

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

In the Matter of the Accusation Against:

**KAMALDEEP SINGH KAINTH,
Pharmacist License No. RPH 73136;**

and

**CAREPLUS DRUGS INC., dba CAREPLUS DRUGS;
KAMALDEEP SINGH KAINTH, CEO, and CHETAK PATEL, CFO,
Pharmacy Permit No. PHY 55939,**

Respondents.

Agency Case No. 7485

OAH No. 2023080082

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 September 12, 2024.

It is so ORDERED on August 13, 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 DAVID E. BRICE
Supervising Deputy Attorney General
3 STEVE J. PYUN
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Attorneys for Complainant
7

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

12 In the Matter of the Accusation Against:

13 **KAMALDEEP SINGH KAINTH**
14 1139 Megan Avenue
Clovis, CA 93611

15 **Pharmacist License No. RPH 73136,**
16 **and**

17 **CAREPLUS DRUGS INC. DBA**
18 **CAREPLUS DRUGS; KAMALDEEP**
19 **SINGH KAINTH, CEO AND CHETAK**
20 **PATEL, CFO**
4177 W. Shaw Avenue, Suite 109
Fresno, CA 93722

21 **Pharmacy Permit No. PHY 55939**

22 Respondents.
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Case No. 7485

OAH No. 2023080082

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER AS TO
RESPONDENT CAREPLUS DRUGS INC.
DBA CAREPLUS DRUGS ONLY**

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 Steve J. Pyun, Deputy Attorney
7 General.

8 2. Respondent Careplus Drugs, Inc., doing business as Careplus Drugs (Respondent
9 Careplus) is represented in this proceeding by attorney Ivan Petrzelka, whose address is 9090
10 Irvine Center Drive, Irvine, CA 92618.

11 3. On or about February 9, 2018, the Board issued Pharmacy Permit Number
12 PHY 55939 to Respondent Careplus. Kamaldeep Singh Kainth has served or been listed in Board
13 records as Chief Executive Officer; Chetak Patel has served or been listed in Board records as
14 Treasurer/Chief Financial Officer, Secretary, and Director. The Board's records reflect that
15 Kamaldeep Singh Kainth and Chetak Patel each own 50% of the total outstanding shares of
16 Careplus Drugs. The Pharmacy Permit was in full force and effect at all times relevant to the
17 charges brought herein and will expire on February 1, 2025, unless renewed.

18 **JURISDICTION**

19 4. Accusation No. 7485 was filed before the Board, and is currently pending against
20 Respondent Careplus. The Accusation and all other statutorily required documents were properly
21 served on Respondent Careplus on April 21, 2023. Respondent timely filed its Notice of Defense
22 contesting the Accusation.

23 5. A copy of Accusation No. 7485 is attached as exhibit A and incorporated herein by
24 reference.

25 **ADVISEMENT AND WAIVERS**

26 6. Respondent Careplus has carefully read, fully discussed with counsel, and
27 understands the charges and allegations in Accusation No. 7485. Respondent Careplus has also
28

carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

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

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

CULPABILITY

9. Respondent Careplus understands and agrees that the charges and allegations in Accusation No. 7485, if proven at a hearing, constitute cause for imposing discipline upon its Pharmacy Permit.

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

11. Respondent Careplus agrees that its Pharmacy Permit is subject to discipline and it agrees 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 Careplus 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 Careplus or its counsel. By signing the stipulation, Respondent Careplus understands and agrees that he may not withdraw his 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, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Pharmacy Permit No. PHY 55939, issued to Respondent Careplus Drugs, Inc., doing business as Careplus Drugs, is revoked. However, the revocation is stayed and Respondent is placed on probation for five (5) years on the following terms and conditions:

1. Definition: Respondent

For the purposes of these terms and conditions, "respondent" shall refer to Careplus Drugs, Inc., doing business as Careplus Drugs. All terms and conditions stated herein shall bind and be applicable to the licensed premises and to all owners, managers, officers, administrators, members, directors, trustees, associates, or partners thereof. For purposes of compliance with any term or condition, any report, submission, filing, payment, or appearance required to be made by respondent to or before the board or its designee shall be made by an owner or executive officer with authority to act on behalf of and legally bind the licensed entity.

