

**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 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 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 distinguishable.

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  
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7 *Attorneys for Complainant*

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

13 In the Matter of the Accusation Against:

Case No. 7265

14 **TOTAL REMEDY AND PRESCRIPTION**  
15 **CENTER PHARMACY DBA TOTAL REMEDY**  
16 **AND 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.

OAH No. 2023100887

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER AS TO**  
**STELLA YOUNG-MI JIN ONLY**

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

1 **PARTIES**

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

5 2. Respondent Stella Young-Mi Jin (Respondent or Respondent Jin) is represented in this  
6 proceeding by attorney Rob D. Cucher, Esq., whose address is: 9454 Wilshire Boulevard, Suite 600,  
7 Beverly Hills, CA 90212-2980.

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

14 **JURISDICTION**

15 4. Accusation No. 7265 was filed before the Board, and is currently pending against  
16 Respondent. The Accusation and all other statutorily required documents were properly served on  
17 Respondent on July 28, 2023. Respondent timely filed her Notice of Defense contesting the Accusation.

18 5. A copy of Accusation No. 7265 is attached as Exhibit "A" and incorporated herein by  
19 reference.

20 **ADVISEMENT AND WAIVERS**

21 6. Respondent has carefully read, fully discussed with counsel, and understands the charges  
22 and allegations in Accusation No. 7265. Respondent has also carefully read, fully discussed with counsel,  
23 and understands the effects of this Stipulated Settlement and Disciplinary Order.

24 7. Respondent is fully aware of her legal rights in this matter, including the right to a hearing  
25 on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses  
26 against her; the right to present evidence and to testify on her own behalf; the right to the issuance of  
27 subpoenas to compel the attendance of witnesses and the production of documents; the right to  
28 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 understands and agrees that the charges and allegations in Accusation No. 7265, if proven at a hearing, constitute cause for imposing discipline upon her Pharmacist License.

10. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up her right to contest those charges.

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

#### **CONTINGENCY**

12. 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 her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her 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.

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

14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any, and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered,

1 amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized  
2 representative of each of the parties.

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

5 **DISCIPLINARY ORDER**

6 IT IS HEREBY ORDERED that Pharmacist License No. RPH 65190 issued to Respondent, Stella  
7 Young-Mi Jin is revoked. However, the revocation is stayed, and Respondent is placed on probation for  
8 three (3) years on the following terms and conditions:

9 1. **Obey All Laws**

10 Respondent shall obey all state and federal laws and regulations.

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

- 13 • An arrest or issuance of a criminal complaint for violation of any provision of the  
14 Pharmacy Law, state and federal food and drug laws, or state and federal controlled  
15 substances laws
- 16 • A plea of guilty, or nolo contendere, no contest, or similar, in any state or federal  
17 criminal proceeding to any criminal complaint, information or indictment
- 18 • A conviction of any crime
- 19 • The filing of a disciplinary pleading, issuance of a citation, or initiation of another  
20 administrative action filed by any state or federal agency which involves respondent's  
21 license or which is related to the practice of pharmacy or the manufacturing,  
22 obtaining, handling, distributing, billing, or charging for any drug, device or  
23 controlled substance.

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

25 2. **Report to the Board**

26 Respondent shall report to the Board quarterly, on a schedule as directed by the Board or  
27 its designee. The report shall be made either in person or in writing, as directed. Among other  
28 requirements, Respondent shall state in each report under penalty of perjury whether there has been

1 compliance with all the terms and conditions of probation.

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

6 **3. Interview with the Board**

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

12 **4. Cooperate with Board Staff**

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

19 **5. Continuing Education**

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

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

23 During the period of probation, respondent shall notify all present and prospective  
24 employers of the decision in case number 7265 and the terms, conditions and restrictions imposed on  
25 respondent by the decision, as follows:

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

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

9               Within thirty (30) days of the effective date of this Decision, and within fifteen (15) days  
10 of Respondent undertaking any new employment, Respondent shall cause (a) Respondent's direct  
11 Supervisor, (b) Respondent's Pharmacist-in-charge, designated Representative-in-charge, responsible  
12 Manager, or other Compliance Supervisor, and (c) the Owner or Owner Representative of Respondent's  
13 employer, to report to the Board in writing acknowledging that the listed individual(s) has/have read the  
14 Decision in Case Number 7265, and terms and conditions imposed thereby. If one person serves in more  
15 than one role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the Respondent's  
16 responsibility to ensure that these acknowledgment(s) are timely submitted to the Board. In the event of a  
17 change in the person(s) serving the role(s) described in (a), (b), or (c) during the term of probation,  
18 respondent shall cause the person(s) taking over the role(s) to report to the Board in writing within fifteen  
19 (15) days of the change acknowledging that he or she has read the Decision in Case Number 7265, and the  
20 terms and conditions imposed thereby.

