

**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 written in a cursive style with a large, sweeping initial "S".

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  
Deputy Attorney General  
4 State Bar No. 253563  
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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 Respondent.

Case No. 7485

OAH No. 2023080082

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER AS TO  
RESPONDENT KAMALDEEP SINGH  
KAINTH 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 Kamaldeep Singh Kainth (Respondent Kainth) is represented in this  
9 proceeding by attorney Ivan Petrzelka, whose address is 9090 Irvine Center Drive, Irvine, CA  
10 92618.

11 3. On or about August 26, 2015, the Board issued Registered Pharmacist License  
12 Number RPH 73136 to Respondent Kainth. The Pharmacist License was in full force and effect  
13 at all times relevant to the charges brought herein and will expire on February 28, 2025, unless  
14 renewed.

15 **JURISDICTION**

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

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

22 **ADVISEMENT AND WAIVERS**

23 6. Respondent Kainth has carefully read, fully discussed with counsel, and understands  
24 the charges and allegations in Accusation No. 7485. Respondent Kainth has also carefully read,  
25 fully discussed with counsel, and understands the effects of this Stipulated Settlement and  
26 Disciplinary Order.

27 7. Respondent Kainth is fully aware of his legal rights in this matter, including the right  
28 to a hearing on the charges and allegations in the Accusation; the right to confront and cross-

1 examine the witnesses against him; the right to present evidence and to testify on his own behalf;  
2 the right to the issuance of subpoenas to compel the attendance of witnesses and the production of  
3 documents; the right to reconsideration and court review of an adverse decision; and all other  
4 rights accorded by the California Administrative Procedure Act and other applicable laws.

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

7 **CULPABILITY**

8 9. Respondent Kainth understands and agrees that the charges and allegations in  
9 Accusation No. 7485, if proven at a hearing, constitute cause for imposing discipline upon his  
10 Pharmacist License.

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

15 11. Respondent Kainth agrees that his Pharmacist License is subject to discipline and he  
16 agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

17 **CONTINGENCY**

18 12. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent  
19 Kainth understands and agrees that counsel for Complainant and the staff of the Board of  
20 Pharmacy may communicate directly with the Board regarding this stipulation and settlement,  
21 without notice to or participation by Respondent Kainth or his counsel. By signing the  
22 stipulation, Respondent Kainth understands and agrees that he may not withdraw his agreement  
23 or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the  
24 Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and  
25 Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible  
26 in any legal action between the parties, and the Board shall not be disqualified from further action  
27 by having considered this matter.  
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- the filing of a disciplinary pleading, issuance of a citation, or initiation of another administrative action filed by any state or federal agency which involves respondent's license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging for any drug, device or controlled substance.

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

## 2. Report to the Board

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

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

## 3. Interview with the Board

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

## 4. Cooperate with Board Staff

Respondent Kainth shall timely cooperate with the board's inspection program and with the board's monitoring and investigation of Respondent Kainth's compliance with the terms and conditions of his probation, including but not limited to: timely responses to requests for

1 information by board staff; timely compliance with directives from board staff regarding  
2 requirements of any term or condition of probation; and timely completion of documentation  
3 pertaining to a term or condition of probation. Failure to timely cooperate shall be considered a  
4 violation of probation.

5  
6 **5. Continuing Education**

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

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

10 During the period of probation, Respondent Kainth shall notify all present and prospective  
11 employers of the decision in case number 7485 and the terms, conditions and restrictions imposed  
12 on respondent by the decision, as follows:

13 Within thirty (30) days of the effective date of this decision, and within ten (10) days of  
14 undertaking any new employment, Respondent Kainth shall report to the board in writing the  
15 name, physical address, and mailing address of each of his employer(s), and the name(s) and  
16 telephone number(s) of all of direct supervisor(s), as well as any pharmacist(s)-in-charge,  
17 designated representative(s)-in-charge, responsible manager, or other compliance supervisor(s)  
18 and the work schedule, if known. Respondent Kainth shall also include the reason(s) for leaving  
19 the prior employment. Respondent Kainth shall sign and return to the board a written consent  
20 authorizing the board or its designee to communicate with all of respondent's employer(s) and  
21 supervisor(s), and authorizing those employer(s) or supervisor(s) to communicate with the board  
22 or its designee, concerning respondent's work status, performance, and monitoring. Failure to  
23 comply with the requirements or deadlines of this condition shall be considered a violation of  
24 probation.