1 2. Obey All Laws

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

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

- 5 • an arrest or issuance of a criminal complaint for violation of any provision of the
6 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
7 substances laws;
- 8 • a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal criminal
9 proceeding to any criminal complaint, information or indictment;
- 10 • a conviction of any crime; or
- 11 • discipline, citation, or other administrative action filed by any state or federal agency
12 which involves respondent's Pharmacy Permit or which is related to the practice of
13 pharmacy or the manufacturing, obtaining, handling or distributing, billing, or charging
14 for any dangerous drug, and/or dangerous device or controlled substance.

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

16 3. Report to the Board

17 Respondent shall report to the board quarterly, on a schedule as directed by the board or its
18 designee. The report shall be made either in person or in writing, as directed. Among other
19 requirements, respondent shall state in each report under penalty of perjury whether there has
20 been compliance with all the terms and conditions of probation. Failure to submit timely reports
21 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency
22 in submission of reports as directed may be added to the total period of probation. Moreover, if
23 the final probation report is not made as directed, probation shall be automatically extended until
24 such time as the final report is made and accepted by the board.

25 4. Interview with the Board

26 Upon receipt of reasonable prior notice, respondent shall appear in person for interviews
27 with the board or its designee, at such intervals and locations as are determined by the board or its
28 designee. Failure to appear for any scheduled interview without prior notification to board staff,

1 or failure to appear for two (2) or more scheduled interviews with the board or its designee during
2 the period of probation, shall be considered a violation of probation.

3 5. Cooperate with Board Staff

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

10 6. Reimbursement of Board Costs

11 As a condition precedent to successful completion of probation, respondent shall pay to the
12 board its costs of investigation and prosecution in the amount of \$15,000.00, jointly and severally
13 with Respondent Kamaldeep Singh Kainth. Respondent shall be permitted to pay these costs in a
14 payment plan approved by the board or its designee, so long as full payment is completed no later
15 than one (1) year prior to the end date of probation. Failure to pay costs by the deadline(s) as
16 directed shall be considered a violation of probation.

17 7. Probation Monitoring Costs

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

22 8. Status of License

23 Respondent shall, at all times while on probation, maintain a current Pharmacy Permit with
24 the board. Failure to maintain current licensure shall be considered a violation of probation.

25 If respondent's license expires or is cancelled by operation of law or otherwise at any time
26 during the period of probation, including any extensions thereof or otherwise, upon renewal or
27 reapplication respondent's license shall be subject to all terms and conditions of this probation not
28 previously satisfied.

1 9. License Surrender While on Probation/Suspension

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

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

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

12 10. Sale or Discontinuance of Business

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

21 11. Notice to Employees

22 Respondent shall, upon or before the effective date of this decision, ensure that all
23 employees involved in permit operations are made aware of all the terms and conditions of
24 probation, either by posting a notice of the terms and conditions, circulating such notice, or both.
25 If the notice required by this provision is posted, it shall be posted in a prominent place and shall
26 remain posted throughout the probation period. Respondent shall ensure that any employees hired
27 or used after the effective date of this decision are made aware of the terms and conditions of
28 probation by posting a notice, circulating a notice, or both. Additionally, respondent shall submit

1 written notification to the board, within fifteen (15) days of the effective date of this decision, that
2 this term has been satisfied. Failure to timely provide such notification to employees, or to timely
3 submit such notification to the board shall be considered a violation of probation.

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

7 12. Owners and Officers: Knowledge of the Law

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

14 13. Premises Open for Business

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

Any failure to timely provide such notification(s) shall be considered a violation of probation.

14. Posted Notice of Probation

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

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

15. Violation of Probation

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

If respondent violates probation in any respect, the board, after giving respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If a petition to revoke probation or an accusation is filed against respondent during probation, or the preparation of an accusation or petition to revoke probation is requested from the Office of the Attorney General, the board shall have continuing jurisdiction and the period of probation shall be automatically extended until the petition to revoke probation or accusation is heard and decided, and the charges and allegations in Accusation No. 7485 shall be deemed true and correct.