21               If respondent works for or is employed by or through an employment service, Respondent  
22 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the Board of the  
23 Decision in Case Number 7265, and the terms and conditions imposed thereby in advance of Respondent  
24 commencing work at such licensed entity. A record of this notification must be provided to the Board  
25 upon request.

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



1 report to the Board in writing acknowledging that he or she has read the Decision in Case Number, and the  
2 terms and conditions imposed thereby. It shall be Respondent's responsibility to ensure that these  
3 acknowledgment(s) are timely submitted to the Board.

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

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

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

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

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

16 **8. Restrictions on Supervision and Oversight of Licensed Facilities –**

17 During the period of probation, Respondent shall not supervise any intern pharmacist, be  
18 the Pharmacist-in-Charge, Designated Representative-in-Charge, responsible Manager or other  
19 Compliance Supervisor of any entity licensed by the Board, nor serve as a consultant. Assumption of any  
20 such unauthorized supervision responsibilities shall be considered a violation of probation.

21 **9. Reimbursement of Board Costs**

22 As a condition precedent to successful completion of probation, Respondent shall pay to  
23 the Board its costs of investigation and prosecution in the amount of \$7,000.00. Respondent shall be  
24 permitted to pay these costs in a payment plan approved by the Board or its designee, so long as full  
25 payment is completed no later than one (1) year prior to the end date of probation.

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

1                   **10. Probation Monitoring Costs**

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

6                   **11. Status of License**

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

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

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

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

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

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

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

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

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

19                   **14. Violation of Probation**

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

26                   If Respondent violates probation in any respect, the Board, after giving Respondent notice  
27 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed.  
28 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, and the charges and allegations in Accusation Case No. 7265 shall be deemed true and correct.

## 15. Completion of Probation

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

## 16. 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.

## 17. No Ownership or Management of Licensed Premises

Respondent shall not own, have any legal or beneficial interest in, nor serve 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 shall sell or transfer any legal or beneficial interest in any entity licensed by the Board within ninety (90) days following the effective date of this decision and shall immediately thereafter provide written proof thereof to the Board. Failure to timely divest any legal or beneficial interest(s) or provide documentation thereof shall be considered a violation of probation.

## ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Rob D. Cucher, Esq.. I understand the stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily,

1 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

2  
3 DATED: \_\_\_\_\_

STELLA YOUNG-MI JIN  
*Respondent*

5  
6 I have read and fully discussed with Respondent Stella Young-Mi Jin the terms and conditions and  
7 other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and  
8 content.

9  
10 DATED: \_\_\_\_\_

ROB D. CUCHER, ESQ.  
*Attorney for Respondent*

12  
13 **ENDORSEMENT**

14 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for  
15 consideration by the Board of Pharmacy.

16  
17 DATED: \_\_\_\_\_

Respectfully submitted,

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

21  
22 GILLIAN E. FRIEDMAN  
23 Deputy Attorney General  
*Attorneys for Complainant*

24  
25 LA2022600986  
26 66537973.docx

1 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

2  
3 DATED:

2/2/2024



4 STELLA YOUNG-MI JIN  
Respondent

5  
6 I have read and fully discussed with Respondent Stella Young-Mi Jin the terms and conditions and  
7 other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and  
8 content.

9  
10 DATED:

2-7-2024



11 ROB D. CUCHER, ESQ.  
Attorney for Respondent

12  
13 **ENDORSEMENT**

14 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for  
15 consideration by the Board of Pharmacy.

16  
17 DATED: January 29, 2024

Respectfully submitted,

1 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

2  
3 DATED: \_\_\_\_\_

STELLA YOUNG-MI JIN  
*Respondent*

5  
6 I have read and fully discussed with Respondent Stella Young-Mi Jin the terms and conditions and  
7 other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and  
8 content.

9  
10 DATED: \_\_\_\_\_

ROB D. CUCHER, ESQ.  
*Attorney for Respondent*

12  
13 **ENDORSEMENT**

14 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for  
15 consideration by the Board of Pharmacy.

16  
17 DATED: January 29, 2024

Respectfully submitted,

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

21 

22 GILLIAN E. FRIEDMAN  
23 Deputy Attorney General  
24 *Attorneys for Complainant*

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**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:

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

### **COST RECOVERY**

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

### **DRUGS**

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

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

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

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

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

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

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, 2017<sup>1</sup> and June 26, 2019, Respondents failed to properly maintain a  
26

27  
28 <sup>1</sup> 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 83578<sup>2</sup> 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

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<sup>2</sup> 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*

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