25 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
26 Respondent Kainth undertaking any new employment, respondent shall cause (a) his direct  
27 supervisor, (b) his pharmacist-in-charge, designated representative-in-charge, responsible  
28 manager, or other compliance supervisor, and (c) the owner or owner representative of his

1 employer, to report to the board in writing acknowledging that the listed individual(s) has/have  
2 read the decision in case number 7485, and terms and conditions imposed thereby. If one person  
3 serves in more than one role described in (a), (b), or (c), the acknowledgment shall so state. It  
4 shall be Respondent Kainth's responsibility to ensure that these acknowledgment(s) are timely  
5 submitted to the board. In the event of a change in the person(s) serving the role(s) described in  
6 (a), (b), or (c) during the term of probation, Respondent Kainth shall cause the person(s) taking  
7 over the role(s) to report to the board in writing within fifteen (15) days of the change  
8 acknowledging that he or she has read the decision in case number 7485, and the terms and  
9 conditions imposed thereby.

10 If Respondent Kainth works for or is employed by or through an employment service,  
11 Respondent Kainth must notify the person(s) described in (a), (b), and (c) above at every entity  
12 licensed by the board of the decision in case number 7485, and the terms and conditions imposed  
13 thereby in advance of Respondent Kainth commencing work at such licensed entity. A record of  
14 this notification must be provided to the board upon request.

15 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
16 (15) days of Respondent Kainth undertaking any new employment by or through an employment  
17 service, Respondent Kainth shall cause the person(s) described in (a), (b), and (c) above at the  
18 employment service to report to the board in writing acknowledging that he or she has read the  
19 decision in case number, and the terms and conditions imposed thereby. It shall be Respondent  
20 Kainth's responsibility to ensure that these acknowledgment(s) are timely submitted to the board.

21 Failure to timely notify present or prospective employer(s) or failure to cause the identified  
22 person(s) with that/those employer(s) to submit timely written acknowledgments to the board  
23 shall be considered a violation of probation.

24 "Employment" within the meaning of this provision includes any full-time, part-time,  
25 temporary, relief, or employment/management service position as a Pharmacist, or any position  
26 for which a Pharmacist is a requirement or criterion for employment, whether the respondent is an  
27 employee, independent contractor or volunteer.

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

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

4                   Failure to timely notify the board of any change in employer, name, address, or phone  
5 number shall be considered a violation of probation.

6                   8.     **Restrictions on Supervision and Oversight of Licensed Facilities**

7                   During the period of probation, Respondent Kainth shall not supervise any intern  
8 pharmacist, be the pharmacist-in-charge, designated representative-in-charge, responsible  
9 manager or other compliance supervisor of any entity licensed by the board other than  
10 Respondent Careplus Drugs, Inc. dba Careplus Drugs, Pharmacy Permit No. PHY 55939, nor  
11 serve as a consultant. Assumption of any such unauthorized supervision responsibilities shall be  
12 considered a violation of probation.

13                   9.     **Reimbursement of Board Costs**

14                   As a condition precedent to successful completion of probation, Respondent Kainth shall  
15 pay to the board its costs of investigation and prosecution in the amount of \$15,000.00, jointly  
16 and severally with Respondent Careplus Drugs, Inc. dba Careplus Drugs. Respondent shall be  
17 permitted to pay these costs in a payment plan approved by the board or its designee, so long as  
18 full payment is completed no later than one (1) year prior to the end date of probation. Failure to  
19 pay costs by the deadline(s) as directed shall be considered a violation of probation.  
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21                   10.   **Probation Monitoring Costs**

22                   Respondent Kainth shall pay any costs associated with probation monitoring as determined  
23 by the board each and every year of probation. Such costs shall be payable to the board on a  
24 schedule as directed by the board or its designee. Failure to pay such costs by the deadline(s) as  
25 directed shall be considered a violation of probation.  
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**11. Status of License**

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

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

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

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

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

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

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

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

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

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**14. Violation of Probation**

If Respondent Kainth 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 Kainth 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.