16. Completion of Probation

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

1 17. No Additional Ownership or Management of Licensed Premises

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

7 18. Consultant Review of Pharmacy Operations

8 Within 30 days, Respondent shall retain, at its own expense, an independent consultant who
9 shall review the operations of the facility, during the period of probation, on a quarterly basis for
10 compliance of the facility with state and federal laws and regulations governing the practice of
11 pharmacy, and compliance by respondent. The consultant shall provide the board with an
12 inspection agenda for approval prior to conducting the inspection. Any inspection conducted
13 without prior approval of the inspection agenda shall not be accepted. The consultant shall also
14 provide the board with reports documenting the inspection. The reports shall be provided directly
15 to the board, and receive confirmation of receipt from the board, prior to providing to the
16 respondent. Should the board determine that the consultant is not appropriately assessing the
17 operations of respondent, or providing the appropriate written reports, the board shall require
18 respondent to obtain a different consultant through the same process outlined above, by
19 submitting a new name of an expert within sixty (60) days of respondent being notified of the
20 need for a new consultant. During the period of probation, the board shall retain discretion to
21 reduce the frequency of the consultant's review.

22 Respondent shall submit the name of the proposed consultant for approval within thirty (30)
23 days of the effective date of this decision. The consultant shall be a pharmacist licensed by and
24 not on probation with the board or other professional as appropriate and not on probation with the
25 board, who has been approved by the board to serve in this position. The consultant shall have
26 sufficient education, training, and professional experience to be able to provide guidance to
27 respondent related to the causes for discipline in Case No. 7485. Assumption of any unauthorized
28 supervision responsibilities shall be considered a violation of probation.

1 Failure to timely seek approval for, timely retain, or ensure timely reporting by the
2 consultant shall be considered a violation of probation.

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5 **ACCEPTANCE**

6 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
7 discussed it with my attorney, Ivan Petrzelka. I understand the stipulation and the effect it will
8 have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary Order
9 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
10 Board of Pharmacy.

11
12 DATED: _____

13 KAMALDEEP SINGH KAINTH
14 CAREPLUS DRUGS, INC. DBA CAREPLUS
15 DRUGS
16 OWNER/CEO
17 *Respondent*

18 I have read and fully discussed with Respondent Careplus Drugs, INC. dba Careplus Drugs
19 the terms and conditions and other matters contained in the above Stipulated Settlement and
20 Disciplinary Order. I approve its form and content.

21 DATED: _____

22 IVAN PETRZELKA
23 *Attorney for Respondent*

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Failure to timely seek approval for, timely retain, or ensure timely reporting by the

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I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary Order
voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the

DATED:

02/15/2024



KAMALDEEP SINGH KAINTH

DRUGS
OWNER/CEO

the terms and conditions and other matters contained in the above Stipulated Settlement and

DATED:

February 15, 2024



IVAN PETRZELKA
Attorney for Respondent

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ENDORSEMENT

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

DATED: _____

Respectfully submitted,

ROB BONTA
Attorney General of California
DAVID E. BRICE
Supervising Deputy Attorney General

STEVE J. PYUN
Deputy Attorney General
Attorneys for Complainant

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ENDORSEMENT

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

DATED: 2/16/2024

Respectfully submitted,

ROB BONTA
Attorney General of California
DAVID E. BRICE
Supervising Deputy Attorney General

Steve Pyun

STEVE J. PYUN
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 7485

1 ROB BONTA
Attorney General of California
2 DAVID E. BRICE
Supervising Deputy Attorney General
3 STEVE J. PYUN
Deputy Attorney General
4 State Bar No. 253563
2550 Mariposa Mall, Room 5090
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Attorneys for Complainant
7

8 **BEFORE THE**
9 **BOARD OF PHARMACY**
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11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 7485

13 **CAREPLUS DRUGS INC. DBA**
14 **CAREPLUS DRUGS**
15 **KAMALDEEP SINGH KAINTH, CEO/PIC**
16 **CHETAK PATEL, TREASURER/CFO**
4177 W. Shaw Avenue, Suite 109
Fresno, CA 93722

