and
24 procedures of the pharmacy as set forth above in paragraph 69 and incorporated herein by this
25 reference.

26 ///

27 ///

28 ///

1 **EIGHTH CAUSE FOR DISCIPLINE- ALL RESPONDENTS**

2 (Unlawful Purchase of Dangerous Drugs from another Pharmacy)

3 71. Respondents Pharmacy, Jin and Etminan are subject to disciplinary action under Code
4 section 4301, subdivision (j) and/or (o), in that they violated Code section 4126.5 subdivision
5 (a)(4) when Respondent Pharmacy purchased drugs from another pharmacy for a purpose other
6 than to alleviate a temporary drug shortage. The circumstances are as follows:

7 72. Between March 6, 2018 and June 25, 2019, Respondent Pharmacy purchased
8 Mavyret 100-40mg from Cienega Pharmacy at a cost over \$350,000. However, there was no
9 reported shortage by the Federal Drug Administration (FDA) of that drug in the marketplace.

10 **NINTH CAUSE FOR DISCIPLINE- RESPONDENTS PHARMACY AND ETMINAN**

11 (Violation of Laws of Other State Agency)

12 73. Respondents Pharmacy and Etminan are subject to disciplinary action under Code
13 section 4301 subdivision (j) in that following an audit of the period January 1, 2015 through
14 December 31, 2018, the State of California, Health and Human Services Agency, Department of
15 Health Care Services (DHCS) determined that Respondents Pharmacy and Etminan received an
16 overpayment for Medi-Cal claims, in that it received payment for services that should not have
17 been claimed. The Medi-Cal recovery amount was determined to be \$3,007,123. A Demand
18 Letter dated August 26, 2019, referencing Case Number Case Number 18/00859/19/P for said
19 amount, was sent to Respondent Etminan and Respondent Pharmacy. Respondents Pharmacy and
20 Etmiman agreed to repay the demanded amount.

21 **DISCIPLINE CONSIDERATIONS**

22 74. To determine the degree of discipline, if any, to be imposed on Respondent Pharmacy
23 and Respondent Etminan, Complainant alleges as follows:

24 75. On or about April 26, 2019, in a prior action, the Board issued Citation Number CI
25 2016 74108 against Respondent Pharmacy PHY 53269 based on violations of Business and
26 Professions Code section 4081 subdivision (a) and Title 16, sections 1718 and 1714 subdivision
27 (b) (failure to maintain a current inventory between February 23, 2015 and April 26, 2017) and
28 Business and Professions Code section 4081 subdivision (a) and section 4105 subdivision (a)

(failure to retain records of acquisition for at least three years). No fine was issued. That Citation is now final.

76. On or about April 26, 2019, in a prior action, the Board issued Citation Number CI 2018 83578² against Respondent Etminan and Respondent Pharmacy based on violations of Business and Professions Code section 4332 (failure to maintain records). Fines were issued in the amount of \$1,000 against Respondent Etminan and \$5,000 against Respondent Pharmacy. That Citation is now final.

OTHER MATTERS

77. Pursuant to section 4307 of the Code, if discipline is imposed on Pharmacy Permit Number PHY 53269 issued to Total Remedy and Prescription Center, then Total Remedy and Prescription Center 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 53269 is placed on probation or until Pharmacy Permit Number PHY 53269 is reinstated if revoked.

78. Pursuant to section 4307 of the Code, if discipline is imposed on Pharmacy Permit Number PHY 53269, issued to Total Remedy and Prescription Center, and Respondent Etminan had knowledge of or knowingly participated in the conduct for which Respondent Pharmacy was disciplined, then Respondent Etminan 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 53269 is placed on probation or until Pharmacy Permit Number PHY 53269 is reinstated if revoked.

79. Pursuant to section 4307 of the Code, if discipline is imposed on Pharmacy Permit Number PHY 53269, issued to Total Remedy and Prescription Center, and Respondent Stella Young-Mi Jin had knowledge of or knowingly participated in the conduct for which Respondent Pharmacy was disciplined, then Respondent Stella Young-Mi Jin shall be prohibited from

² A Decision and Order was issued *In The Matter Of The Accusation Against: Total Remedy and Prescription Center aka Good Samaritan Medical Pharmacy and Mohammad Reza Etminan* Case No. 2570 (OAH Nos.: L-2002080834 and L-2002080835) wherein said accusation as withdrawn and citations were issued against Mohammad Reza Etminan and Total Remedy and Prescription Center.

1 serving as a manager, administrator, owner, member, officer, director, associate, partner, or any
2 other person with management or control of a licensee for five years if Pharmacy Permit Number
3 PHY 53269 is placed on probation or until Pharmacy Permit Number PHY 53269 is reinstated if
4 revoked.

5 80. Pursuant to section 4307 of the Code, if discipline is imposed on Pharmacist License
6 Number RPH 41937 issued to Respondent Etminan, then Respondent Etminan shall be prohibited
7 from serving as a manager, administrator, owner, member, officer, director, associate, partner, or
8 any other person with management or control of a licensee for five years if Pharmacist License
9 Number RPH 41937 is placed on probation or until Pharmacist License Number RPH 41937 is
10 reinstated if revoked.

11 81. Pursuant to section 4307 of the Code, if discipline is imposed on Pharmacist License
12 Number RPH 65190 issued to Respondent Jin, then Respondent Jin shall be prohibited from
13 serving as a manager, administrator, owner, member, officer, director, associate, partner, or any
14 other person with management or control of a licensee for five years if Pharmacist License
15 Number RPH 65190 is placed on probation or until Pharmacist License Number RPH 65190 is
16 reinstated if revoked.

17 **PRAYER**

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

20 1. Revoking or suspending Pharmacy Permit Number PHY 53269, issued to Total
21 Remedy and Prescription Center Pharmacy, dba Total Remedy and Prescription Center,;

22 2. Revoking or suspending Pharmacist License Number RPH 65190, issued to Stella
23 Young-Mi Jin;

24 3. Revoking or suspending Pharmacist License Number RPH 41937, issued to
25 Mohammad Reza Etminan;

26 4. Prohibiting Stella Young-Mi Jin from serving as a manager, administrator, owner,
27 member, officer, director, associate, partner, or any other person with management or control of a
28 licensee for five years if Pharmacy Permit Number PHY 53269 is placed on probation or until

Pharmacy Permit Number PHY 53269 is reinstated if revoked;

5. Prohibiting Stella Young-Mi Jin 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 65190 is placed on probation or until Pharmacist License Number RPH 65190 is reinstated if revoked;

6. Prohibiting Mohammad Reza Etminan 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 53269 is placed on probation or until Pharmacy Permit Number PHY 53269 is reinstated if revoked;

7. Prohibiting Mohammad Reza Etminan 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 41937 is placed on probation or until Pharmacist License Number RPH 41937 is reinstated if revoked;

8. Ordering Total Remedy and Prescription Center, Stella Young-Mi Jin and Mohammad Reza Etminan, jointly and severally, 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,

9. Taking such other and further action as is deemed necessary and proper.

DATED: 7/20/2023

Sodergren, Anne@DCA
Digitally signed by
Sodergren, Anne@DCA
Date: 2023.07.20
21:15:17 -07'00'

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

LA2022600986
65986577.docx