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

9  
10           **15. Completion of Probation**

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

13           **16. Ethics Course**

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

22           A certificate of completion of the ethics course completed by Respondent Kainth in  
23 September 2023, including completion of the 6-month and 12-month follow up courses, shall be  
24 sufficient to comply with this condition.

25           **17. No Ownership or Management of Licensed Premises**

26           Respondent Kainth shall not acquire any new ownership, legal or beneficial interest nor  
27 serve as a manager, administrator, member, officer, director, trustee, associate, or partner of any  
28

1 additional business, firm, partnership, or corporation licensed by the board. If Respondent Kainth  
2 currently owns or has any legal or beneficial interest in, or serves as a manager, administrator,  
3 member, officer, director, trustee, associate, or partner of any business, firm, partnership, or  
4 corporation currently or hereinafter licensed by the board, Respondent Kainth may continue to  
5 serve in such capacity or hold that interest, but only to the extent of that position or interest as of  
6 the effective date of this decision. Violation of this restriction shall be considered a violation of  
7 probation.

8 **ACCEPTANCE**

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

14  
15 DATED: \_\_\_\_\_

\_\_\_\_\_ KAMALDEEP SINGH KAINTH  
*Respondent*

17 I have read and fully discussed with Respondent Kamaldeep Singh Kainth the terms and  
18 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
19 I approve its form and content.

20 DATED: \_\_\_\_\_

\_\_\_\_\_ IVAN PETRZELKA  
*Attorney for Respondent*


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member, officer, director, trustee, associate, or partner of any business, firm, partnership, or

ve in such capacity or hold that interest, but only to the extent of that position or interest as of the effective date of this decision. Violation of this restriction shall be considered a violation of

**ACCEPTANCE**

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

I have read and fully discussed with Respondent Kamaldeep Singh Kainth the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.

DATED: February 15, 2024  \_\_\_\_\_  
IVAN PETRZELKA

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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 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  
5 Fresno, CA 93721  
Telephone: (559) 705-2336  
6 Facsimile: (559) 445-5106  
*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:

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.

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

3 8. Code section 4302 states:

4 The board may deny, suspend, or revoke any license where conditions exist in  
5 relation to any person holding 10 percent or more of the ownership interest or where  
6 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.

7 **STATUTORY AND REGULATORY PROVISIONS**

8 9. Code section 4022 states:

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

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

12 (b) Any device that bears the statement: “Caution: federal law restricts this  
13 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  
14 use of the device.

15 (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.

16 10. Code section 4081 states, in pertinent part:

17 (a) All records of manufacture and of sale, acquisition, receipt, shipment, or  
18 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  
19 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,  
20 veterinary food-animal drug retailer, outsourcing facility, physician, dentist,  
podiatrist, veterinarian, laboratory, licensed correctional clinic, as defined in Section  
21 4187, clinic, hospital, institution, or establishment holding a currently valid and  
unrevoked certificate, license, permit, registration, or exemption under Division 2  
22 (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.

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

26 11. Code section 4105 states, in pertinent part:

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

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...

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

12. Code section 4113, subdivision (c), 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."

13. Code section 4301 states, in pertinent part:

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

...

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

...

(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.

...

(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. . . .

14. Code section 4306.5 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.

(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 regard to the dispensing or furnishing of controlled substances, dangerous drugs, or dangerous devices, or with regard to the provision of services.

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

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

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

4 Any person who has been denied a license or whose license has been revoked  
5 or is under suspension, or who has failed to renew his or her license while it was  
6 under suspension, or who has been a manager, administrator, owner member, officer,  
7 director, associate, or partner of any partnership, corporation, firm, or association  
8 whose application for a license has been denied or revoked, is under suspension or  
9 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:

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

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

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

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

#### 16 **COST RECOVERY**

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

#### 21 **DRUG DESCRIPTIONS**

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

27 19. *Ivermectin*, trade name Stromectol, is a dangerous drug within the meaning of Code  
28 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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28 ///

**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 Bonsa, 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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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;

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

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

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

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

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

16          7.     Ordering Respondents to pay the Board of Pharmacy the reasonable costs of the  
17 investigation and enforcement of this case, pursuant to Business and Professions Code section  
18 125.3; and,

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

20  
21 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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