ACCUSATION

17 **Pharmacy Permit No. PHY 55939,**

18 and

19 **KAMALDEEP SINGH KAINTH**
1139 Megan Avenue
Clovis, CA 93611

20 **Registered Pharmacist License No.**
21 **RPH 73136**

22 Respondent.

23
24 **PARTIES**

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

27 ///

28 ///

1 **Pharmacy Permit**

2 2. On or about February 9, 2018, the Board issued Pharmacy Permit Number
3 PHY 55939 to Careplus Drugs Inc., doing business as Careplus Drugs; Kamaldeep Singh Kainth
4 is the Pharmacist in Charge (PIC) and has served or been listed in Board records as Chief
5 Executive Officer; Chetak Patel has served or been listed in Board records as Treasurer/Chief
6 Financial Officer, Secretary, and Director (Respondent Careplus). The Board's records reflect
7 that Kamaldeep Singh Kainth and Chetak Patel each own 50% of the total outstanding shares of
8 Careplus Drugs. The Pharmacy Permit was in full force and effect at all times relevant to the
9 charges brought herein and will expire on February 1, 2024, unless renewed.

10 **Registered Pharmacist License**

11 3. On or about August 26, 2015, the Board issued Registered Pharmacist License
12 Number RPH 73136 to Kamaldeep Singh Kainth (Respondent Kainth). The Pharmacist License
13 was in full force and effect at all times relevant to the charges brought herein and will expire on
14 February 28, 2025, unless renewed. At all times relevant to the allegations and charges herein,
15 Respondent Kainth was the pharmacist-in-charge of Respondent Careplus.

16 **JURISDICTION**

17 4. This Accusation is brought before the Board under the authority of the following
18 laws. All section references are to the Business and Professions Code (Code) unless otherwise
19 indicated.

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

23 6. Code section 4300, subdivision (a), provides that every license issued by the Board
24 may be suspended or revoked.

25 7. Code section 4300.1 states:

26 The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation
27 of law or by order or decision of the board or a court of law, the placement of a license on a
28 retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of

jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

8. Code section 4302 states:

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

STATUTORY AND REGULATORY PROVISIONS

9. Code section 4022 states:

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

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

(b) Any device that bears the statement: “Caution: federal law restricts this device to sale by or on the order of a ,” “Rx only,” or words of similar import, the blank to be filled in with the designation of the practitioner licensed to use or order use of the device.

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

10. Code section 4081 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, veterinary food-animal drug retailer, outsourcing facility, physician, dentist, podiatrist, veterinarian, laboratory, licensed correctional clinic, as defined in Section 4187, clinic, hospital, institution, or establishment holding a currently valid and unrevoked certificate, license, permit, registration, or exemption under Division 2 (commencing with Section 1200) of the Health and Safety Code or under Part 4 (commencing with Section 16000) of Division 9 of the Welfare and Institutions Code who maintains a stock of dangerous drugs or dangerous devices.

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

11. Code section 4105 states, in pertinent part:

(a) All records or other documentation of the acquisition and disposition of dangerous drugs and dangerous devices by any entity licensed by the board shall be retained on the licensed premises in a readily retrievable form.

1 . . .

2 (c) The records required by this section shall be retained on the licensed
3 premises for a period of three years from the date of making.

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

7 13. Code section 4301 states, in pertinent part:

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

10 . . .

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

13 . . .

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

15 . . .

16 (o) Violating or attempting to violate, directly or indirectly, or assisting in or
17 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,
18 including regulations established by the board or by any other state or federal
regulatory agency. . . .

19 14. Code section 4306.5 states:

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

21 (a) Acts or omissions that involve, in whole or in part, the inappropriate
22 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
23 licensed by the board.

24 (b) Acts or omissions that involve, in whole or in part, the failure to exercise or
implement his or her best professional judgment or corresponding responsibility with
25 regard to the dispensing or furnishing of controlled substances, dangerous drugs, or
dangerous devices, or with regard to the provision of services.

26 (c) Acts or omissions that involve, in whole or in part, the failure to consult
27 appropriate patient, prescription, and other records pertaining to the performance of
any pharmacy function.

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(d) Acts or omissions that involve, in whole or in part, the failure to fully maintain and retain appropriate patient-specific information pertaining to the performance of any pharmacy function.

15. Code section 4307, subdivision (a), states:

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

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

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

16. California Code of Regulations, title 16, section 1718 states, in pertinent part:

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

COST RECOVERY

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

DRUG DESCRIPTIONS

18. ***Hydroxychloroquine***, trade name Plaquenil, is a dangerous drug within the meaning of Code section 4022. Hydroxychloroquine is approved by the Food and Drug Administration (FDA) for the prevention and treatment of malaria, rheumatoid arthritis (RA) and system lupus erythematosus. Frequent dosing can cause retinopathy and cardiac arrhythmias. Fatal overdoses have been reported.

19. ***Ivermectin***, trade name Stromectol, is a dangerous drug within the meaning of Code section 4022. Ivermectin is approved by the FDA for the treatment of internal and external

1 parasitic infections including roundworm, hookworm, and scabies. Excessive use of the drug can
2 cause severe side effects including nausea, vomiting, diarrhea, blurred vision, dizziness, low
3 blood pressure, fast heart rate, mental status changes such as confusion, loss of balance, and
4 seizures.

5 20. *Azithromycin*, trade name Zithromax, is a dangerous drug within the meaning of
6 Code section 4022. Azithromycin is approved by the FDA as an antibiotic and is used primarily
7 for the treatment of upper respiratory and skin infections. Antibiotic resistance may develop with
8 their overuse.

9 INTRODUCTION

10 21. On or about March 28, 2020, the FDA approved an emergency use authorization
11 (EUA) to facilitate the availability of hydroxychloroquine for the treatment of COVID-19 to
12 certain hospitalized patients. On or about April 1, 2020, the Board issued a written statement
13 alerting pharmacists that hydroxychloroquine was to be used for certain hospitalized patients
14 only, based on the FDA's EUA, and recommended that pharmacists use their professional
15 judgment when dispensing drugs for the treatment or prevention of COVID-19. On June 15,
16 2020, the FDA revoked its EUA because the drug was found ineffective for the treatment or
17 prevention of COVID-19 and because of an increase in reports of serious cardiac adverse events.
18 On or about July 8, 2021, the National Institute of Health's (NIH) COVID-19 Treatment
19 Guidelines Panel recommended against the use of hydroxychloroquine and azithromycin for the
20 treatment of COVID-19 in hospitalized and non-hospitalized patients.

21 22. In April 2020, the FDA issued a warning that ivermectin should not be used to treat
22 COVID-19 in humans. On or about February 11, 2021, the NIH panel released a statement that
23 there was insufficient evidence for the use of ivermectin in the treatment of COVID-19 and
24 recommended against its use for the prevention and treatment of COVID-19. On or about
25 August 26, 2021, the Centers for Disease Control reiterated the FDA's caution about the potential
26 risks of using ivermectin for the prevention or treatment of COVID-19.

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FACTUAL ALLEGATIONS

23. Respondent Careplus Drugs is located in Fresno, California. At all times relevant to the allegations herein, Respondent Kainth was a 50% shareholder and PIC of Respondent Careplus and Chetak Patel was a 50% shareholder and the Treasurer/Chief Financial Officer, Secretary, and Director of Respondent Careplus (collectively Respondents).

24. Respondent Careplus fills prescriptions for Ravkoo, an online pharmacy formerly known as Bansa, in California and receives compensation from patients for whom the prescriptions are filled.

25. On or about March 2, 2022, S.M., a Board inspector, commenced an investigation of Respondents. Respondent Kainth told S.M. in the course of the Board's inspection that Respondents had contracted with Ravkoo to fill prescriptions, but had stopped filling prescriptions for azithromycin, ivermectin, and hydroxychloroquine in or around April 2020. Respondent Kainth also told S.M. that Respondent Careplus was part of Benzer, a network of independent pharmacies operating nationally.

26. Respondents provided S.M. with a report showing azithromycin, ivermectin, and hydroxychloroquine had been dispensed between January 1, 2019, and March 2, 2022. The report revealed that, contrary to Respondent Kainth's statement to S.M., Respondents continued to dispense azithromycin, ivermectin, and hydroxychloroquine after April 2020.

27. S.M. conducted an audit and found that between January 1, 2019, and March 2, 2022, Respondent Careplus had purchased 70,000 tabs of 200 mg. hydroxychloroquine, 1,860 tabs of 3 mg. ivermectin, and 2,394 tabs of 250 mg. azithromycin from wholesalers. The audit also revealed that Respondents were missing 1,345 tabs of 200 mg. hydroxychloroquine and had overages of 39 tabs of 3 mg. ivermectin and 1,072 tabs of 250 mg. azithromycin. Respondents were unable to account for the discrepancies.

28. S.M. requested, and received, examples of prescriptions that Respondents received from Ravkoo. S.M. randomly chose 20 prescriptions from Respondents' report of drugs dispensed, all of which were for hydroxychloroquine 200 mg. tab and which are summarized in the table below:

Patient	Rx #	Fill Date	Diagnosis Code*	Prescription Origin
VA	32244	08/20/2020	Z00.Z13	Bonsa
VA	40677	11/27/2020	Z20.828	Ravkoo
TB	52075	07/10/2021	Z20.828, U07.1	Benzer
TB	34502	09/16/2020	Z20.828, U07.1	White Memorial Medical Plaza Pharmacy
JC	34101	09/11/2020	Z20.828	Bonsa
DD	33474	11/24/2020	Z20.828	Bonsa
DE	39887	11/20/2020	Z20.828	Benzer
DF	33526	09/05/2020	Z20.828	Bonsa
EG	32738	08/26/2020	Z00.813	Bonsa
DH	34662	09/18/2020	Z20.828	Prescriber
DK	34303	09/14/2020	Z20.828	Bonsa
DK	43072	04/14/2021	Z20.828	Phone Order
BL	31732	05/21/2021	Z20.828	Bonsa
CM	40747	11/28/2020	U07.1	Ravkoo
TN	32970	08/28/2020	U07.1	Bonsa
TN	51078	06/18/2021	U07.1	White
DP	39730	11/18/2020	Z20.828	Ravkoo
DP	31572	08/13/2020	U07.1	Bonsa
SR	56677	10/28/2021	Z20.828	Phone Order
MS	28068	07/28/2020	Z20.828	Bonsa

* Diagnosis codes:

- Z00.Z13 - Contact with and suspected exposure to other viral communicable disease
- U07.1 - Encounter for screening of disease
- Z20.828 - COVID-19

Respondent Kainth filled the prescriptions listed in the table above. Each prescription for hydroxychloroquine listed in the table above was prescribed with either 3 mg. tabs of ivermectin, zinc, or vitamin D3, for the prevention or treatment of COVID-19. Physicians' directions for taking the prescribed medications generally instructed patients to take until the pandemic is over.

FIRST CAUSE FOR DISCIPLINE

(Act Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)

29. Respondents are subject to disciplinary action under Code section 4301, subdivision (f), in that they committed acts involving moral turpitude, dishonesty, fraud, deceit, or corruption, as follows:

a. As set forth in paragraphs 23 through 28 above, Respondents accepted financial compensation for and dispensed hydroxychloroquine, ivermectin, and/or azithromycin, which are dangerous drugs, to patients for the treatment or prevention of COVID-19 despite recommendations from the Board, the FDA, and the NIH against doing so.

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b. As set forth in paragraphs 23 through 28 above, Respondent Kainth told a Board inspector that Respondents had stopped filling prescriptions for hydroxychloroquine, ivermectin, and/or azithromycin after April 2020, when, in fact Respondents had not.

SECOND CAUSE FOR DISCIPLINE

(Failure to Maintain Current Inventory and Records)

30. Respondents are subject to disciplinary action under Code sections 4301, subdivisions (j) and/or (o), for violating Code sections 4081, subdivision (a), and 4105, subdivisions (a) and (c), and California Code of Regulations, title 16, section 1718. Specifically, as set forth in paragraph 27 above, Respondents failed to maintain a current inventory for certain drugs and had insufficient records to explain the discrepancies.

THIRD CAUSE FOR DISCIPLINE

(Failure to Exercise or Implement Best Professional Judgment or Corresponding Responsibility)

31. Respondent Kainth is subject to disciplinary action under Code section 4301, subdivisions (j) and/or (o), for violating Code section 4306.5, subdivisions (a), (b), and (c), in that he failed to exercise or implement his best professional judgment and/or corresponding responsibility. Specifically, as set forth in paragraph 28 above, Respondent Kainth dispensed hydroxychloroquine, ivermectin, and/or azithromycin for the treatment of COVID-19, despite recommendations from the Board, the FDA, and the NIH against doing so.

FOURTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

32. Respondents are subject to disciplinary action under Code section 4301, for unprofessional conduct in that they engaged in the activities described in paragraphs 23 through 31 above.

OTHER MATTERS

33. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number PHY 55939 issued to Careplus Drugs Inc., doing business as Careplus Drugs, it shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate,

1 or partner of a licensee for five years if Pharmacy Permit number PHY 55939 is placed on
2 probation or until Pharmacy Permit Number PHY 55939 is reinstated if revoked.

3 34. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
4 PHY 55939 issued to Careplus Drugs Inc., doing business as Careplus Drugs, while Kamaldeep
5 Singh Kainth has been an owner or manager and had knowledge of or knowingly participated in
6 any conduct for which the license was disciplined, Kamaldeep Singh Kainth shall be prohibited
7 from serving as a manager, administrator, owner, member, officer, director, associate, or partner
8 of a licensee for five years if Pharmacy Permit Number PHY 55939 is placed on probation or
9 until Pharmacy Permit Number PHY 55939 is reinstated if it is revoked.

10 35. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
11 PHY 55939 issued to Careplus Drugs Inc., doing business as Careplus Drugs, while Chetak Patel
12 has been an owner or manager and had knowledge of or knowingly participated in any conduct
13 for which the license was disciplined, Chetak Patel shall be prohibited from serving as a manager,
14 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if
15 Pharmacy Permit Number PHY 55939 is placed on probation or until Pharmacy Permit Number
16 PHY 55939 is reinstated if it is revoked.

17 36. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License
18 Number RPH 73136 issued to Kamaldeep Singh Kainth, Kamaldeep Singh Kainth shall be
19 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,
20 or partner of a licensee for five years if Pharmacist License Number RPH 73136 is placed on
21 probation or until Pharmacist License Number RPH 73136 is reinstated if it revoked.

22 **PRAYER**

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

25 1. Revoking or suspending Pharmacy Permit Number PHY 55939, issued to Careplus
26 Drugs Inc., doing business as Careplus Drugs; Kamaldeep Singh Kainth, Chief Executive Officer,
27 PIC, and 50% shareholder; and, Chetak Patel, Treasurer/Chief Financial Officer, Secretary,
28 Director, and 50% shareholder;

2. Revoking or suspending Pharmacist License Number RPH 73136, issued to
Kamaldeep Singh Kainth;

3. Prohibiting Careplus Drugs Inc., doing business as Careplus Drugs, from serving as a
manager, administrator, owner, member, officer, director, associate, or partner of a licensee for
five years if Pharmacy Permit Number PHY 55939 is placed on probation or until it is reinstated
if it is revoked;

4. Prohibiting Kamaldeep Singh Kainth from serving as a manager, administrator,
owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy
Permit Number PHY 55939 is placed on probation or until it is reinstated if it is revoked;

5. Prohibiting Chetak Patel from serving as a manager, administrator, owner, member,
officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number
PHY 55939 is placed on probation or until it is reinstated if it is revoked;

6. Prohibiting Kamaldeep Singh Kainth from serving as a manager, administrator,
owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacist
License Number RPH 73136, is placed on probation or until it is reinstated if it is revoked;

7. Ordering Respondents to pay the Board of Pharmacy the reasonable costs of the
investigation and enforcement of this case, pursuant to Business and Professions Code section
125.3; and,

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

DATED: 4/15/2023

Sodergren,
Anne@DCA

Digitally signed by
Sodergren, Anne@DCA
Date: 2023.04.15 06:35:02
-07'00'

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

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